

BRIGHTON, UTAH
ORDINANCE NO. 2021-04-01

**AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS
OF THE BRIGHTON CODE OF ORDINANCES TO CLARIFY THE PROCESS AND
AMEND REQUIREMENTS RELATED TO SHORT TERM RENTALS**

WHEREAS, the Brighton Town Council ("Council") met at its regular meetings on July 14, 2020, August 11, 2020, September 8, 2020, October 13, 2020, November 10, 2020, December 8, 2020, and on January 11, 2021, February 3, 2021, March 8, 2021, April 13, 2021 and at a work session on December 8, 2020, and the Short Term Rental subcommittee has had public meetings with input from the public on September 3, 2020, October 9, 2020, October 28, 2020, December 21, 2020, January 29, 2021, February 24, 2021 and March 30, 2021 to consider amendments to regulations related to Short Term rentals;

WHEREAS, the Town of Brighton has solicited public input regarding short term rentals through an survey open to residents, owners and the public and updates to the community asking for input through the town newsletter;

WHEREAS, the Town finds that operating short-term rentals in residential areas frustrates the Town's goals of preserving residential character and providing a high quality of life for residents.

WHEREAS, the Town finds that some of the impacts of short-term rentals in residential zones include:

- Loss of sense of community and neighborhood connection. Short-term renters do not contribute to the social networks that make up the community. If occupants of a residential unit are constantly changing, the neighbors do not have a chance to make lasting personal relationships that are part of a rich community experience.
- Increase housing costs / impacts on affordable housing. Short-term rentals deprive the ability to rent a residential space on a long-term basis. Decreasing the long-term housing supply increases long-term housing costs. As more residential units are converted into short-term rentals, the pool of available long-term rental housing is diminished and long-term rental costs increase significantly.
- Unfair competition with legal nightly rental businesses. It takes a significant investment to operate a nightly rental business that complies with all legal requirements. The cost of commercial land, insurance, licensing and permitting fees, health and safety improvements (e.g. fire sprinklers, fire alarms systems, etc.) are all significant costs that legally operating nightly rental facilities must pay. Short-term rentals operating illegally in residential zones pay none of these costs. Additionally, legal nightly rentals collect a sizeable tax from their guests. Illegally operating short-term rental units do not collect this tax, giving them a competitive advantage over legal operations and depriving the Town revenue to fund municipal services and amenities.

WHEREAS, after careful consideration, the Council has determined that such amendments are in the best interest of the health, safety and of the present and future inhabitants of the Town of Brighton; and

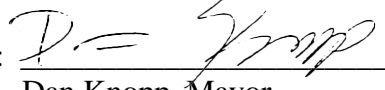
NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council that:

Section 1. Amendment . Title 5 of the Brighton Town Code is hereby amended as shown in Exhibit A.

Section 2 Effective Date. This ordinance shall go into effect upon posting pursuant to Utah Code Ann.§ 10-3-711(1)(b)(ii) and Utah Code Ann.§ 10-3-712.

PASSED AND APPROVED this 13^h Day of April, 2021

TOWN OF BRIGHTON

By: 
Dan Knopp, Mayor

ATTEST:



Kara John, Town Clerk

Exhibit A –Title 5



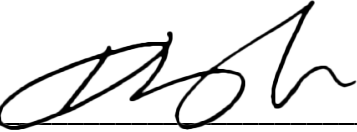
TOWN OF BRIGHTON ORDINANCES

I certify that the following ordinances were duly posted on 4/14/2021 in the following 3 locations:

Silverfork Neighborhood Mailboxes
Fire Station 108
Brighton Neighborhood Mailboxes

2021-04-01 An Ordinance Amending Title 5 Business Licenses and Regulations of the Brighton Code of Ordinances to Clarify the Process and Amend Requirements Related to Short Term Rentals
2021-04-02 An Ordinance Adopting Title 18 Subdivisions and Title 19 Zoning of the Brighton Code of Ordinances and the Official Zoning Map for the Town of Brighton
2021-04-03 An Ordinance of the Town of Brighton Town Council Adopting a Poriton of the Wasatch Canyons General Plan

