

## ORDINANCE NO. 2021-17

### **AN ORDINANCE AMENDING SECTION 1707 BED AND BREAKFAST INN AND SHORT-TERM RENTALS, SECTION 2023 DEFINITIONS AND REGULATIONS, SECTION 2504 ENFORCEMENT AND TABLE 31-2 USES FOR NON-RESIDENTIAL DISTRICTS OF THE RICHFIELD CITY ZONING ORDINANCE, A LAND-USE ORDINANCE OF RICHFIELD CITY, ESTABLISHING REQUIREMENTS FOR HOTEL/MOTEL/EXTENDED STAY AND DEFINING THE SAME.**

#### **PREAMBLE**

**WHEREAS**, the City of Richfield ("City") has adopted the Zoning Ordinance, a Land Use Ordinance of Richfield, 2007 Edition, hereinafter the "Zoning Ordinance"; and

**WHEREAS**, the purpose of this ordinance is to promote peace, safety, and well-being in the community, to deter the attraction of criminal elements from outside of the City and the promulgation of criminal elements inside of the City; and

**WHEREAS**, "Transient" rooms for purposes of imposing taxes are defined as regularly rented for less than 30 days by Section 59-12-103(1)(i) of the Utah Code and the City desires to promote traditional hotels and motels in approved zones to accommodate travelers, which rooms at times have been in short supply; and

**WHEREAS**, the City has determined that clarifying the definition of "transient" would promote traditional hotels and motels in approved zones and promote the availability and provision of such accommodations for travelers, which at times has been in short supply; and

**WHEREAS**, the City has determined that where rooms designed and intended for transient rental are rented for periods exceeding a transient term there is an increase in police calls to such locations, criminal activity, and disturbances in and around such locations; and

**WHEREAS**, the City determined to clarify the definition of "transient" after discovering that some hotel/motel owners were circumventing the standard maximum 30-day stay attributed to "transitory" rooms by the Utah Code by allowing guests to live in the motels/hotels on a long-term basis which, in some instances, resulted in rooms not being regularly cleaned. This, in turn, created sanitation problems affecting public health and safety and limiting stays to 60 days in a 180-day period is a reasonable and legitimate means to address such problems; and

**WHEREAS**, the Mayor and City Council of the City of Richfield have comprehensively examined proposed amendments as approved and submitted by the Planning Commission; and

**WHEREAS**, the Mayor and City Council of the City have determined that the enactment of this amendment will be in the best interest of the City, its citizens, inhabitants, owners, occupants, or users of property within the City; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RICHFIELD, SEVIER COUNTY, STATE OF UTAH:**

**SECTION 1.** Preamble: The recitals in the Preamble are enacted to be deemed a part of this Ordinance and are hereby declared to express the intent hereof.

**SECTION 2. Section 1707—Bed and Breakfast and Short-term Rentals** shall be amended as follows:

**Section 1707--Bed and Breakfast, Short-term Rentals, Hotel/Motel including Extended Stay Rooms.**

A Bed and Breakfast Inn, Short-term Rental, Hotel/Motel, and Extended Stay shall be conducted traditionally to promote accommodations for travelers, which are in short supply at times, and shall comply with the following:

1. A Bed and Breakfast or Short-term rental shall be conducted only in a single-family dwelling and only by the owner of the dwelling and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
2. The maximum number of guest rooms provided in a Bed and Breakfast or Short-term rental shall not exceed three (3).
3. The City Fire Chief shall inspect the premises of a Bed and Breakfast, Short-term rental, Hotel/Motel or Extended Stay and provide a Fire Clearance that the dwelling and premises comply with all applicable Fire Codes, as adopted.
4. One (1) off-street parking area for each guest room, in addition to any parking requirements for the single-family dwelling, shall be provided. Parking of recreation vehicles, during the rental period, shall be allowed in the frontage of the short-term rental unit so long as it does not block driveways, sidewalks, or the clear view area of a street or drive-way of an adjoining property or impede traffic on the street.
5. The address of any dwelling unit used for a Bed and Breakfast or Short-term Rental shall be clearly visible.
6. No accessory structure, motor home, travel trailer, boat, or similar vehicle or facility shall be used as guest rooms.
7. A Hotel/Motel shall provide transient rooms regularly rented for less than 30 days for a fee as herein defined and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
8. A Hotel/Motel rooms regularly rented on a weekly or monthly basis exceeding a transient term of less than 30-days shall be considered extended stay

rooms. Rooms used for Extended Stay shall provide a working kitchen, including a sink, a cooktop or range, and bathroom; assigned and rented for more than one week, but not to exceed 90 days within a 180-day period. All rooms used for Extended Stay shall be cleaned regularly to comply with public health codes and prevent sanitation problems. The number of Extended Stay rooms shall not exceed 25% of the number of hotel/motel rooms available at the business location and shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.

