



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** December 2, 2025

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment of Sections 7.06

### **ITEM: 6 (continued from the 11/18/25 City Council meeting)**

At the meeting held November 18, 2025, the City Council reviewed proposed code text revisions to Chapter 7.06: Transient Home Rentals. The matter was continued until December 2, 2025, to allow staff to make the following revisions as directed by Council:

- Incorporating an identification plaque (not referenced as a sign) similar to that allowed for cottage industries (4 inches by 6 inches near entrance) for identifying the property manager and his/her contact information for purposes of complaints. 7.06.080 (D)
- Upon revocation of a license, increasing the mandatory waiting period to reapply for a new license from 6 months to one year. 7.06.100 (F) (owner license) and 7.06.150 (property manager license).
- Allowing a physical business location in Wasatch County for property managers but requiring they also be licensed through Midway City. 7.06.110
- Including permanent revocation language as an enforcement option. 7.06.170 (D)
- Licenses are renewable annually by December 31<sup>st</sup>, although a grace period through the

following February will be allowed, subject to a 50% fine, after which time the license shall lapse automatically, and the applicant will need to reapply for a new license (no waiting period).

The proposed revisions to the Midway City transient rental unit and manager regulations include measures to address enforcement and compliance with state law, based on experience with previous issues, reviewing codes from other cities, and technological changes.

Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

#### **POSSIBLE FINDINGS:**

- The proposed amendment will allow for better regulation of transient rental units and transient unit property managers.
- Proposed amendments are based on experience, other cities' codes, and changes in law.
- The proposal states that a rental unit must comply with all requirements even if it is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner.
- The proposal clarifies that a rental unit is the entire dwelling and property.
- The proposed amendment clarifies enforcement provisions.

#### **ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again.

3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for denial

#### **7.06.010 Purpose**

- A. To set forth the policies and procedures governing rental of transient lodging units in Midway City.

#### **7.06.020 Definitions**

- A. Commercial Lodging Facility. A motel, hotel, resort, bed and breakfast inn, or other short-term rental facility, the operation of which is governed by this code.
- B. Commercial Lodging Unit. A lodging unit located in a commercial lodging facility.
- C. Transient Lodging Unit. A house (entire dwelling and property where the house is located must be rented to one entity), apartment (entire apartment must be rented to one entity), or condominium (entire dwelling and property where the house is located must be rented to one entity) which is rented for less than 30 days and otherwise qualifies for short-term rental under this code. The owner cannot reside on the property while the property is actively rented as a transient rental unit.
- D. Transient Lodging Unit Manager. A person or entity designated by the owner of a transient lodging unit pursuant to this Title to manage the transient lodging unit in accordance with the terms of this and other applicable City ordinances.
- E. Transient Lodging Unit Owner. A person or entity who owns a transient lodging unit.
- F. Transient Lodging Unit Rental. The rental of a transient lodging unit located in the transient rental overlay district within the City. Transient lodging unit rental does not mean the rental of a commercial lodging unit located in a commercial lodging facility.
- G. Transient Rental Overlay District. A district established by Midway City that may be more or less restrictive than one or more underlying primary zoning district(s). When a property is located within an overlay district, it is subject to the provisions of both the primary zoning district and the overlay district. Where the provisions are in conflict, the overlay district governs.

#### **7.06.030 Rental Period Of Transient Lodging Unit**

The rental of any lodging unit for a period less than twelve hours is prohibited in Midway City.

#### **7.06.040 Commercial Lodging Facility**

A commercial lodging facility shall operate pursuant to the provisions of code and any other applicable rules and regulations.

#### **7.06.050 Transient Lodging Unit Rental**

- A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City and only pursuant to the terms of this Chapter. Transient lodging unit rental in the transient rental overlay district is a permitted use.

- B. The rental of any transient lodging unit within Midway City is prohibited unless conducted in compliance with the terms of this Title.

#### **7.06.060 Requirements for Transient Lodging Unit**

- A. Prior to being rented as a transient lodging unit, and at all times while being rented or while being offered for rental, a transient lodging unit must be licensed as a transient lodging unit with Midway City.
- B. The owner or property manager shall provide information on all occupants (current, former or future) to police, emergency, or City personnel as requested. The property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the property manager to respond in a timely manner may result in a violation and possible fines to the business license holder.
- C. Transient Room Tax: All short-term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah law. Proof of remittance will be required annually upon license renewal.
- D. Tents and/or other temporary structures are prohibited.
- E. No commercial activity is permitted.
- F. Only one short-term rental reservation is permitted at a time per property.
- G. Joint Liability: The owner and property manager shall be jointly and severally liable for any violations of this ordinance.

#### **7.06.070 Unit License Application Procedure**

The owner must provide the following information on the unit license application:

- A. The name, street address, telephone, email and other contact information of the owner of the unit offered for transient rental.
- B. The street address of the rental unit.
- C. The proposed interior notice and proposed exterior information **plaque**sign, with schematics, must be submitted for Planning Department review and approval.
- D. Proof that all required health, building, and fire code inspections have been successfully completed. Please note that both the approved interior notice and approved exterior property manager information **plaque**sign must be installed prior to the Building Official's inspection.
- E. Proof of ownership.

- F. A schematic floor plan for the rental unit depicting all utility shut-off locations in case of emergency.
- G. A statement granting Midway City the right to inspect the rental properties and authorizing the entry of police or other emergency personnel in the case of an emergency.
- H. Any other information deemed necessary by the Midway City business licensing official or assignee.

#### **7.06.080 Physical Requirements Of Transient Lodging Rental Units**

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following physical requirements:

- A. The transient rental is not prohibited by City Code.
- B. The Midway City Business License Officer or assignee has reviewed the application and determined that the rental unit is in compliance with state and local health, building, fire, and any other applicable codes. Inspection of the proposed rental by the appropriate inspector(s) is required before this finding can be made by the Business License Officer or assignee. The applicant shall bear the cost of any such inspection(s), or any re-inspection(s), in accordance with the policies of each department.

If the structure and the layout of the unit are such that the proposed rental unit is part of a multi-family structure not located in the RZ, C-2 or C-3 zones and shares a common wall or driveway with another dwelling, written consent of the owner(s) of the impacted dwellings is a required component of the initial application for a unit license. Written documentation of this permission shall be furnished with this application. Permission, once granted, shall be considered binding on the grantor and all successors and assigns so long as such dwelling is licensed as a transient rental unit in Midway City, and such permission shall also be recorded at the office of the Wasatch County Recorder.

- C. All lighting on the property shall comply with Midway City code.
- D. The owner of any property containing a dwelling licensed as a short-term rental shall cause to be displayed in a City approved location on the exterior of the property an approved information plaque setting forth the name and 24-hour per day, 365-day per year phone number of the property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. **The identification plaque shall be approximately four (4) inches by six (6) inches, affixed to the residence next to the entrance facing the street, which shall be for identification purposes only. No other signs permitted.** A short-term rental unit shall not be rented until or unless an identification plaque with current and valid property manager information is approved by the Planning Department and installed on site. The information plaque shall not be made of cardboard or other paper products and shall look professional.

- E. Required posting. The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short-term rental:
  - 1. A copy of the short-term rental business license.
  - 2. The name, address, and phone number of the property manager.
  - 3. The location of all fire extinguishers.
  - 4. A list of all rules applicable for short-term rentals as provided by the City.
  - 5. The maximum occupancy of the short-term rental and the maximum number of vehicles allowed.
  - 6. Water, gas, and power emergency shut-off locations.

