

BRIGHTON, UTAH

ORDINANCE NO. 2023-O-4-2

AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES SECTIONS 5.19.040 5.19.073 5.19.080 TO REQUIRE SHORT-TERM RENTALS TO NOTIFY NEIGHBORING PROPERTIES, REQUIRE SNOW TIRES OR TRACTION DEVICES ON VEHICLES WITH PENALTIES, AND CLARIFY MAXIMUM OCCUPANCY RULES

WHEREAS, the Brighton Town Council (“Council”) previously enacted regulations for property owners operating short term rentals;

WHEREAS, the Council then formed a Short Term Rental Subcommittee to discuss and receive feedback on short term rentals;

WHEREAS, the Short Term Rental Subcommittee (“Subcommittee”) met several times and, on December 6, 2022 and March 27, 2023, gave feedback and recommendations to the Council on additional short term rental regulations;

WHEREAS, on December 13, 2022 and April 11, 2023, the Council discussed the feedback and recommendations from the Subcommittee and found that notifying adjoining property owners of a short term rental is in the public interest to preserve the peace and safety of the community and facilitate resolution of problems before requiring action by the Town;

WHEREAS, on March 27, 2023, the Subcommittee gave feedback and recommendation to Council regarding maximum occupancy, requiring snow tires or traction devices and suspending licenses if a property has numerous vehicles stuck;

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


Section 1. Amendment. Title 5, Chapter 19, Section 073 of the Brighton Town Code is hereby amended as indicated in Attachment A.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED THIS 11th Day of April, 2023.



TOWN OF BRIGHTON

By: 
Dan Knopp, Mayor

ATTEST


Kara John, Town Clerk

Attachment A

5.19.040 License - Application - Investigation

A. 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.

1. 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.

B. All short-term rental properties must comply with current fire, building, and safety codes.

C. 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,

2. for short-term rental business licenses, two violations within a six -month period for any regulation under this Chapter.

D. 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.

5.19.073 Other Requirements And Limitations

1. 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 the smaller of the a maximum occupancy under~~the fire code or 15 adultspeople overnight~~. Any property wishing to accommodate 16 or more ~~adult overnight guest people~~ must obtain a hotel license as required by Brighton Town Code 19.04.300.

2. Smoke alarms are required in each bedroom, each hallway adjacent to a bedroom and one on each floor, including basements.

3. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms.

4. Responsible Party.
 - a. The licensee must designate a responsible party who is an individual or property management company who can respond on site within two hours.
 - b. The responsible party is personally liable for failure to properly manage the short-term rental.
 - c. 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.
5. No open fires of any kind except compressed or liquid gas grills, stoves, and pellet fed smokers allowed with proper clearance of flammable materials.
6. Snow Tires.
 - a. 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.
 - b. All service providers for short terms rentals including cleaning services shall be required to have snow tires from November 1- April 15.
7. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.
8. Short term rental applicants must contact all properties with dwellings within a radius of 300 feet of the property boundary, before being licensed and preferably in person, and provide written notice of the responsible party contact information for the short term rental and Complaint Flow Chart as specified by the Town. Applicants must provide the list of who they contacted and by what means.
This provision is also required for short term rental license renewals at least once every three years.

5.19.080 Interior Signage

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:

- A. Contact information for the owner or property manager that can respond to a call within 20 minutes or be on site within 2 hours.
- B. The maximum number of overnight guests is the smaller of the maximum occupancy of _____ or 15 ~~adults~~people.
- C. Quiet hours in the Town of Brighton are 10pm-7:00am.
- D. All vehicles must be parked on this property or will be towed at vehicle owner's expense.
- E. The Town of Brighton is in a very high fire hazard zone. No open fires of any kind except compressed or liquid gas grills, stoves, and pellet fed smokers allowed with proper clearance of flammable materials.
- F. No ashes may be dumped in dumpsters until mixed with water.
- G. 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.
- H. No Dogs are allowed in the Town of Brighton.
- I. Roof avalanches are common around canyon homes. Beware of traveling between or under rooflines.
- J. We welcome you to our town and hope you have a wonderful time. Thank you for being good neighbors.