Date: April 21, 2025

To: Dale Coulam, Bryan Pack
CC: Chris Hart
From: Mike Scott

Re: Enforcement of Short-Term Rental Violations & Recommended Code Changes

House Bill 256 outlines the enforcement steps we can take regarding short-term rentals (STRs) in zones where they are not allowed. There are two "levels" of STR violations:

- Level 1: A property is listed for short-term rental in a prohibited zone. This shows intent, but not proof of actual use.
- Level 2: There is evidence that the property was actually rented short-term in a prohibited zone.

I don't know what constitutes sufficient evidence (e.g., online guest reviews, keypads, or transient room tax payments), so I recommend we reach out to other cities for guidance.

Recommended Action Steps

1. Complaint Initiated
2. Staff Review
    a. Confirm that an online listing exists
    b. Confirm that the property is not in a zone where STRs are allowed
3. Level 1 Violation – No Proof of Rental
    a. Request the listing platform remove the listing
    b. Notify the County Auditor for possible transient room tax issues
    c. Notify the property owner, explain the potential violation and ask for clarification
4. Level 2 Violation – Confirmed Rental
    a. Request the listing platform remove the listing
    b. Notify the County Auditor for transient room tax enforcement
    c. Written notice to the property owner and manager identifying the violation and providing a short window (e.g., 7–10 days) to correct it voluntarily or document that there is no violation.
    d. If not corrected, issue a formal notice of violation and begin imposing fines.
5. Ongoing Public Education Campaign: Use utility bill inserts, mailers, the City website, and HOA-targeted outreach; include maps of legal STR zones and contact info for reporting concerns.

To implement this process, we should prepare: A public-facing complaint form, templates for notices to property owners, managers, and online platforms, web content to explain how and where to report violations

Recommended Additions or Revisions to STR Code based on Washington City

Ivins currently allows STRs in a few approved overlay areas, as well as in RC zones, RMU and Commercial Resort land use areas. However, the regulatory standards (found in Section 16.07) only apply to the overlay areas. I could not find any provisions that extend those standards to STRs in other zones where they are also allowed.

As a result, STRs in RC, RMU, or Commercial Resort areas may be operating without any regulations specific to STR-related impacts. To close this gap, we should either (1) create a new section of code establishing citywide STR operating standards, or (2) modify Section 16.07 so that its requirements apply to all permitted STRs, not just those in overlay zones.

In addition to extending current Section 16.07 requirements, I recommend we consider incorporating the following operational standards, which are based on recent updates to Washington City's code:

1. Non-Transferable License
    - Status in Ivins: Not specified.
    - Recommendation: Make licenses non-transferable. Require new owners to reapply.
    - Rationale: Prevents automatic continuation of potentially problematic STRs.

2. Annual Proof of Transient Room Tax Remittance
    - Status in Ivins: Registration required but no proof upon renewal.
    - Recommendation: Require proof of tax remittance each year.
    - Rationale: Promotes fiscal transparency and ensures compliance with state law.

3. Garbage Removal Within 24 Hours of Guest Departure
    - Status in Ivins: Not specified for STRs.
    - Recommendation: Adopt a standard consistent with Ivins City Code §15.21.190(G)(1)(c), which requires RV resorts to remove garbage within 24 hours of guest departure.
    - Rationale: Reduces nuisance, odor, and pest concerns.

4. Clearly Posted Interior Signage
    - Status in Ivins: Not required.
    - Recommendation: Mandate a visible sign inside each STR with: local contact info, max occupancy, and garbage procedures.
    - Rationale: Improves guest compliance.

5. Stronger Local Property Manager Rules
    - Status in Ivins: Must be within 20 minutes; 24/7 response required. No license required.
    - Recommendation: Add requirement that manager resides in Washington County and has a Property Manager License.
    - Rationale: Increases accountability and professional oversight.

6. Joint Liability for Owner and Manager
    - Status in Ivins: Manager is held responsible; owner liability unclear.
    - Recommendation: Codify that both are jointly liable for violations.
    - Rationale: Strengthens incentive for both parties to maintain compliance.

7. Enhanced Enforcement Provisions
    - Status in Ivins: License can be revoked.
    - Recommendation: Add:
        - $750/day fine for violations
        - **Note: It appears there is conflict or at least ambiguity in assessing fines in our code on administrative civil penalties, Ch. 3, Part 2 compared to our consolidated fee schedule (ordinance 2024-12). I recommend we compare Ch. 3, Part 2 with the fee schedule and clarify ambiguity.**
        - Daily violation rule (each day is a separate offense)
        - Three violations in 12 months triggers license revocation
        - One-year waiting period after revocation to reapply
    - Rationale: Creates meaningful, enforceable consequences for noncompliance.