



CIRCLEVILLE TOWN

CIRCLEVILLE TOWN ORDINANCE NO. 2023-01

AN ORDINANCE OF CIRCLEVILLE TOWN FOR REGULATING SHORT-TERM RENTAL PROPERTIES WITHIN THE TOWN OF CIRCLEVILLE, STATE OF UTAH.

WHEREAS, the Town Council of Circleville Town, has seen a rise in Short Term Rentals and;

WHEREAS, the Town Council of Circleville Town has recognized the State of Utah, and sister counties in Utah are experiencing the same or similar growth and development of properties for Short Term Rentals and;

WHEREAS, the Town Council of Circleville Town has had several work meetings and a public hearing to listen to the suggestions and opinions of the community and;

WHEREAS, the Town Council, as the governing body of the Town of Circleville, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the Town of Circleville to adopt an ordinance addressing Short Term Rentals:

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF CIRCLEVILLE TOWN, PIUTE COUNTY, STATE OF UTAH, AS FOLLOWS:

Definitions

Temporary lodging in a single-family dwelling for less than 30 consecutive days.

Short Term Rental Definition:

Property that is occupied, possessed, or used by any person or entity for transient lodging where the term of occupancy, possession, or use is offered for twenty-nine (29) consecutive calendar days or less, for direct or indirect compensation or other consideration.

Circleville Town Residency Definition:

A resident is a person who has a fixed primary residence or domicile within Circleville Town boundary and has lived in the Town for at least one hundred eighty-three (183) consecutive days or six months. The address of a primary residence must be documented by producing one of the following documents dated within the past 60 days:

- Valid driver license
- Valid Utah photo identification card
- Voter registration documentation
- Primary residence tax notice



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Non-Resident - A person who is not able to provide proof of the above requirements will be considered a Non-Resident of Circleville Town.

Conditional Use Permit and Business License Required

1. A Conditional Use Permit shall be required for all Short-Term Rentals within Circleville Town. No dwelling in any zoning district shall be occupied, advertised, or used as a Short-Term Rental Property until the owner has obtained a safety inspection from a licensed building inspector and business license for a Short-Term Rental issued in accordance with the provisions of this Ordinance.
2. If an individual is managing more than one Short-Term Rental property, a separate Conditional Use Permit is required and Business License shall be required for each Short-Term Rental property.
3. Circleville Town reserves the right to revoke a conditional use permit issued under this section if: A licensee engages in a pattern of unlawful activity or under other provisions of state law or local ordinance.
4. The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The Town shall suspend all permits and licenses for Short-Term Rental more than one (1) year past due on applicable taxes until the Owner has paid all applicable taxes.

Limitation on number and type of Short-Term Rentals allowed.

1. As of March 2023, all established Short-Term Rentals with valid Town business license within Circleville Town will be grandfathered in and may continue their current rentals as established. If the grandfathered Short-Term Rental business changes ownership it will no longer be considered as a "Grandfathered" Short-Term Rental business and will be required to follow the current ordinance requirements.
2. Permanent residents may not fully or partially own more than two Short-Term Rentals within all residential or agriculture zones.
3. A non-resident may not fully or partially own more than one Short-Term Rental within all residential or agriculture zones.

Authorized Agent or Representative

1. An Owner may designate an agent or a representative to comply with the requirements of this Ordinance on behalf of the Owner. The designated agent or representative is referred to as "Manager" in this Ordinance.
2. The Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's



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Short-Term Rental or their guests.

3. **Manager Availability:** While a Short-Term Rental unit is occupied, the Manager and/or designated Local Contact Person shall be reasonably available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental, or their guests.
4. **Manager Responsibility for Guest's Conduct:** The Manager and/or designated Local Contact Person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental.
5. **Manager Response to Complaint:** The Manager and/or Local Contact Person shall, upon notification that any occupant and/or guest of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, respond within one (1) hour to halt or prevent a recurrence of such conduct. Upon failure of the Owner, Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants and/or guests of the Short-Term Rental, the Owner and/or Manager or Local Contact Person may be subject to all administrative, legal, and equitable remedies available to the Town.

Complaints:

1. 1st Complaint - A letter will be sent to the property owner.
2. 2nd Complaint - A certified letter will be sent notifying the property owner that their conditional use permit is in jeopardy.
3. 3rd Complaint - Issue the property owner an infraction notice and have the property owner attend Town Council meeting to discuss the complaint with the Town Council member and give cause as to why the Conditional Use Permit should not be revoked.

Parking Regulations

The owner of any property licensed as a Short-Term 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 Rental.
2. Parking on the Short-Term Rental property shall be provided. Tandem spaces on a driveway may be used.
3. A maximum of three standard size vehicles may be parked on the Circleville Town right-of-way. Any additional parking must be provided on the premises in addition to requirements above.



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4. Autos parked on Circleville Town right-of-way must not restrict traffic flow or infringe on other property rights-of-way.
5. Overnight camping on Short-Term Rental properties:
 - No camping in camp trailers on Short-Term Rental property will be allowed.
 - No Motorhome camping on Short-Term Rental property will be allowed.
 - Tent camping will be allowed as long as the occupants do not go over the Short-Term Rental property occupancy limit.

Maintenance Standards:

Any property that contains a dwelling which is licensed as a Short-Term 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 in order that the use in no way detracts from the general appearance of the surrounding area.
2. Each sleeping room must meet current International Building Code requirements for egress
3. Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.

Noise, Nuisance or Trespass

The owner of any dwelling licensed as a Short-Term Rental shall be responsible to ensure that guests or occupants of the Short-Term Rental do not:

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. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
3. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

Miscellaneous Rules and Regulations

The following rules and regulations shall apply to any dwelling for which a Short-Term Rental business license has been issued:

1. The requirements of this section shall be in effect throughout the time a Short-Term Rental license is in effect on the property, regardless of whether the property is occupied by the owner, non paying guests of the owner, or paying guests of the owner. The Town 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 Rental.



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Sale or Transfer of Property

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to acquire a new Conditional Use Permit and Business License as they are non-transferable.

Enforcement Provisions

1. Any owner of any dwelling within Circleville Town who allows or permits occupation of said dwelling as a Short-Term Rental, as defined herein, without having first obtained Conditional Use Permit and Business License in accordance with the provisions of this Ordinance shall be notified as stated above. Penalties could include up to a \$750 penalty for not obtaining a proper business license.
2. Any Owner of any dwelling within Circleville Town who, having first obtained a Conditional Use Permit and Business License for use or occupation of said dwelling as a Short-Term Rental, thereafter, operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
3. Violation of any provision of this section regulating Short-Term Rentals shall constitute a separate offense for each day said violation occurs or continues.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or guest, the Town Council may, depending on the nature or extent of the violations, proceed with revocation of the Conditional Use Permit and/or Business License For any Short-Term Rental property in accordance with the provisions of this Ordinance.

Appeals

Any person or entity aggrieved by a decision in the enforcement and/or administration of this Section shall have the right to appeal such decision to the Town Council if a written request for an appeal is filed with the Planning Commission within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

General Provisions

Sections of the Circleville Town Administrative Code identified in this Ordinance shall be, and hereby are, amended with the express intent of allowing Short-Term Rentals as a permitted use for the zones prescribed herein in accordance with Utah State law.

SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby, and effect shall be given to the intent manifested by the portion held invalid or inoperative.



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PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

EFFECTIVE DATE:

The Town Council of Circleville Town, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this 11 day of May 2023

CIRCLEVILLE TOWN:

By:

Cordell Pearson, Mayor

ATTEST:

Mekeisia Westwood, Clerk