

ORDINANCE NO. 24-30

AN ORDINANCE ENACTING SECTION 17.76.190 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO RESIDENTIAL SHORT-TERM RENTALS AND AMENDING SECTIONS 17.76.020 AND 17.84.060 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE DETERMINATION OF PERMITTED AND CONDITIONAL USES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is enact Section 17.16.190 of the Murray City Municipal Code relating to residential short-term rentals, and to amend Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses.

Section 2. Enactment of Section 17.76.190 of the Murray City Municipal Code. Section 17.16.190 of the Murray City Municipal Code relating to residential short-term rentals shall be enacted to read as follows:

17.76.190: RESIDENTIAL SHORT-TERM RENTALS (STR):

A. Purpose. This section is established to provide regulations for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of residents and preserving the residential character of neighborhoods. Allowing STRs, is intended to provide economic relief to existing property owners who might otherwise be forced to leave a neighborhood, thus promoting, and preserving stable and affordable housing in the city. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the City.

B. Definitions. The following words and phrases when used in this section 17.76.190 shall be construed as defined in this subsection B:

1. DEDICATED VACATION RENTAL: Renting an entire dwelling as a short-term rental where there are no owner occupants.
2. HOST: Any natural person who is an owner of the dwelling unit and uses the dwelling unit as their primary residence and offers a dwelling unit for use as a short-term rental.
3. HOSTED SHARING: Renting for a period of less than thirty (30) consecutive days, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay.

4. **LIVES ON-SITE:** Maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which they are an owner of the dwelling unit and uses that dwelling unit as their primary residence.

5. **OWNER.** Any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

6. **PRIMARY RESIDENCE.** The usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, Utah state identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.

7. **RENTER:** A single person or group of people who provides compensation, in any form, in exchange for occupancy of a dwelling unit, under one lease or rental agreement.

8. **SHORT-TERM RENTAL (STR):** Any dwelling unit that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) consecutive days.

9. **STR LAND USE PERMIT:** An administrative permit issued to the property owner seeking to use their property as an STR after Community and Economic Development staff have determined that the owner's property qualifies under the requirements of this chapter.

10. **UNHOSTED SHARING:** Renting an entire dwelling unit where the owner occupants of a residence vacate the unit while it is rented to short-term guests.

C. Dedicated Vacation Rentals and Unhosted Sharing Arrangements Prohibited.

1. All dedicated vacation rentals and unhosted sharing arrangements are prohibited within the jurisdiction of the City.

2. Short term rentals which existed prior to the January 1, 2025 must register with the city and obtain a business license.

3. Registration of Dedicated Vacation Rentals and Unhosted Sharing Arrangements.

a. The Community and Economic Development Director, or designee, shall establish a process for registration and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.

b. The director shall verify the qualification of a dedicated vacation rental or unhosted sharing arrangement for registration.

c. An adversely affected party may appeal the director's registration or denial as provided in chapter 17.16.

d. Failure to register is a violation of this section and subject to chapter 17.172.190(G).

D. Applicability.

1. A hosted residential short-term rental is allowed in the R-1-6, R-1-8, R-1-10, R-1-12, and in the R-N-B zoning district after obtaining both a residential short-term rental land use permit and a business license. A residential short-term rental is prohibited in all other zoning districts.

2. The following are exempt and shall not be subject to the provisions of this section:

a. A residential lease of thirty (30) or more consecutive days.

b. RV parks, bed and breakfasts (inns and homestays), campgrounds, hotels, and motels, as described and regulated in Title 17.

E. Standards and Requirements. A residential short-term rental may be allowed within any existing legal conforming residential dwelling by obtaining an STR land use permit from the Community and Economic Development Department, wherein the applicant demonstrates compliance with requirements found in Title 17 and all of the following standards and requirements:

1. Application: A completed application form, provided by the City, and payment of all fees.

2. Property Information:

a. A detailed written description of the proposed use.

b. A basic site plan of the property including locations of accessory structures, setbacks, parking, and entrances to the dwelling and STR.

c. A floorplan drawing of the dwelling that identifies the portions of the dwelling to be used for the STR.

d. Only one designated STR or STR area is allowed per dwelling.

e. No person or persons may be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle or other structure.

