



Date: May 11, 2021 Regular Council Meeting
Re: Short Term Rental Regulations Summary
From: Polly McLean, Town Attorney

Short Term Rentals or nightly rentals (STR) are regulated in three areas of the Municipal Code – Business licensing (Title 5), Land Use (Title 19) and Enforcement/Penalties (Fee Schedule). The majority of the regulations were already in place under the Salt Lake County Code. However, the following will summarize requirements for all STR users:

Land Use Requirements (Title 19) :

- 1) STRs require an allowed use permit under FCOZ.
- 2) Properties that lack year round water, access, parking or sewer are not permitted as STR. (19.10.020 (I); 19.12.020 (H))
- 3) Parking of two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms is required (19.80.040 (A))(30)
- 4) Application will require a floor plan as well as a parking plan.

Business Licensing (Title 5) and Chapter 5.19 (Short Term Rentals):

- 1) After receiving permitted use approval under FCOZ, a business license application will be required. Application will require a floor plan as well as a parking plan and the name of the property manager.
- 2) No accessory dwellings are permitted as a short-term rental nor are non-residential buildings. (5.19.010 - Short-term rental defined)
- 3) Umbrella licenses are permitted. (5.19.050 - License—Fee)
- 4) Units will be inspected every 3 years. (5.19.060 - Inspections for compliance)
- 5) Minimum rental is for 2 nights. (5.19.065 Minimum Rental Period of Two Nights)
- 6) The standards for STR have been updated. (5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.)
 - a. 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.
 - b. Short term rentals may not be used for any of the following:
 - i. Commercial purposes not otherwise permitted in the zone;
 - ii. Distribution of retail products or personal services to invitees for marketing or similar purposes; or
 - iii. The outdoor display of goods and merchandise for sale; or.



- iv. 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.
 - c. Structures shall be properly maintained, painted, and kept in good repair.
 - d. 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.
 - e. 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.
 - f. Property manager must be available on site within 2 hours. 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
 - g. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.
 - h. No outside burning is allowed in the Town of Brighton. Campfires must be contained in a pit that meets UFA regulations
 - i. 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.
 - j. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.
- 7) Parking Requirements include
- 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. (5.19.075 Parking and Parking Areas)
- 8) Interior Signage notifying renters of Brighton's guidelines is required.
- 9) Communication with renters is required. (5.19.83) notifying them of important requirements. Written acknowledgement that renters received this information is required.
- 10) Solitude Village units are exempt from many of the business license regulations under their Master Plan and internal requirements.
- 11) 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 (5.19.085)

Enforcement:

- 1) There shall be a grace period until December 1, 2021 where penalties for lack of a short-term business license shall be waived. (5.02.040 License)
- 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
- 3) A license that has been granted may be suspended or revoked without a refund for short-term rental business licenses, two violations within a six -month period for any regulation under this Chapter.
- 4) Separate violations. For purposes of prosecution of violations of the business license chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation. (5.19.090)
- 5) The fee schedule is amended to allow for umbrella licenses
- 6) Fee schedule has increased fees for STR violations.

Activity	Fee Schedule Activity	Fee
Administrative Fee	Weed, tree removal, debris.	\$100.00
Civil Penalty		Based on number of days
Clean-up Fees	Billed costs from Public Works for clean up as well as an administrative fee as noted above.	Based on size
Post Compliance Penalty		Based on number of days
Daily Violation Fee for Short Term Rental Violation	Per infraction	\$100/day/ infraction



Nuisances	Per infraction	\$100/day/ infraction
Noise	Per infraction	\$100/day/ Infraction
Operating short-term rental without a business license	Per day	\$650/day/ Infraction
Operating short-term rental for less than two nights for each stay	Per day	\$650/day/ Infraction