#### **7.06.090 Usage Requirements Of Transient Lodging Rental Units**

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following usage requirements:

- A. Maximum occupancy will be based on the number of designated bedrooms, with a limit of two occupants per bedroom, plus two additional persons per residence. In no event shall occupancy exceed 14 persons in any transient lodging unit at any time (day or night). Designated bedrooms must meet all Midway City building and safety code standards.
- B. Maximum number of people permitted on the property (including visitors) is limited to 14 at all times.
- C. The number of cars parked on site at any time shall be limited to garage capacity plus two.
- D. No on street parking (including visitors) is permitted.
- E. Noise resulting from activities at the transient rental shall not intrude on adjoining properties and must comply with Midway City code.
- F. Transient rentals may not be converted to corporate sponsored or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.
- G. Signs advertising transient lodging unit rental are prohibited in residential zones. All signs must comply with Midway City code.
- H. No obscene or raucous activity, and no unsanitary or unsightly conditions, shall occur on the property.
- I. All activities on the property must be conducted in a manner that does not disturb the peace or violate Midway City Code regulating nuisances.
- J. Advertising for the short-term rental unit must comply with and maintain consistency with the provisions of this code. For example, the advertising cannot list, depict, or contain more

beds than the number of people that are approved to stay overnight in the transient rental unit.

- K. The requirements of this section shall be in effect throughout the time of the short-term rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds, 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.

#### **7.06.100 Revocation Of Transient Lodging Unit License**

The following are grounds for revocation of a transient lodging unit license:

- A. Failure to maintain a licensed transient lodging unit manager for the property.
- B. Any recurring activity on the property that disturbs the peace or violates the Midway City Code regulating nuisances.
- C. Any activity on the property that violates State or Federal law or the Midway City Code or this Chapter.
- D. Failure to collect and deposit all appropriate Midway City, Wasatch County and Utah State taxes.
- E. Failure to timely renew the Midway City transient lodging unit license annually.
- F. A party having lost a license may reapply for a new license after a period of at least one year.

#### **7.06.110 Transient Lodging Unit Manager**

The owner of a transient lodging unit, prior to allowing the unit to be rented as a transient lodging unit rental, and at all times while said unit is being so rented or is being offered as such a rental, shall designate and maintain a transient lodging unit manager for the transient lodging unit. The transient lodging unit manager shall have a physical business location in Wasatch County and a corresponding business license for that jurisdiction as well as a Midway property manager business license as a transient lodging unit manager. The property manager's business address shall not be the same as a transient rental unit's address.

#### **7.06.120 Application To Obtain License As Transient Lodging Unit Manager**

The application to obtain a license as a transient lodging unit manager shall contain:

- A. The name and address of the manager. The property manager's address shall not be the same as a transient rental unit's address.
- B. The telephone number at which the manager is available 24 hours per day every day.

- C. An appropriate Utah State tax collection account number for the transient lodging unit., In no event shall any license authorized under this Section be effective until the tax account number is provided and verified by Midway City.
- D. A list of all other licensed transient lodging rental units that the manager manages.
- E. Any other information deemed necessary by the Midway City business licensing official or assignee.

**7.06.130 Standards For Transient Lodging Unit Manager**

- A. The transient lodging unit manager must be available by telephone, or otherwise, 24 hours per day every day and must be able to respond to telephone inquiries immediately.
- B. The manager shall also be designated as the agent for receiving and responding to all official communications from Midway City, Wasatch County, and the State of Utah required under this Section.
- C. The manager must comply with all Midway City and Utah state laws, including state law provisions governing property management companies where applicable.
- D. The manager must provide each year with the manager's license renewal application the following:
  - 1. A list of all transient lodging units that the manager managed during the previous year.
  - 2. A list of all transient lodging units that the manager will manage during the coming year.
  - 3. Each time the property manager accepts a new unit to manage, an updated list must be submitted to the City.
  - 4. All dates when each unit was rented during the previous one-year period (listed separately by date and by unit).
  - 5. The amount of rent that was charged for every rental during the previous one-year period (listed separately by date and by unit).
  - 6. For each rental specified in #5 above, the number of overnight occupants in the rental party.
  - 7. Any other information deemed necessary by the Midway City business licensing official or assignee.

**7.06.140 Duties Of Transient Lodging Unit Manager**

Both the property owner and the property manager are responsible and liable to ensure that the following duties are performed by the manager:

- A. Report any illegal conduct, or any other abuse, which violates any law regarding use of the premises. Midway City does not expect, nor desire, the owner or his or her agent to place themselves in harm's way. However, reporting and seeking assistance from qualified public agencies is required.
  - 1. Provide adequate property maintenance services. The minimum services required include:
  - 2. Structural maintenance to preserve compliance with Midway City code as required.
  - 3. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
  - 4. Trash collection which ensures that adequate trash facilities are provided, that trash cans are not left at the curb for any period in excess of 24 hours, and that the property is kept free from accumulated garbage and refuse.
  - 5. Adequate housekeeping service to all rental units.
  - 6. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
  - 7. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
  - 8. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties and in compliance with applicable code.
- B. Timely renew the transient rental unit property manager license annually.
- C. Provide emergency contact information to renters and describe appropriate emergency procedures.
- D. Provide City access to the premises. Midway City has the right to inspect the rental properties at any time and authorize the entry of police or other emergency personnel in the case of an emergency.
- E. Ensure that all required taxes are paid to Midway City, Wasatch County, and the State of Utah, as applicable.

#### **7.06.150 Revocation Of Transient Lodging Unit Manager License**

A transient lodging unit manager shall properly manage rental units fulfilling all the duties and responsibilities required by this Chapter. Failure to satisfy the conditions of this Chapter shall be grounds for revocation of the license and thereby the right to operate transient rentals. A party having lost a license may reapply for a new license after a period of at least one year.

#### **7.06.160 Business License Fees**

The license fees for a transient lodging unit and a transient lodging unit manager shall be set by the City Council from time to time.

#### **7.06.170 Failure to Timely Renew License**

All transient rental unit business licenses and transient rental unit property manager licenses must be renewed each year. Responsibility falls solely upon the license holder to renew a license. While the City may at its discretion send out renewal notices or other reminder, failure to send or receive a reminder does not excuse the duty to renew. Licenses expire on December 31<sup>st</sup> of each year. Renewal and fees for the next year are due on the date of expiration, December 31<sup>st</sup>. Applicants will be allowed a grace period through January and February following the December 31<sup>st</sup> expiration date to renew the license but will have to pay a late fee of 50% for each month they remain unpaid. Licenses which are not renewed by the last day of February will lapse automatically, will no longer be subject to renewal, and the former license holder will have to reapply for a new license. Unlike revocation, there shall be no waiting period to apply for a new license in the event of lapse of license. Any rental(s) conducted at a property and/or by a property manager during a time without a valid license, including when a license has lapsed due to failure to renew, constitutes a violation(s) as defined by and subject to enforcement under this chapter.