Attest:


Kara John, Town Clerk



Attachment A

TITLE 5- BUSINESS LICENSES AND REGULATIONS

5.02 PROCEDURE FOR OBTAINING LICENSE

5.02.040 License - Application - Fees, Penalties And Waivers

1. Each application for a license under this title shall be accompanied by the license fee required for the desired license.
2. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee equal to:
 1. Twenty-five percent of the regular license fee if the applicant has operated without a license for less than thirty days, or
 2. One hundred percent of the regular license fee if the applicant has operated without a license for more than thirty days during the year in question.
 3. For Short-Term Rental Licenses
 1. The date of operation starts the first day of the calendar year when the property is rented.
 - ~~1.~~2. There shall be a grace period from the date of adoption until December 1, 2021 where penalties for lack of a short-term business license shall be waived.
3. Any license which has been issued pursuant to payment by means of a check shall be void if such check is not honored.
4. Applications received by the license official shall be numbered in the order of their receipt.
5. Notwithstanding the provisions of subsection (B), above, the imposition of penalty fees may be waived for:
 1. New businesses which have located in the town and have not obtained a business license; and
 2. Existing businesses which have been licensed by the town and have been purchased by a new owner who has not reapplied for a business license.
 3. Penalty fees may be waived only upon the following conditions:
 1. The business makes application for a business license within seven calendar days after being notified by the town that such a license is required; or the business voluntarily makes application for a business license prior to notification by the town; and
 2. The business has either been located in the town for less than two years or the purchase of the business occurred less than two years prior to the business application.
6. Business license fees which are due for the current year or for prior years in which the business operated may not be waived under any circumstances.

CHAPTER 5.19 SHORT-TERM RENTALS

5.19.010 - Short-term rental defined.

1. "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use.

2. No Short-term rental shall be offered, advertised, or rented in a non- residential building including, but not limited to, a vehicle parked on the property, a storage shed, trailer, Recreational Vehicle or any temporary structure, including, but not limited to, a tent or teepee.

3. Accessory Dwelling Units whether attached or detached are not permitted as a Short-Term Rental in the Town of Brighton.

5.19.020 - License—Required.

It is unlawful to conduct or operate a short-term rental without having obtained a license therefor.

5.19.030 - License—Application—Contents.

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The number of rooms therein contained,
3. The number of persons the short-term rental will accommodate,
4. The name of a property manager,
5. A sales tax collection and accounting number,
6. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day,
7. and a diagram of parking locations and the number of parking spots,;
8. a floor plan of the short-term rental including the number of bedrooms and bathrooms, and
9. Such other information as the license official shall from time to time require.

B. The application shall include a statement by the applicant affirming that the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges, including but not limited to the transient room tax.

5.19.040 - License—Application—Investigation.

A. 1. Applications shall be referred by the license official to the local fire agency and Salt Lake County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other

relevant matters. Agency recommendation as to the issuance or denial of the license, based on the above inspections, shall then be referred to the license official for transmittal to the mayor for further review in accordance with the provisions of Sections [5.02.010](#) through [5.02.140](#) of this title.

[2. If an applicant has been found to be operating a short-term rental without a business license for two or more separate rentals within a five-year period, then no business license shall be issued for twelve months after the most recent determination of such violation.](#)

~~A.~~**B.** A license that has been granted may be suspended or revoked [without a refund](#) for:

[1. any violation of the provisions of this chapter, or for any of the reasons as contained in \[Section 5.07.020\]\(#\) of this title, or,](#)

~~1-2.~~ [for short-term rental business licenses, two violations within a six -month period for any regulation under this Chapter.](#)

C. Any appeal of a decision to deny, suspend or revoke a license shall be heard in accordance with those procedures established by Sections [5.02.140](#) through [5.02.180](#) of this title.