9. The Chief of Police may require that the manager or person in charge of any motel or hotel shall furnish a list of the persons who have registered at such motel, hotel, including all guests in an Extended Stay room. The date and time of arrival of an occupant of each unit shall be noted upon the record to be kept pursuant hereto. In no event shall there be a letting to, or occupancy by, any other person of such unit within the day noted. No person residing within the municipality for a period of 60 days, or over, in any 180-day period, is to be deemed a transient under the provisions of the City Code, nor is such person to be permitted to occupy any unit licensed hereunder unless such unit is so constructed to be in full compliance with the Building Code.

10. No person shall register for accommodations at any hotel or motel under a false, fictitious, or assumed name, without first making his or her true name known to the person in charge thereof.

11. Whoever violates or fails to comply with any of the provisions of this section is guilty of a class B misdemeanor for each such offense. A separate offense shall be deemed committed for each unit and for each day during or on which a violation or noncompliance occurs or continues.

12. A business license, sales tax number, and collection of transient room tax shall be required for a Bed and Breakfast, Short-term Rental, Hotel/Motel, and Extended Stay.

**SECTION 3. Section 2023 –Definitions and Regulations** shall be amended to include the following definitions:

**“Hotel”** means every structure which, in whole or in part, has a main or accessory use is kept, used, maintained, advertised, or held out to the public to be a place where living and/or sleeping accommodations, excluding cooking facilities within the rental unit, are offered to consideration to transient guests and having a common entrance or entrances. The term “transient” guest means persons who contract to occupy the premises for 30 days or less. No person residing within Richfield City for a period of 60 days, or over, in any 180-day period, is deemed a transient guest under the City Code, nor is such person permitted to occupy any unit licensed hereunder unless such unit is so constructed as to be in full compliance with the building code.

**“Motel”** means every structure or group of structures, detached or semi-detached, separate outside entrances which, in whole or in part, has a main or accessory use,

is kept, used, maintained, advertised, or held out to the public to be a place where only overnight sleeping accommodations, excluding cooking facilities within the rental unit, are offered for consideration to transient guests. The term “transient” guest means persons who contract to occupy the premises daily not to exceed 30 days. No person residing within Richfield City for a period of 60 days, or over, in any 180-day period, is deemed a transient guest under the City Code, nor is such person permitted to occupy any unit licensed hereunder unless such unit is so constructed as to be in full compliance with the building code.

“**Extended Stay**” means a hotel/motel room with a working kitchen, including a sink, a cooktop or range, and bathroom; assigned and rented for more than one week, but not to exceed 90 days within a 180-day period. The number of extended-stay rooms shall not exceed 25% of the number of hotel/motel rooms available at the business location and all units shall be constructed in full compliance with the building code.

**SECTION 4. Section 2504—Enforcement** shall be amended as follows:

...

5. The City Administrator, Zoning Administrator, City Engineer, City Attorney, **Chief of Police**, and Building Official are hereby identified and authorized to enforce all provisions and requirements of this Ordinance and the City's other Land Use Ordinances, and to initiate all proceedings deemed necessary to ensure compliance with the Land Use Ordinances, as allowed and authorized by state law.

**SECTION 5. Table 31-2 Uses for Non-Residential Districts**, shall be amended as follows:

USE	NON-RESIDENTIAL ZONING DISTRICTS				
	D (Downtown)	C-S (Commercial - Shopping)	C-G (Commercial - General)	M-D (Manufacturing and Distributing)	M-G (Industrial)
<b>Hotel/Motel/Extended Stay.</b> A building or group of buildings containing four (4) or more guest rooms. Occupancy of each room is considered transient and shall not be rented for not more than 30 days. Some or all of which the rooms may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach which may include additional services, such as restaurants, meeting rooms, entertainment,	C-2	C-2	C-2	X	X

<p>and recreational facilities.          Rooms used for an extended stay, (not to exceed 90 days within a 180- day period) shall not make up more than 25% of the total rooms available on the property for nightly rentals.</p>					
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**SECTION 6.** No other sections or provisions of the Zoning Ordinance shall be affected.

**SECTION 7.** Effective Date. This Ordinance shall become effective immediately upon adoption, posting, and publication of a Summary.

PASSED and APPROVED this \_\_\_\_\_ day of October 2021.

CITY OF RICHFIELD

By \_\_\_\_\_  
David C. Ogden, Mayor

ATTEST:

\_\_\_\_\_  
Michele H. Jolley, City Recorder

(S E A L)

	<u>AYE:</u>	<u>NAY:</u>
Councilmember Bryan Burrows	_____	_____
Councilmember Kathy Christensen	_____	_____
Councilmember Todd Gleave	_____	_____
Councilmember Kip Hansen	_____	_____
Councilmember Connie Nielson	_____	_____