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#### **7.06.180 Enforcement Provisions**

- A. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short-term rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be in violation of this section, which violation shall be punishable in accordance with the Penalties and Enforcement provisions of Chapter 1 of the Midway City Code.
- B. Any owner of any dwelling within the City who, having first obtained a business license for use or occupation of said dwelling as a short-term rental, subsequently operates or permits operation of said short-term rental in violation of the terms and provisions of this section, shall be in violation of this section, which violation shall be punishable in accordance with the Penalties and Enforcement provisions of Chapter 1 of the Midway City Code.
- C. Violation of any provision of this section regulating short-term rentals shall constitute a separate offense for each day said violation occurs or continues.
- D. In the event of two or more violations of this section committed by an owner or guest or property manager, or any combination of the above, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the transient rental business license and/or transient rental unit property manager

license for any short-term rental property in accordance with the provisions of the general business license ordinance. Revocation may be permanent.

- E. A party having lost a license may reapply for a new license after a period of at least one year.



**Midway**

## **ORDINANCE 2025-17\_\_\_\_\_**

### **AN ORDINANCE TO AMEND CHAPTER 7.06 OF THE MIDWAY CITY MUNICIPAL CODE REGARDING TRANSIENT LODGING RENTALS.**

**WHEREAS**, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

**WHEREAS**, Midway City Municipal Code Chapter 7.06 governs transient lodging rentals in Midway; and

**WHEREAS**, Midway City Staff has comprehensively revised Chapter 7.06 based upon the various issues that have arisen and been addressed regarding transient rental units in Midway and by reviewing other cities' codes for useful ideas that will improve Midway's code; and

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

Chapter 7.06 shall be amended as follows:

#### **7.06.010 Purpose**

To set forth the policies and procedures governing rental of transient lodging units in Midway City.

#### **7.06.020 Definitions**

- A. Commercial Lodging Facility. A motel, hotel, resort, bed and breakfast inn, or other short-term rental facility, the operation of which is governed by this code.
- B. Commercial Lodging Unit. A lodging unit located in a commercial lodging facility.

- C. Transient Lodging Unit. A house (entire dwelling and property where the house is located must be rented to one entity), apartment (entire apartment must be rented to one entity), or condominium (entire dwelling and property where the house is located must be rented to one entity) which is rented for less than 30 days and otherwise qualifies for short-term rental under this code. The owner cannot reside on the property while the property is actively rented as a transient rental unit.
- D. Transient Lodging Unit Manager. A person or entity designated by the owner of a transient lodging unit pursuant to this Title to manage the transient lodging unit in accordance with the terms of this and other applicable City ordinances.
- E. Transient Lodging Unit Owner. A person or entity who owns a transient lodging unit.
- F. Transient Lodging Unit Rental. The rental of a transient lodging unit located in the transient rental overlay district within the City. Transient lodging unit rental does not mean the rental of a commercial lodging unit located in a commercial lodging facility.
- G. Transient Rental Overlay District. A district established by Midway City that may be more or less restrictive than one or more underlying primary zoning district(s). When a property is located within an overlay district, it is subject to the provisions of both the primary zoning district and the overlay district. Where the provisions are in conflict, the overlay district governs.

#### **7.06.030 Rental Period of Transient Lodging Unit**

The rental of any lodging unit for a period less than twelve hours is prohibited in Midway City.

#### **7.06.040 Commercial Lodging Facility**

A commercial lodging facility shall operate pursuant to the provisions of code and any other applicable rules and regulations.

#### **7.06.050 Transient Lodging Unit Rental**

- A. Transient lodging unit rental may be conducted only in the transient rental overlay district within the City and only pursuant to the terms of this Chapter. Transient lodging unit rental in the transient rental overlay district is a permitted use.
- B. The rental of any transient lodging unit within Midway City is prohibited unless conducted in compliance with the terms of this Title.

#### **7.06.060 Requirements for Transient Lodging Unit**

- A. Prior to being rented as a transient lodging unit, and at all times while being rented or while being offered for rental, a transient lodging unit must be licensed as a transient lodging unit with Midway City.
- B. The owner or property manager shall provide information on all occupants (current, former or future) to police, emergency, and/or City personnel as requested. The property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the property manager to respond in a timely manner may result in a violation and possible fines to the business license holder.
- C. Transient Room Tax: All short-term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah law. Proof of remittance will be required annually upon license renewal.
- D. Tents and/or other temporary structures are prohibited.
- E. No commercial activity is permitted.
- F. Only one short-term rental reservation is permitted at a time per property.
- G. Joint Liability: The owner and property manager shall be jointly and severally liable for any violations of this ordinance.

#### **7.06.070 Unit License Application Procedure**

The owner must provide the following information on the unit license application:

- A. The name, street address, telephone, email, and other contact information of the owner of the unit offered for transient rental.
- B. The street address of the rental unit.
- C. The proposed interior notice and proposed exterior information plaque, with schematics, must be submitted for Planning Department review and approval.
- D. Proof that all required health, building, and fire code inspections have been successfully completed. Please note that both the approved interior notice and approved exterior property manager information plaque must be installed prior to the Building Official's inspection.
- E. Proof of ownership.
- F. A schematic floor plan for the rental unit depicting all utility shut-off locations in case of emergency.

- G. A statement granting Midway City the right to inspect the rental properties and authorizing the entry of police or other emergency personnel in the case of an emergency.
- H. Any other information deemed necessary by the Midway City business licensing official or assignee.

#### **7.06.080 Physical Requirements of Transient Lodging Rental Units**

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following physical requirements:

- A. The transient rental is not prohibited by City Code.
- B. The Midway City Business License Officer or assignee has reviewed the application and determined that the rental unit is in compliance with state and local health, building, fire, and any other applicable codes. Inspection of the proposed rental by the appropriate inspector is required before this finding can be made by the Business License Officer or assignee. The applicant shall bear the cost of any such inspection(s), or any re-inspection(s), in accordance with the policies of each department.

If the structure and the layout of the unit are such that the proposed rental unit is part of a multi-family structure not located in the RZ, C-2 or C-3 zones and shares a common wall or driveway with another dwelling, written consent of the owner(s) of the impacted dwellings is required prior to the initial application for a unit license. Written documentation of this permission shall be furnished with this application. Permission, once granted, shall be considered binding on the grantor and all successors and assigns so long as such dwelling is licensed as a transient rental unit in Midway City and such permission shall also be recorded at the office of the Wasatch County Recorder.

- C. All lighting on the property shall comply with Midway City code.
- D. The owner of any property containing a dwelling licensed as a short-term rental shall cause to be displayed in a City approved location on the exterior of the property an approved information plaque setting forth the name and 24-hour per day, 365-day per year phone number of the property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The identification plaque shall be approximately four (4) inches by six (6) inches, affixed to the residence next to the entrance facing the street, which shall be for identification purposes only. No other signs permitted. A short-term rental unit shall not be rented until or unless an identification plaque with current and valid property manager information is approved by the Planning Department and installed on site. The information plaque shall not be made of cardboard or other paper products and shall look professional.

- E. Required posting. The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short-term rental:
1. A copy of the rental business license.
  2. The name, address, and phone number of the property manager.
  3. The location of all fire extinguishers.
  4. A list of all rules applicable for short-term rentals as provided by the City.
  5. The maximum occupancy of the short-term rental and the maximum number of vehicles allowed.
  6. Water, gas, and power emergency shut-off locations.