5.19.050 - License—Fee.

[1. The annual fee for a license under this chapter shall be the same as the general business license fee, as defined in \[Section 5.08.040\]\(#\) of this title. A license with applicable fee is required for each separate short-term rental property.](#)

[2. A property manager may have a short-term rental umbrella license \(Main License\) so long as:](#)

[a\) all the units it manages are listed in the application and the list is updated if a unit is added or removed at least monthly -and Main Licensee pays the sub-umbrella short term license fee for each unit; and,](#)

[b\) all such units use the sales tax collection and sales tax accounting number of the Parent license, and-](#)

[c\) if a unit is no longer managed by the property manager and continues to be a short-term rental, the unit must apply for and receive a new business license before operating.](#)

5.19.060 - Inspections for compliance.

After a license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law. [All short-term rental-properties shall be inspected every three years.](#)

[5.19.063 Water Supply and Public Sewer required](#)

[The short-term rental dwelling unit shall be served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year and are approved by the health department prior to issuance of a license. Black water holding tanks do not qualify as a public sewer system.](#)

[5.19.065 Minimum Rental Period of Two Nights](#)

No short-term rental shall be for less than two nights (48 hours).

~~5.19.067 Maximum total number of days to be rented.~~

The maximum total number of days that a short-term rental can be rented is 180 days per calendar year.

5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.

A. A short-term rental shall be maintained to the following minimum standards:

1. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis. All trash and recycle containers must remain inside the home or placed in an approved bear and wildlife proof trash container until they are taken to a trash collection point or dumpster to prevent wildlife from scattering trash. No trash or recycling can be left outside the dwelling. Owner shall provide directions on recycling protocols and location of dumpsters to tenants.

2. Short-term rentals may not be used for any of the following:

a. Commercial purposes not otherwise permitted in the zone;

b. Distribution of retail products or personal services to invitees for marketing or similar purposes; ~~or~~

c. The outdoor display of goods and merchandise for sale; or-

d. No short-term rental can exceed a maximum of 15 adults overnight. Any property wishing to accommodate 16 or more adult overnight guest must obtain a hotel license as required by Brighton Town -Code 19.04.300.

3. Structures shall be properly maintained, painted, and kept in good repair.

4. Snow is removed by community snowplows as soon as feasible. Owner is responsible for paying road and driveway snowplow costs. Renter is responsible for light snow removal if necessary when no plows are present. Snow shovels must be provided to the renter for that purpose.

B. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single family home, duplex, condominium or other dwelling place and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

C. Responsible Party.

1. The licensee must designate a responsible party who is an individual or property management company who can respond on site within two hours. residing or maintaining an office in Salt Lake County.

2. The responsible party is personally liable for failure to properly manage the short-term rental.

3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.

D. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

E. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10 pm-7 am. Information about quiet hours shall be posted inside the short-term rental. It is the responsibility of the owner or property manager to prevent nuisance behavior and maintain neighborhood peace and quiet.

F. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

G. No outside burning is allowed in the Town of Brighton. Campfires must be contained in a pit that meets UFA regulations:

i) Pit can be no larger than 3 ft in diameter and 2 ft deep.

ii) Pit must be 25 ft away from any structure of combustible materials.

iii) A water hose must be readily available.

iv) Campfires must be constantly attended.

v) Douse campfires with water and stir ashes to make sure it is completely wet, as fire can reignite from hot ashes underneath

H. Snow Tires.

i) Owners shall inform renters from November 1- April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that many rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles.

ii) All service providers for short terms rentals including cleaning services shall be required to have snow tires from November 1- April 15.

I. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.

5.19.075 Parking and Parking Areas

A. Number of spaces required is two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms. The third and fourth spaces, when required, can be in tandem with the first two spaces required.

