
Sec. 3-10-11. Short term vacation rentals.

Regulations and restrictions imposed by this section are in recognition of the premise that a vacation rental provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in subsection B of this section and total license limits listed in subsection C of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.

- A. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short term vacation rental until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this section.
- B. *Conditions for issuance of a business license for a short term vacation rental.* Issuance of a short term vacation rental business license by the Business License Officer shall be subject to the following:
 - 1. A complete application for a short term vacation rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:
 - a. The name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and
 - b. A valid state tax number for remittance of transient lodging taxes.
 - 2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title and that has been built to meet building and fire codes for transient occupancy and has been issued a certificate of occupancy.
 - 3. Portions of a single-family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single-family dwelling.
 - 4. In permitted single-family zones, the owner of a single-family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling.
 - 5. In permitted single-family zones, the property line of another dwelling licensed as a short term vacation rental is not located within 300 feet, as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. This criterion does not apply to recreation resort zoning or motel type uses within commercial zoning.
- C. *Limit on total number of short term vacation rental licenses within single-family zones as contained in title 10, chapter 13 of this Code.* The total number of short term vacation rental business licenses issued within single-family zones shall be limited in accordance with the following:
 - 1. The maximum number of short term vacation rental business licenses for property in single-family zones to be issued shall be based on the total population of the City, allowing three licenses for every 1,000 of total population.

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2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.9 residents per unit to the prior year's base population. The City shall readjust the population numbers every ten years after the release of the census numbers. If the census numbers are lower than the City's projection, the City shall not revoke any issued license but shall not issue any additional licenses until City population justifies additional license availability.
 3. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license is received, the application shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have 45 days from the date of such notice to file a complete application and pay the filing fee, and six months thereafter to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within said 45 days, or fails to complete the licensing process within said six months, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.
 4. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within 45 days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said 45 days, the license will be forfeited and the owner must reapply for any available license or be placed on the waiting list.
- D. *Parking regulations.* The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:
1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
 2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
 3. All guest parking shall be contained on the site.
 4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
 5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.
- E. *Maintenance standards.* Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:
1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
 2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
 3. Each sleeping room must meet current international residential code codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.
- F. *Prevention of noise, nuisance or trespass.* The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:

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1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
 2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10:00 p.m., or other similar activities.
 3. Interfere with the privacy of surrounding residents or trespass onto surrounding properties.
 4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
 5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
- G. *Required posting.* The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:
1. A copy of the vacation rental business license.
 2. The name, address, and phone number of the owner or property manager.
 3. The location of all fire extinguishers.
 4. A list of all rules applicable for vacation rentals.
 5. The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
- H. *Miscellaneous rules and regulations.* The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:
1. Outdoor pools, hot tubs or spas shall not be used between the hours of 11:00 p.m. and 6:00 a.m.
 2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley Fire District, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
 3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a short term vacation rental property.
 4. The owner or property manager shall provide information on current occupants to police, emergency, or City personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
 5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.

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6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the City.
 7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.
- I. *Enforcement provisions.*
1. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be in violation of this section and shall be guilty of an infraction, which shall be punishable by a fine of up to \$750.00 for each such violation. In addition, in the event that such dwelling is on the waiting list described in subsection C3 above at the time of such violation, the business license application for said dwelling shall be removed from said waiting list and the dwelling shall not be considered for a short term vacation rental business license unless a new application is submitted.
 2. Any owner of any dwelling within the City, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be guilty of an infraction, and shall be punished by a fine of up to \$750.00 for each such violation.
 3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
 4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.
 5. In the event of three or more violations of this section committed by an owner or guest, or any combination of the two, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

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