#### **7.06.090 Usage Requirements of Transient Lodging Rental Units**

In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following usage requirements:

- A. Maximum occupancy will be based on the number of designated bedrooms, with a limit of two occupants per bedroom, plus two additional persons per residence. In no event shall occupancy exceed 14 persons in any transient lodging unit at any time (day or night). Designated bedrooms must meet all Midway City building and safety code standards.
- B. Maximum number of people permitted on the property (including visitors) is limited to 14 at all times.
- C. The number of cars parked on site at any time shall be limited to garage capacity plus two.
- D. No on street parking (including visitors) is permitted.
- E. Noise resulting from activities at the transient rental shall not intrude on adjoining properties and must comply with Midway City code.
- F. Transient rentals may not be converted to corporate sponsored or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.
- G. Signs advertising transient lodging unit rental are prohibited in residential zones. All signs must comply with Midway City code.
- H. No obscene or raucous activity, and no unsanitary or unsightly conditions, shall occur on the property.

- I. All activities on the property must be conducted in a manner that does not disturb the peace or violate Midway City Code regulating nuisances.
- J. Advertising for the short-term rental unit must comply with and maintain consistency with the provisions of this code. For example, the advertising cannot list, depict, or contain more beds than the number of people that are approved to stay overnight in the transient rental unit.
- K. The requirements of this section shall be in effect throughout the time of the short-term rental license is in effect on the property, regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner. The City finds, 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.

#### **7.06.100 Revocation of Transient Lodging Unit License**

The following are grounds for revocation of a transient lodging unit license:

- A. Failure to maintain a licensed transient lodging unit manager for the property.
- B. Any recurring activity on the property that disturbs the peace or violates the Midway City Code regulating nuisances.
- C. Any activity on the property that violates State or Federal law or the Midway City Code or this Chapter.
- D. Failure to collect and deposit all appropriate Midway City, Wasatch County and Utah State taxes.
- E. Failure to timely renew the Midway City transient lodging unit license annually.
- F. A party having lost a license may reapply for a new license after a period of at least one year.

#### **7.06.110 Transient Lodging Unit Manager**

The owner of a transient lodging unit, prior to allowing the unit to be rented as a transient lodging unit rental, and at all times while said unit is being so rented or is being offered as such a rental, shall designate and maintain a transient lodging unit manager for the transient lodging unit. The transient lodging unit manager shall have a physical business location in Wasatch County and a corresponding business license for that jurisdiction as well as a Midway property manager business license as a transient lodging unit manager. The property manager's business address shall not be the same as a transient rental unit's address.

#### **7.06.120 Application To Obtain License as Transient Lodging Unit Manager**

The application to obtain a license as a transient lodging unit manager shall contain:

- A. The name and address of the manager. The property manager's address shall not be the same as a transient rental unit's address.
- B. The telephone number at which the manager is available 24 hours per day every day.
- C. An appropriate Utah State tax collection account number for the transient lodging unit. In no event shall any license authorized under this Section be effective until the tax account number is provided and verified by Midway City.
- D. A list of all other licensed transient lodging rental units that the manager manages.
- E. Any other information deemed necessary by the Midway City business licensing official or assignee.

#### **7.06.130 Standards For Transient Lodging Unit Manager**

- A. The transient lodging unit manager must be available by telephone, or otherwise, 24 hours per day every day and must be able to respond to telephone inquiries immediately.
- B. The manager shall also be designated as the agent for receiving and responding to all official communications from Midway City, Wasatch County, and the State of Utah required under this Section.
- C. The manager must comply with all Midway City and Utah state laws, including state law provisions governing property management companies where applicable.
- D. The manager must provide each year with the manager's license renewal application the following:
  - 1. A list of all transient lodging units that the manager managed during the previous year.
  - 2. A list of all transient lodging units that the manager will manage during the coming year.
  - 3. Each time the property manager accepts a new unit to manage, an updated list must be submitted to the City.
  - 4. All dates when each unit was rented during the previous one-year period (listed separately by date and by unit).

5. The amount of rent that was charged for every rental during the previous one-year period (listed separately by date and by unit).
6. For each rental specified in #5 above, the number of overnight occupants in the rental party.
7. Any other information deemed necessary by the Midway City business licensing official or assignee.

#### **7.06.140 Duties of Transient Lodging Unit Manager**

Both the property owner and the property manager are responsible and liable to ensure that the following duties are performed by the manager:

- A. Report any illegal conduct, or any other abuse, which violates any law regarding use of the premises. Midway City does not expect, nor desire, the owner or his or her agent to place themselves in harm's way. However, reporting and seeking assistance from qualified public agencies is required.
  1. Provide adequate property maintenance services. The minimum services required include:
  2. Structural maintenance to preserve compliance with Midway City code as required.
  3. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
  4. Trash collection which ensures that adequate trash facilities are provided, that trash cans are not left at the curb for any period in excess of 24 hours, and that the property is kept free from accumulated garbage and refuse.
  5. Adequate housekeeping service to all rental units.
  6. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
  7. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
  8. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties and in compliance with applicable code.
- B. Timely renew the transient rental unit property manager license annually.

- C. Provide emergency contact information to renters and describe appropriate emergency procedures.
- D. Provide City access to the premises. Midway City has the right to inspect the rental properties at any time and authorize the entry of police or other emergency personnel in the case of an emergency.
- E. Ensure that all required taxes are paid to Midway City, Wasatch County, and the State of Utah, as applicable.

#### **7.06.150 Revocation of Transient Lodging Unit Manager License**

A transient lodging unit manager shall properly manage rental units fulfilling all the duties and responsibilities required by this Chapter. Failure to satisfy the conditions of this Chapter shall be grounds for revocation of the license and thereby the right to operate transient rentals. A party having lost a license may reapply for a new license after a period of at least one year.

#### **7.06.160 Business License Fees**

The license fees for a transient lodging unit and a transient lodging unit manager shall be set by the City Council from time to time.

#### **7.06.170 Failure to Timely Renew License**

All transient rental unit business licenses and transient rental unit property manager licenses must be renewed each year. Responsibility falls solely upon the license holder to renew a license. While the City may at its discretion send out renewal notices or other reminder, failure to send or receive a reminder does not excuse the duty to renew. Licenses expire on December 31<sup>st</sup> of each year. Renewal and fees for the next year are due on the date of expiration, December 31<sup>st</sup>. Applicants will be allowed a grace period through January and February following the December 31<sup>st</sup> expiration date to renew the license but will have to pay a late fee of 50% for each month they remain unpaid. Licenses which are not renewed by the last day of February will lapse automatically, will no longer be subject to renewal, and the former license holder will have to reapply for a new license. Unlike revocation, there shall be no waiting period to apply for a new license in the event of lapse of license. Any rental(s) conducted at a property and/or by a property manager during a time without a valid license, including when a license has lapsed due to failure to renew, constitutes a violation(s) as defined by and subject to enforcement under this chapter.

#### **7.06.180 Enforcement Provisions**

- A. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short-term rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be in violation of this

section, which violation shall be punishable in accordance with the Penalties and Enforcement provisions of Chapter 1 of the Midway City Code..

- B. Any owner of any dwelling within the City who, having first obtained a business license for use or occupation of said dwelling as a short-term rental, subsequently operates or permits operation of said short-term rental in violation of the terms and provisions of this section, shall be in violation of this section, which violation shall be punishable in accordance with the Penalties and Enforcement provisions of Chapter 1 of the Midway City Code.
- C. Violation of any provision of this section regulating short-term rentals shall constitute a separate offense for each day said violation occurs or continues.
- D. In the event of two or more violations committed by an owner or guest or property manager, or any combination of the two, within any 12-month period, the City Council may, depending on the nature or extent of the violations, proceed with revocation of the business license for any short-term rental property in accordance with the provisions of the general business license ordinance. Revocation may be permanent.
- E. A party having lost a license may reapply for a new license after a period of at least one year.