3. **Parking Plan:** A detailed drawing of an off-street parking plan must be provided to ensure that all occupants of the primary dwelling and STR can be accommodated on-site at all times.

a. Parking may not include any on-street parking, and shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit.

b. Any proposed parking improvements shall also be included in the off-street parking plan and must be completed prior to issuance of a business license.

c. All elements of the parking plan must comply with all other requirements of this section.

d. The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half (1/2) space per bedroom or sleeping area and in no case shall the parking be less than one (1) space.

4. **Owner Occupancy:** The owner shall reside in the dwelling in which an STR is desired and the dwelling must be the owner's primary residence. Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership and use of the home as their primary residence for no less than twelve (12) consecutive months.

a. The owner shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner.

i. Fee title owner may be an individual or trustor of a family trust that possesses fifty percent (50%) or more ownership of the proposed STR.

ii. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

b. To establish that the property is the owner's primary residence, the owner shall:

- i. Present a government issued identification document listing the address of the property as the address of the owner; and
- ii. A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner.

5. Occupancy During Rental Period: The owner shall comply with the following occupancy restrictions:

- a. The property shall not be rented to more than one party at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple parties at the same time.
- b. Hosted sharing is allowed three hundred sixty-five (365) days a year.
- c. The property shall only be rented for a minimum duration of one day and a maximum of thirty (30) days.

6. No Conflict with Private Restrictions: The property owner shall sign an affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

7. Urgent Response: The owner, shall be available to immediately respond twenty-four (24) hours a day, three hundred sixty-five (365) days a year in person and by telephone.

- a. The owner shall be able to physically respond within one hour of an inquiry or request by the City.
- b. If the owner is unreachable after three (3) attempted contacts by Murray City within one hour, a citation may be issued.
- c. If the owner is not able to respond within an hour a citation may be issued.

8. Property Maintenance Requirements. All STRs shall adhere to all City ordinances relating to the maintenance and management of property.

9. Inspections. Prior to the initial letting of a short-term rental and prior to the permit renewal, the owner shall arrange for an inspection annually by the City to confirm that occupancy standards and requirements herein are satisfied. All short-term rental units shall be subject to inspection and approval by the City to

verify registration, application, permit, operating and/or occupancy standards and requirements or if there is reason to believe that any provision of this chapter is being violated.

10. Noise and Nuisance Control: The owner shall ensure that the guests adhere to the noise control in section 8.16 of the Murray City Code, as amended.

- a. Guests and/or their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- b. Guests shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- c. Guests or persons shall not disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting;
- d. Guests and/or their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- e. Guests shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol.

11. Owner must be and remain current in payment to the State for transient room taxes, or sales taxes related to the STR.

12. Duration of Permit and Renewal.

- a. A land use permit issued under this section shall remain in effect for a period of one (1) year from the date it was issued.
- b. The owner may request the renewal of the permit upon applying for such renewal to the Community and Economic Development Department and the payment of the renewal fee.
- c. The Community and Economic Development Department Director, or designee shall have the authority to impose additional reasonable conditions on any renewal in the event of any prior violation of the conditions of the license or the provisions of this chapter to address any such past violations.

F. Conditions for Denial of Permit.

1. The applicant failed to conform to permit conditions of the previous year.
2. Renters at the property were issued more than two noise ordinance violations during the previous permit period
3. Any other reasonable and rational factors or combination of factors (e.g. small lot, inadequate street parking, etc) that would cause a clearly detrimental impact on the neighborhood.
4. If an application is denied, the applicant may correct any deficient conditions and reapply. Whenever an application or a renewal application is denied, the Community and Economic Development Department will provide the applicant with a written list of deficient conditions, including a list of sustained unresolved legitimate complaints in the case of a denied renewal application.
5. If the property has any existing violations of a City ordinance or State law no permit shall be issued until such violations are corrected.

G. Violations and Penalties.

1. Failure to comply with this section, 17.76.190 shall constitute a violation for which the City may issue a citation for a class C misdemeanor and impose penalties. Each day that a violation occurs or continues is a separate violation.
2. Operation of a property in the city for short-term rental purposes without an STR Land Use Permit or a business license shall be a violation of this code for which the City may issue a citation.
3. It shall be a violation for any person to operate an STR in violation of any federal, state or local law, rule or regulation.
4. A STR permit that has been granted may be suspended or revoked for failure to maintain compliance with the standards and requirements of paragraph E, for any violation of the provisions of this section, title 17, or for any of the reasons as contained in section 5.04.070.
5. Any appeal of a decision to deny, suspend or revoke a STR permit shall be heard in accordance with those procedures established by chapter 17.16.
6. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