B. All parking must be on the property of the short-term rental. Required on-site parking areas and access to parking areas shall be maintained and available for use at all times, including snow removal, throughout the entire year. Parking is prohibited on grass or other flammable material.

C. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way or anyone else's property including resorts (unless written permission has been obtained); and

D. A map of parking areas and available number of spots shall be posted in a visible and conspicuous place within the dwelling indicating approved on-site parking spaces, and a copy of the map shall be given to all renters.

5.19.080 -- ~~Nameplate sign~~ Interior signage.

A. One nameplate sign shall be permanently attached to the building in a conspicuous location near the front entrance of the short term rental. The nameplate sign shall:

1. Provide the name and telephone number of at least one responsible individual located within the county that can be contacted twenty-four hours a day,

2. Contain the occupant load of the building as allowed by the International Building Code,

3. Be made of durable, weather resistant material,

4. Not exceed three inches by five inches in dimension, and

5. Contain no advertising.

Interior Signage. Inside every short-term rental will be posted a set of guidelines as listed below. All guidelines are regulations which may be enforced.

This will be a framed document at least 8.5" wide by 14 long" (Legal Size Paper).

The following guidelines will be listed:

1. Contact information for the owner or property manager that can respond to a call within 20 minutes or be on site within 2 hours.

2. Due to fire code, the Maximum Occupancy of people permitted in this unit (daytime occupants) is _____.

3. The maximum number of overnight guests is the smaller of the maximum occupancy of _____ or 15 adults.

4 Quiet hours in the Town of Brighton are 10pm-7:00am.

5. All vehicles must be parked on this property or will be towed at vehicle owner's expense.

6. The Town of Brighton is located in a very high fire hazard zone. All outdoor fires must be contained in a fire department approved pit. No fires can be made on the ground or left unattended and must be dosed with ample amounts of water so that a person can dig into the coals without being burned.

7. No fire ash may be dumped in dumpsters until mixed with water.

8. Due to the hazard of wild animals no trash or recycling can be left outdoors. Please place trash and recycling in the proper dumpsters as soon as possible. Please observe recycling protocols.

9. No Dogs are allowed in the Town of Brighton.

10. Roof avalanches are common around canyon homes. Beware of traveling between or under rooflines.

11. We welcome you to our town and hope you have a wonderful time. Thank you for being good neighbors.

5.19.83 Required communication with Renters.

Prior to a renter coming to a short-term rental, the owner shall give the following information to the renter and get written confirmation from the renter that the information has been received:-

1. Provide a map showing location of permitted parking spots on the property.
2. Owners shall inform renters from November 1- April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles.
3. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.
4. The maximum number of overnight guests is the smaller of the maximum occupancy of _____ or 15 adults.
5. Quiet time in the Town of Brighton is from 10pm-7am and renters must maintain neighborhood peace and quiet.

- ~~1-6.~~ There is no incidental camping permitted at the Short-term rental which means no overnight camping, sleeping in tents, travel trailers or recreation vehicles parked on the short-term rental property.

5.19.084 Exemption from Certain Regulations for Short-Term Rentals in Solitude Village.

Short-term rental units located within the Solitude Village Master Plan area are exempt from the following sections of this Chapter:

1. 5.19.065 Minimum Rental Period of Two Nights
2. 5.19.067 Maximum total number of days to be rented.
3. 5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.
4. 5.19.075 Parking and Parking Areas
5. 5.19.080 — Interior signage.
6. 5.19.83 Required communication with Renters

5.19.085 Recordkeeping Duties.

Owner shall maintain for a period of three years, records in such form as the Utah Tax Commission may require, to determine the amount of transient room tax (TRT) owed to the Town. The Town shall have the right to inspect such records at all reasonable times. Such records shall be maintained at the owner or operator's premises or shall be available for delivery to the Town within one week after request.

5.19.090 - Separate violations.

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.