This ordinance shall take effect upon publication as required by law.

///

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this \_\_\_\_ day of \_\_\_\_\_, 2025.

AYE

NAY

Council Member Jeff Drury

\_\_\_\_\_

\_\_\_\_\_

Council Member Lisa Orme

\_\_\_\_\_

\_\_\_\_\_

Council Member Kevin Payne

\_\_\_\_\_

\_\_\_\_\_

Council Member Craig Simons

\_\_\_\_\_

\_\_\_\_\_

Council Member JC Simonsen

\_\_\_\_\_

\_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)

Dear Katie, Mike, Melissa

Katie — as you requested videos, pictures, and dates, I will try to give you a better chronology along with some pictures/videos of the issues we have experienced with 443 Homestead, under the control of Sam Castor and his various associated LLCs. I have included some pictures. Some sample videos are being forwarded separately in 4 emails for technical reasons — again lots more available if requested. If you want pictures/videos of the thistle issue I have dozens I can send or show you off my cellphone.

There have been repeated violations, even after warnings ostensibly issued by Melanie Egan and assurances given to Michael Henke. There have been major abuse of noise violations, both during daytime hours and past 2:30 am. There have been violations of occupancy limits, number of cars permitted on the the driveway overnight, cars parked off the driveway, obscenity, and strobe lights. There have been trash violations, including leaving trash bins on Homestead Drive for days, even weeks.

There has never been an actual local third party property manager as required, despite names supplied to Midway City and us.

There has never been any remedy of their noxious weed violation despite an official notice of violation sent in August.

Importantly, there have been almost weekly rentals after Sam Castor's license reportedly expired long ago. We can only assume Midway City has not received the appropriate fees from those rentals, even though one of the major reasons for allowing any TRODs was to produce income for Midway City.

These violations should be accruing penalties and fines in the tens of thousands of dollars. The noxious weed violations alone seemingly should have accrued a penalty of \$52,500 through 11/18/25 based upon Midway City's Notice of Violation— Noxious Weeds, presumably sent to Sam Castor on August 26th.

Sam Castor's actions and lack of respect for the laws of Midway City, his completely ignoring the warnings by Midway City officials, his the lack of respect for his neighbors, all demonstrate why 443 Homestead and the adjoining properties/LLCs should have their TROD designation permanently removed.

This home is completely at odds with the Midway City charter. Even the advertising of it is not compliant with the statutory limit of number of bedrooms x 2 plus 2 more. The rental is advertised as 14 beds and 4 bedrooms, which should have a limit of 10 people. Please also note it is advertised as 14 beds, not sleeps 14 — normally implying this can accommodate up to 28 people. This is not represented as a normal quiet rental, but rather as a spot to hold big events. It is not the least bit conducive or respectful of Midway or its neighbors.

Here is a link and an excerpt from Sam Castor's Rising Ranch Airbnb site (a/o 11/16/25).

[https://www.airbnb.com/rooms/1155956838415538278?search\\_mode=regular\\_search&adults=1&check\\_in=2025-11-16&check\\_out=2025-11-21&children=0&infants=0&source\\_impression\\_id=p3\\_1763309707\\_P3o0aOsile1Tx8ZV&previous\\_page\\_section\\_name=1000](https://www.airbnb.com/rooms/1155956838415538278?search_mode=regular_search&adults=1&check_in=2025-11-16&check_out=2025-11-21&children=0&infants=0&source_impression_id=p3_1763309707_P3o0aOsile1Tx8ZV&previous_page_section_name=1000)

*"Built in 1947, and recently renovated for luxury living, with plenty of room inside and outside, the home is perfect for family reunions, events, and retreats. The "Brick House" is the perfect space for large family gatherings with 14 beds (e.g. tempurpedic), an AMPHITHEATER, fire pit, grill, PICKLE BALL court, and farm landscape. Minutes from the Zermatt and The Homestead Resorts, nestled between Jordanelle and Dear Creek reservoirs - year round fun - families play in Midway!"*

Here are some of the relevant Midway City codes: Please note Sam Castor has violated most of the usage requirements and has violated all of the grounds for Revocation of Transient Lodging Unit License.

#### *7.06.090 Usage Requirements Of Transient Lodging Rental Units*

*In order for a lodging unit to receive and maintain a valid license as a transient lodging unit licensed by Midway City, the lodging unit must comply with the following usage requirements:*

- *Maximum overnight occupancy will be based on the number of designated bedrooms, with a limit of two occupants per bedroom plus two additional persons per residence up to a maximum overnight occupancy of 14 persons in any transient lodging unit. Designated bedrooms must meet all Midway City building and safety code standards.*
- *The number of cars parked on site shall be limited to garage capacity plus two for each unit.*
- *No on street overnight parking is permitted.*
- *Visitor on street parking shall not result in an obstruction to traffic and pedestrian circulation or public safety.*
- *Noise resulting from activities at the transient rental shall not intrude on adjoining properties by exceeding 55 dB at the property line between 11 p.m. and sunrise or exceeding 60 dB between 7 a.m. and 11 p.m. Violations of Midway City Code provisions regulating noise will not be permitted.*
- *Transient rentals may not be converted to corporate sponsored or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.*
- *Signs advertising transient lodging unit rental are prohibited.*
- *No obscene or raucous activity, and no unsanitary or unsightly conditions, shall occur on the property.*
- *All activities on the property must be conducted in a manner that does not disturb the peace or violate Midway City Code regulating nuisances.*

#### *7.06.100 Revocation Of Transient Lodging Unit License*

*The following are grounds for revocation of a transient lodging unit license:*

- *Failure to maintain a licensed transient lodging unit manager for the property.*

- *Any recurring activity on the property that disturbs the peace or violates the Midway City Code regulating nuisances.*
- *Any activity on the property that violates State or Federal law or the Midway City Code or this Chapter.*
- *Failure to collect and deposit all appropriate Midway City, Wasatch County and Utah State taxes.*
- *Failure to renew the Midway City transient lodging unit license annually.*

Below is a partial chronology of the events over the last year or more. Four videos are being forwarded separately as I couldn't integrate them into this. If requested, I can send more or bring my cell phone to show more videos and pictures.

**Partial chronology:**

We first emailed Melanie almost 2 years ago expressing concern the property was being advertised as an event center, including an amphitheater seating up to 120 people.