H. Suspension or Revocation. The City may issue a notice suspending or revoking a permit granted under this section if the owner of the permit or renter has:

1. Violated or is not in compliance with this section 17.96.190;
2. Committed an assault, any act of domestic violence, a drug offense or any felony on the short-term rental premise;
3. Refused to allow any inspection of the premises of the STR authorized by Title 5 or by any other statute or ordinance;
4. Given materially false or misleading information in obtaining the permit;
5. Knowingly operated the STR during the period when the permittee's permit was suspended or revoked;
6. Become delinquent in payment to the State for transient room taxes, or sales taxes related to the STR.
7. Suspension or revocation shall take effect within ten (10) days of the issuance of notice unless an appeal is filed as provided by this title.
8. The fact that a conviction is being appealed shall have no effect on the revocation of the permit or license.

I. Revocation Process:

1. Upon receiving a first complaint from any person alleging any violation of this section, the City shall call or email, and send a letter or notification to the property owner explaining the nature of the complaint and requiring immediate correction.
2. A second complaint will result in the City sending second letter or notification to the property owner explaining the complaint and warning that the STR permit may be in jeopardy of being revoked.
3. A third complaint will result in written notification from the City to the property owner requiring their attendance at a meeting with a member of the CED staff to show cause why the STR permit should not be revoked. The show-cause hearing shall be held even if the owner fails to appear.
4. Following a show-cause hearing and short of revoking the STR permit, the CED Director may add any conditions or make any other adjustments to the permit deemed reasonably necessary.
5. Following a show-cause hearing, the CED Director, or designee may revoke an STR permit issued under this section if it finds that:

a. The permittee failed to comply repeatedly with any condition set forth in this chapter or the STR permit;

b. The permittee engaged in a pattern of unlawful activity; or

c. The permittee violated State law or local ordinances.

6. In cases of severe initial misconduct affecting the health or safety of any individual or the community, the first complaint may be treated as a third complaint.

J. Effect of Revocation. When any permit issued pursuant to this section is revoked, the revocation shall continue for one (1) year from the date of revocation. The permittee shall not be issued an STR permit for one (1) year from the date of such revocation. In the event that a permit is revoked a second time within five (5) years, the permittee shall not be issued an STR permit for five (5) years from the date of the second revocation.

K. Injunction. An entity or individual who operates or causes to be operated a short-term rental without a valid permit or business license or who operates or causes to operate an STR in violation of the provisions of this section 17.76.190 is subject to a suit for injunction in addition to the civil and criminal violations provided in this title 17, title 5, and any other remedy available at law or in equity.

L. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the Justice Court.

....

Section 3. Amendment of Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code. Sections 17.76.020 and 17.84.060 of the Murray City Municipal Code relating to the determination of permitted and conditional uses shall be amended to read as follows:

17.76.020: ESTABLISHMENT OF USES NOT SPECIFIED:

When a use is not specifically contained in the list of "permitted" or "conditional" uses, the use is determined to be prohibited. If a use is of the same character and intensity as such "permitted" or "conditional" uses so listed, the community development director may allow the establishment of that use subject to determination of the following criteria:

A. The establishment of the use will be in accordance with the purposes of the district in which that use is proposed.

B. The use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.

- C. The use will not be detrimental to the public health, safety, or welfare.
- D. The use shall not adversely affect the character of that district in which it is proposed to be established.
- E. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as uses in that district.
- F. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as uses in that district. (Ord. 07-30 § 2)

....

17.84.060: USES NOT DESIGNATED:

- A. Uses that are not listed in a zoning district's list of permitted or conditional uses are determined to be prohibited.
- B. A use that is similar to another use but is not specifically designated shall be considered in accordance with section 17.76.020 of this title. (Ord. 07-30 § 2)

....

Section 4. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this 3rd day of December 2024.



ATTEST:

A handwritten signature in black ink, appearing to read "Brooke Smith".

Brooke Smith, City Recorder

MURRAY CITY MUNICIPAL COUNCIL


A handwritten signature in black ink, appearing to read "Pam Cotter".

Pam Cotter, Chair

Transmitted to the Office of the Mayor of Murray City on this 12th day of December, 2024.

MAYOR'S ACTION: Approved

DATED this 12th day of December, 2024.


Brett A. Hales, Mayor

ATTEST:


Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the 12th day of December, 2024.


Brooke Smith, City Recorder