

## **Chapter 5.67**

### **NIGHTLY RENTAL LICENSES**

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#### **5.67.010 Definitions.**

For purposes of this chapter:

A. “Agent” means any legally authorized entity acting on behalf of a property owner, including but not limited to a property manager, a property management company, an executor of the owner’s estate, or other legal fiduciary.

B. “Nightly rental,” also called “short-term rental,” means:

1. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof, constructed for single household or multi-household occupancy, or of any other residential property, or residential property within a commercial building, for a term of thirty consecutive days or less.
2. The commercial use, by any person, of residential property, or residential property within a commercial building, for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses, where the term of occupancy, possession or tenancy of the property is for a term of thirty consecutive days or less.

3. For the purposes of this section, “remuneration” means compensation, money, rent, or other bargained-for consideration given in return for occupancy, possession or use of real property.
4. For purposes of this section, “nightly rentals” shall include bed and breakfasts. (Ord. 18-15 § 2, 2018)

#### **5.67.020 Licenses--Required.**

- A. No person shall operate or engage in any nightly rental activity within the City of Moab without first obtaining and maintaining a valid nightly rental business license as required by Chapter [5.04](#).
- B. Each owner of property within the City of Moab that is being used as a nightly rental must obtain a nightly rental license. An owner may allow his or her agent to apply for and obtain the nightly rental license; however, the license shall be in the property owner’s name, and filed under the property owner’s name in the City license records.
- C. . An individual Owners owner who owns multiple nightly rental properties must obtain a separate license for each nightly rental property may list up to four (4) nightly rental property locations on one license application. A nightly rental business license fee will be assessed for each property location. Listed locations must be reported under the same Utah State Sales Tax Identification Number. Property managers and property management companies may not include multiple nightly rental properties in one license.
- D. If an owner of a nightly rental is using a D.B.A., that D.B.A. must be registered with the Utah Department of Commerce.
- E. The owner shall be the licensee, but the property manager or local representative, if applicable, shall be deemed the responsible party for purposes of operating standards and management standards. (Ord. 18-15 § 2, 2018)

**5.67.025 License fee.**

From time to time, the City Council may establish license fees for nightly rentals operating within the City limits. Fees shall be based on the total number of bedrooms in each nightly rental. (Ord. 18-15 § 2, 2018)

**5.67.030 Application.**

A. The application for a nightly rental license shall include all of the items outlined in Section [5.04.030](#). The State sales tax ID number recorded must be obtained by and associated with the owner of the property being rented.

B. The applicant must show that the facility meets minimum performance standards as specified below in general operating standards.

C. An inspection by the Building Inspector, Fire Chief and Health Department shall be required prior to issuance of a license and as often as necessary for enforcement of this chapter. The plans and the property itself must be approved by the Building Inspector, Fire Chief and Health Department prior to issuance of a license. (Ord. 18-15 § 2, 2018)

**5.67.040 Renewal--Term.**

The license for a nightly rental property shall be renewed annually on July 1st, if all the conditions required at the time of the initial approval remain unchanged. (Ord. 18-15 § 2, 2018)

**5.67.050 Grounds for denial.**

An application for a nightly rental license may be denied for any of the grounds listed in Section [5.04.040](#), or for a failure to fulfill any of the application requirements. (Ord. 18-15 § 2, 2018)

**5.67.060 Appeal of denial.**

An appeal of a denial of a nightly rental business license shall follow the appeals procedure specified in Section [5.04.050](#). (Ord. 18-15 § 2, 2018)

**5.67.065 Assignment prohibited, application upon transfer.**

A. No license issued under this chapter may be assigned or transferred to any person or entity not named therein; nor shall any license be assigned or transferred to another nightly rental property, whether owned by the named licensee or by another person or business entity.

B. Upon the sale, conveyance, or transfer of a nightly rental property, the new owner or transferee shall, within ten business days of completion of the conveyance or sale, apply for a new nightly rental license, if he/she intends to operate a nightly rental on the premises. (Ord. 18-15 § 2, 2018)

**5.67.070 License revocation, grounds.**

A nightly rental license may be revoked for any of the grounds listed in Section [5.04.080](#), or for a violation of any of the operating standards or management standards set forth below. (Ord. 18-15 § 2, 2018)

**5.67.080 Revocation procedure, right to cure.**

The revocation procedure and appeal process shall follow the procedures outlined in Section [5.04.090](#). (Ord. 18-15 § 2, 2018)

**5.67.090 Penalties.**

A. Any owner and/or property manager of a dwelling within the City of Moab who allows or permits occupation of said dwelling as a nightly rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a

Class A misdemeanor. The fine for a Class A misdemeanor shall be imposed for each day that the violation continued or continues to be committed

B. Any other violation of this chapter may be punishable, at the election of the City, as a Class A misdemeanor, as defined under the Utah Code, or by civil action to enjoin or abate the violation. The fine for a Class A misdemeanor shall be imposed for each day that the violation continued or continues to be committed. Proof of a violation of this section shall be sufficient to obtain an injunction. In the event of civil enforcement, the City may recover its reasonable attorney fees and court costs against the violator. (Ord. 18-15 § 2, 2018)

### **5.67.100 General operating standards.**

Nightly rentals may be allowed where the applicant can show evidence of compliance with the standards and procedures outlined below, and where there is minimal impact on adjacent properties and neighborhoods.

- A. No license shall be granted for a nightly rental operation unless allowed as a land use in the underlying zoning district(s) in which it operates.
- B. The nightly rental must meet all applicable building, health and fire codes for the intended use.
- C. A maximum stay at a nightly rental by an individual or particular group shall not exceed thirty consecutive days.
- D. Maximum occupancy of any nightly 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 Moab Fire Chief, and the owner obtains written approval from the Fire Chief, a greater maximum occupancy may be approved by the City Treasurer.
- E. Each sleeping room must be equipped with smoke and CO (carbon monoxide) detectors.
- F. All nightly rental owners or property managers must collect and pay the applicable State transient room tax, State sales tax, City resort communities sales tax, City municipal transient rooms tax, and pay the City gross business license fee.
- G. Water and sewer impact fees for nightly rentals shall be calculated pursuant to Chapter [13.25](#).

H. Water and sewer rates for nightly rentals shall be calculated according to the rate formulas contained in Chapter [13.24](#).

I. The owner or property manager shall provide information on current or past occupants to police, emergency, or City personnel as requested. The owner or 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 owner and/or property manager, or revocation of the nightly rental license. (Ord. 18-15 § 2, 2018)

**The Moab Municipal Code is current through Ordinance 18-22, passed December 11, 2018.**

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: moabcity.org](http://moabcity.org)

City Telephone: (435) 259-5121

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