**From:** Melannie Egan <[megan@midwaycityut.org](mailto:megan@midwaycityut.org)>

**Date:** January 17, 2024 at 2:54:34 PM PST

**To:** Carol Jarvis <[caroljarvis10@gmail.com](mailto:caroljarvis10@gmail.com)>

**Subject:** **RE: Upscale Midway Mountain Home, Hot Tub, Pickle Ball - Houses for Rent in Midway, Utah, United States - Airbnb**

*Good Afternoon Carol,*

*I have looked at the code and these are the main ones regarding your concerns.  
Section 7.6.090 states:*

*Maximum overnight occupancy will be based on the number of designated bedrooms, with a limit of two occupants per bedroom plus two additional persons per residence up to a maximum overnight occupancy of 14 persons in any transient lodging unit. Designated bedrooms must meet all Midway City building and safety code standards.*

*The number of cars parked on site shall be limited to garage capacity plus two for each unit.*

*No on street overnight parking is permitted.*

*Visitor on street parking shall not result in an obstruction to traffic and pedestrian circulation or public safety.*

*Noise resulting from activities at the transient rental shall not intrude on adjoining properties by exceeding 55 dB at the property line between 11 p.m. and sunrise or exceeding 60 dB between 7 a.m. and 11 p.m. Violations of Midway City Code provisions regulating noise will not be permitted.*

*Transient rentals may not be converted to corporate sponsored or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.*

*Signs advertising transient lodging unit rental are prohibited.*

*No obscene or raucous activity, and no unsanitary or unsightly conditions, shall occur on the property.*

*All activities on the property must be conducted in a manner that does not disturb the peace or violate Midway City Code regulating nuisances.*

*I have also checked that this property does not have a Transient Rental Business License, but they do have a legal Midway Property Manager. I will be reaching out to the manager and the owner to get them to apply for the license. And to talk to them about the rule above.*

*Thank you for bringing it to my attention.*

*Melannie K Egan*

We received this from Melanie on 7/2/24:

**From:** Melannie Egan <[megan@midwaycityut.org](mailto:megan@midwaycityut.org)>  
**Date:** July 2, 2024 at 7:37:05 AM MDT  
**To:** Carol Jarvis <[caroljarvis10@gmail.com](mailto:caroljarvis10@gmail.com)>  
**Subject:** RE: Property Manager Contact

*Good Morning Carol,*

*The contact information for the rental is Jordan Larkin. Phone number is 435-776-6036, email is [jordan@larkin.homes](mailto:jordan@larkin.homes).*

*Hope you have a great day!*

*Melannie K Egan*

We are showing this email re Jordan Larkin as property manager, because this is the first of several alleged local third party property managers that have been relayed to us — none of whom are both local and/or third party or even a property manager.

Trash left out was an ongoing issue. Here is a picture from 8/27/24:



Then on 5/24/25 there was a large wedding -- a sample video is forwarded on a separate email. There were about 30 cars — mostly parked in the empty adjoining lot and about 60 people. There was loud, amplified music going late into the night, as well as offensive music and strobe lights.

Carol complained to Midway and Melanie Egan called Carol to discuss. Melanie went on at length about how egregious this event was. She said she told Sam Castor this was the absolutely his last chance and his license would be pulled next complaint.

Melanie also mentioned the 30 cars parked in the pasture after dark was a safety hazard and the strobe lighting is apparently prohibited. Melanie said the home owner is yet again without a property manager and the new property manager has not yet been approved. Melanie said the new property management would be approved in the near future.

Trash cans were left on Homestead for days or even weeks. The following picture (sent to Melanie on 6/3/25) was taken 6 days after first left out on Homestead. We were told this was a state issue as Homestead is a state road. We notified UDOT and they said this was a Midway City issue. These trashcan violations went on for a long time.



I then had the following email exchange with Michael Henke:

**From:** Michael Henke <[mhenke@midwaycityut.gov](mailto:mhenke@midwaycityut.gov)>  
**Date:** September 15, 2025 at 9:57:07 AM MDT  
**To:** Carol Jarvis <[caroljarvis10@gmail.com](mailto:caroljarvis10@gmail.com)>  
**Subject:** RE: VRBO 443 Homestead

Hi Carol,

Thanks for your message. This morning, I talked to the owner, Sam Castor, about the issues you described, and he and his property manager have committed to addressing those issues. He also stated that if there are any problems that you see, you can contact him directly. Below is the contact information for Sam and his property manager.

*Sam Castor  
702-371-0724*

*Property Manager  
Jordan Larkin  
Employee assigned to Sam's property:  
Allie  
702-371-0724*

*Please let me know if you have any questions.*

*Thanks again,*

*Michael*

*Michael Henke, MPA, AICP  
City Planning Administrator  
H: Mon-Thurs 7:30-5:30  
P: 435-654-3223 ext 105  
E: [mhenke@midwaycityut.gov](mailto:mhenke@midwaycityut.gov)  
75 N 100 W – P.O. Box 277  
Midway, UT 84049  
[www.midwaycityut.org](http://www.midwaycityut.org)*

*-----Original Message-----*

*From: Carol Jarvis <[caroljarvis10@gmail.com](mailto:caroljarvis10@gmail.com)>  
Sent: Tuesday, September 9, 2025 1:19 PM  
To: Michael Henke <[mhenke@midwaycityut.gov](mailto:mhenke@midwaycityut.gov)>  
Subject: VRBO 443 Homestead*

*CAUTION: This email originated from outside of the organization. Do not reply, click links or open attachments unless you recognize the sender's email address and know the content is safe.*

*Thank you so much for your help with the noxious weeds!! Much appreciated.*

*Do you have a contact for the current property manager for the VRBO at 443 Homestead? It would simplify things if we could contact the local property manager if there are any issues.*

*The VRBO is rented more often than not with frequent parking violations, trash cans left on the street for days or even weeks, as well as an occasional loud late night large party.*

*Melanie previously provided me with the ostensible property manager's contact for the house to simplify things, but that property manager contact she gave me was never actually hired. The VRBO seemingly is always between property managers whenever there have been problems.*

*I hope Midway is receiving the transient (?) tax money it is due from the frequent rentals.*

*Thanks,  
Carol Jarvis*

Please note the excerpt from Michael's email: "This morning, I talked to the owner, Sam Castor, about the issues you described, and he and his property manager have committed to addressing those issues."

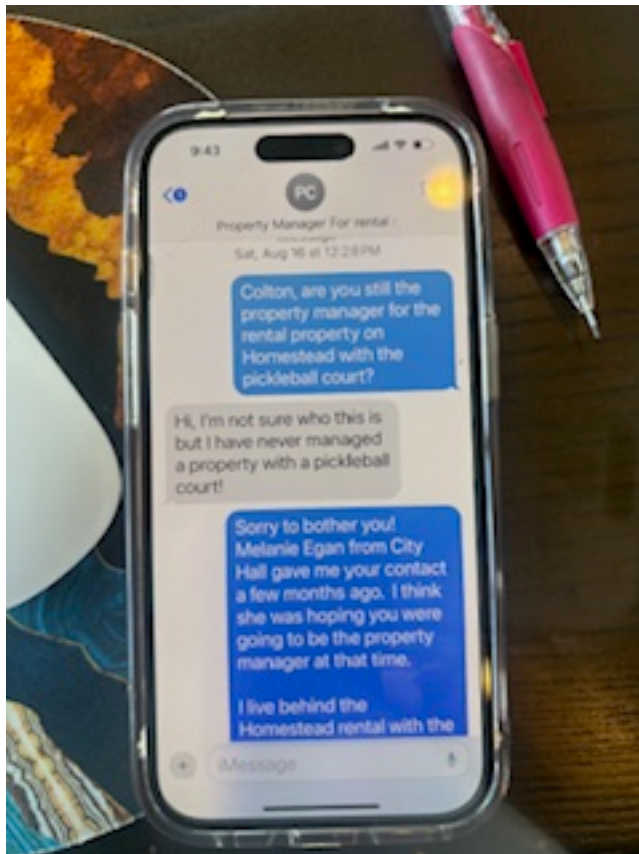
This was from September 15th. On September 18th and 19th, 3 and 4 days later, there was more loud noise emanating from 443 Homestead, our neighbors telling us they had been unable to sleep due to that noise. There were at least a dozen cars and a motorcycle parked on and off the driveway. Photo of partial view of cars:



Then on 9/27/25, despite the assurances given to Michael on 9/15/25, there was yet another very, very loud party, easily audible through our closed windows. 2 Videos are being forwarded separately, one from 11:34 pm and one from 1:38 am. The party started very late, about 2 dozen attendees, and while difficult to tell for certain, several participants may have been shall we say clothing optional and our pure speculation is it may have been a swinger's party (there is apparently a Heber City swingers club).

Totally without any consultation, it turned out our neighbors called the police around 2:30 am. There was an official complaint sent to Midway last week which included a copy of the police report.

There has never been an actual third party property manager. We (and Midway City) have been given the name Jordan Larkin at times. He is a builder seemingly with some apparent association with Sam Castor, but not a property manager (we can supply his website CV) and is possibly even Sam Castor's brother-in-law. We have been given the name of Sam Castor's wife Allie, presumptively primarily living in Las Vegas, not Midway. We were given the name of Colton Meyer by Melanie Egan. When we tried contacting him this is the exchange:





So we have been given 3 different names for an alleged property manager. One disavows any knowledge, one is Sam Castor's wife primarily residing in Las Vegas, and one is a builder, possibly with other non-property manager business interests with Sam Castor and/or a relative of Sam Castor's. None of these even remotely meet the requirement for a local third party property manager and to the best of our knowledge, have been apparent misrepresentations of such.

It is a violation to not have a property manager and the owner can't rent without a property manager. Past noise and other violations have occurred when there is not even an alleged property manager, i.e. "between property managers" with Melanie Egan's conversation in May 2025 as just one example.

#### *7.06.110 Transient Lodging Unit Manager*

*The owner of a transient lodging unit, prior to allowing the unit to be rented as a transient lodging unit rental, and at all times while said unit is being so rented or is being offered as such a rental, shall designate and maintain a transient lodging unit manager for the transient lodging unit. The transient lodging unit manager shall have in force at all times a current and valid business license as a transient lodging unit manager and shall have for such business a valid business address and valid business office which is operating and in use and located within the C-2, C-3 or Resort Zones within Midway City.*

The other official complaint we filed regarded noxious weeds, i.e thistle, which has been prevalent along the western border of the pasture of the Rising Ranch LLCs, where the thistle has spread to our yards bordering that area. For years we had our lawn people periodically remove the thistle which spread from Sam Castor's property through pulling and spraying. This year, it became impossible to keep up and we have largely not been able to use our backyard as our dog was getting thistles stuck in her paw (and I had to have a thistle hook surgically removed from my eye at Moran Eye Center).

We notified Midway City (and Wasatch County) on 8/19/25 of the ongoing thistle issue. From Shane Owens on 8/26/25:

*On Aug 26, 2025, at 3:26 PM, Shane Owens <sowens@midwaycityut.gov> wrote:*

*I received your letter, a letter will be sent out to try and get them into compliance, by personal protection laws we are not allowed to discuss any information about a property with any one other than the owner.*

Please note that the Notice of Violation (copied below) provides for criminal penalties by the State of Utah for non-compliance. Also, "Midway City code imposes a penalty of \$750 per day for each day the nuisance continues after the deadline set forth above and authorizes the City to enter the property for purposes of abatement and to recover the costs was restitution in a criminal case or as a lien against the property in an administrative action."

We have had subsequent email exchanges with Shane Owens. Seemingly, this looks like it should be an accrued fine of \$52,500 by 11/18/25 with an 8/26/25 notice with 14 days to remedy this. While there was some cutting of grass in parts of the pasture not bordering our subdivision, nothing has been done regarding the thistles running against our properties. Additionally, cutting does not cure the noxious weed problem and may well exacerbate the issue by spreading thistle seed. (Please see the below noxious weed policy descriptions sent along with the notice of violation).

Here is a blank copy of the Midway City Official Complaint Form which presumably went out to Sam Castor around 8/26/25: Hopefully, the link below works as the included text doesn't format well.

HPSCAN\_20251115230817443\_2025-11-15\_230951334.pdf

*Midway*

*Notice of Violation - Noxious Weeds*

*Utah Noxious Weeds Act of 1971, Utah Administrative Code Rule R68-9, Midway Code 5.02.090*

*Date of Notice: Parcel Number:*

—

*Violation Address:*

*Name of Owners):*

*Mailing Address:*

*Dear Midway City Property Owner:*

*Your property located at the above cited address has been found in violation of the Utah Noxious Weed*

*Act of 1971 and Midway City Code Section 5.02.090.*

*Note the following noxious weeds sighted on the property:*

*Musk Thistle Scotch Thistle White Top Leafy Spurge Toad Flax Spotted Loosestrife*

*Houndstounge Morning Glory/Field Bindweed Dyers Woad Other:*

*Please spray all noxious weeds to help prevent from going to seed, abate all noxious weeks regardless of height (see list attached), and mow to meet city height requirements (no greater than 8 inches).*

*Please bring the property into compliance within 14 days from the date of this notice.*

*Per Utah Code Ann. Section 4-17-109(3), failure to control or prevent the spread of noxious weeds is a public nuisance constituting a Class B misdemeanor under Utah Code Ann. Section 76-10-804.*

*A Class B Misdemeanor carries a fine of up to \$1,000 per day and jail term of up to 90 days. Midway City*

*Code imposes a civil penalty of \$750 per day for each day the nuisance continues after the deadline set forth above and authorizes the City to enter the property for purposes of abatement and to recover the*

*costs as restitution in a criminal case or as a lien against the property in an administrative action.*

*For Questions Please Contact:*

*Midway City Public Works Administrative Lead, Shane Owens*

*Email: [sowens@midwaycityut.gov](mailto:sowens@midwaycityut.gov) Phone: (435) 654-3223 Ext: 117*

*A c o p y of Midway City Noxious and Nuisance wed policy is attached.*

### What is a noxious weed?

A weed is any plant growing where it is unwanted. A noxious weed, on the other hand, is a plant not native to the United States or Utah; and has been designated "noxious" by federal, state or county law due to its environmental and financial impacts. Noxious Weeds are "invasive" a term which is used for because the species are aggressive. These species grow and reproduce rapidly, causing major disturbance to the areas in which they are present. Many were brought to the United States unintentionally through agricultural and horticultural practices. Others were introduced intentionally for erosion control, grazing and gardening/landscaping.

### Why are noxious weeds a problem?

Noxious weeds invade over 4,600 acres a day in the United States and displace native plant species important to wildlife and livestock. Once established, noxious weeds can be difficult and costly to control and have several negative impacts, including: reducing food sources for wildlife, injury to wildlife, livestock and pets, increased water use, increased erosion, clogging of rivers and streams and increased severity and frequency of fires.

### Why you need to control noxious weeds on your property?

Weed control is a "good neighbor" practice. Because weeds do not recognize land ownership boundaries, control of weeds on your land prevents them from becoming your neighbor's problem too. But more importantly, it is the law. The 1971 Utah Noxious Weed Act calls for the control of noxious weeds on public and private lands. State and federal weed laws give the authority to local government to inform private land owners when their lands contain noxious weeds. The laws also task the local governments with citing land owners for weeds they fail to control after notification and charging landowners for the cost of controlling the noxious weeds.

How do I know if I have a noxious weed on my property?

The state and county provide current noxious weed lists and update them as new species are added. The noxious weed species for Utah and Wasatch County along with the specific species can be found at the following web pages

- <https://rules.utah.gov/publicat/code/r068/r068-009.htm>
- Utah weed Control Association [www.utahweed.org/weeds.htm](http://www.utahweed.org/weeds.htm)
- Utah Department of Agriculture: <https://ag.utah.gov>
- [Center for Invasive Species and Ecosystem Health – Utah Noxious Weed Information](#)
- Noxious Weeds Field Guide: <https://extension.usu.edu/fieldguides/ou-files/noxious-weed-field-guide-for-utah.pdf>

It is important to be aware of what noxious weeds look like in their various stages of life because control methods differ based on their current stage in their life cycle.

There are also local contractors that can provide noxious weed assessments to determine what noxious weeds are on your property and recommend control options.

### How do you control noxious weeds?

Every noxious weed is different, but many can be controlled by regularly weeding before they produce seed or with herbicide. There are several resources on the internet (two mentioned above) that recommend the best control practices for most noxious weed species and the Wasatch County Weed Supervisor can be a great resource of information. For landowners that wish to use herbicide, Wasatch County has a program to aid landowners in obtaining the correct herbicide and will loan out equipment, you can find more details (435) 654-1661. For those who do not wish to or are unable to control the noxious weeds on their property themselves, there are several landscaping and weed control companies that can be hired.

Weed control is one of the most expensive aspects of land management. When both public and private landowners contribute to controlling weeds on their lands, these costs can be greatly reduced over time and lands impacted by noxious weeds can recover. Be a part of the solution by checking your property for noxious weeds each spring and controlling them.

We respectfully request that Midway City remove the TROD designation for 443 Homestead as well as any of the other 6 or 7 other potential homes which may be built on the adjoining parcels. There have been more than enough major violations, whether willful or egregiously negligent, that this removal is completely justified by the Midway City code — every one of the various listed thresholds for TROD revocation has been violated under TROD 7.06.100 Revocation Of Transient Lodging Unit License. Not withdrawing the TROD license will just have these issues reoccur, whether the operating license remains under Sam Castor's auspices or through a legal rearrangement of LLCs or the ilk to avoid being under Sam Castor's name.

To recap a few of these violations:

Operating a TROD rental without a license.

Failure to pay Midway taxes and fees on these rentals (we are presuming).

Excessive noise, especially after 11 pm deadlines despite more than one clear warning by a Midway City official.

Failure to maintain a local third party property manager at all times or in this case, really at any time, as well as apparently representing to Midway City names of alleged property managers who do not meeting the required criteria.

Advertising and renting well in excess of allowed occupancy.

Failure to adequately address noxious weed laws, even after official notice.

Also, trash and trash can violations, obscenities, strobe lights, parking violations, etc.

I appreciate your attention to this issue!

Thanks,  
Carol Jarvis

## Brad Wilson

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**From:** Katherine Villani  
**Sent:** Monday, November 24, 2025 10:45 AM  
**To:** Brad Wilson  
**Subject:** FW: comments on Sect 7.06 amendment - Prop Mgmt

Good morning, Brad,

Here is additional input we received on short term rentals. While I did not encourage the residents near Castor's place to forward information to the Council (but did not prohibit either), I do not see any problem with forwarding the information since we will be continuing the discussion on short term rentals. Given this, it seems like this correspondence should be included as well.

Thanks, Brad. Any questions, please do not hesitate to contact me.



**Katie Villani**

**Planner**

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**From:** Chris Blewitt <chris.blewitt02@gmail.com>  
**Sent:** Wednesday, November 19, 2025 6:27 PM  
**To:** Michael Henke <mhenke@midwaycityut.gov>; Katherine Villani <kvillani@midwaycityut.gov>  
**Cc:** Chris Blewitt <chris@roamsteadventures.com>; Danielle <dlecher07@gmail.com>  
**Subject:** comments on Sect 7.06 amendment - Prop Mgmt

**CAUTION:** This email originated from outside of the organization. Do not reply, click links or open attachments unless you recognize the sender's email address and know the content is safe.

Michael / Katie - hope you both got some much deserved rest after last night's meeting. Always impressed by the dialogue you both lead.

Recognize I'm late to the party but wanted to share some **comments on the latest draft of Sect 7.06 amendments** - particularly from the perspective of a Midway-based entrepreneur launching a STR focused property mgmt co.

No need to provide formal responses of any sort. Simply just wanted to share thoughts in case they're unique / helpful. Always happy to chat more about this stuff as well.

Overall, **big supporters of the proposal**. We believe the best STR markets = those with robust & thoughtful regulation as it only elevates the opportunity for 'above-board' operators/owners to thrive. This is a critical reason as to why I'm excited about committing full-time to building our Midway focused STR management company.

Some feedback & thoughts on language / discussion:

- **Concerns w vague combo of joint liability (.060 - G) & effective 'full-time' nature of the usage requirements (.090 - K)**
  - While I support the inclusion of both as individual concepts improving the Code, my concerns lie within the '*practical difficulty of determining paying guests*'
  - **'Worst Case' example:** I'm managing someone else's home & that they instruct me to blocked off for 1-2 weeks for 'personal use' a
    - If the owner is letting their college kid & friends use the property - I have little/no authority to (i) qualify/veto these guests as *acceptable* occupants to assume business liability and/or (ii) enforce the regulations on occupants I have no direct legal connection/affiliation to
  - **Suggestion:** incentivize managers to remove the 'practical difficulty' by allowing the relief of the manager liability during '*owner-occupied periods*'. Managers must maintain record of owner occupied periods including copies of provided disclosures of their 'liability release' & 'owner's full liability assumption' to owners
    - ie. if a manager wants to not be liable, they **MUST** have detailed reporting & clear communication to owners that definitively support why
- **Re: Office location requirements (.120)**
  - Would be amazing if you guys support Heber City offices. We've heard of other towns simply using a distance radius to ensure local management (ie. 'manager office must be withing 10mi of property')
- **Re: Standards for data provided by Unit Manager (.130 - D)**
  - While not particularly relevant or concerning to my business goals, the current language provides Midway the power to require large companies to share data on the entirety of any multi-area operations.
  - Should this simply stipulate data requirements for Midway properties only?
- **\*\*Re: general discussion on TROD map changes**
  - No major issues with the concept of shrinking the TROD - just concerns with early convos around implementation:
  - The idea of a simple retreat of the TROD to **RZ only is incredibly dangerous**
    - This immediately exacerbates a 'monopolized' market for resort hospitality as the RZ is majority owned by 3 organizations (Marriott, Zermatt, Amayelli)
    - Contradictory to General Plan emphasis on 'walk-ability' of the resort town
  - Midway should always encourage small boutique hospitality, not the monopoly of big brand operators like Park City. This allows the true culture of small town like Midway to flourish through a diverse resort offering
  - Argument of TROD impacting residential zones does not hold weight for properties in commercial zones. The argument should then be entirely focused on shrinking C-2/C-3 in order to reduce TROD area
    - This is perfectly captured by the neighbor's comments supporting TROD expansion behind Harvest

(ie. commercial is often way more disruptive to neighborhoods than transient rentals done according to Code)