



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** October 7, 2025

**NAME OF APPLICANT:** Midway City

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

### **ITEM: 8**

Amendment of Midway City Code Chapter 16 that will revise the requirements for Chapter 7.06: Transient Home Rentals. The proposed amendment will eliminate a minimum number of nights a unit is required to be rented, revise property manager office locations, and adjust other sections of the code.

### **BACKGROUND:**

Midway was one of the first cities in Utah to adopt a short-term rental code in 2006 and several cities around the state have used Midway's code to create their own code. It was good that Midway regulated short-term rentals long before most other cities but because of the lack of experience and because there were not many examples from other cities to review for ideas, there are many areas where the code can be improved. Also, technology has changed over the years so the code should be updated to reflect new ways for check-ins and check-outs, advertising, and changes to State law. Because of this, the City Council has directed staff to prepare a code text amendment (see attached) that will revise the regulations for transient rental units in Midway. Staff have revised the code comprehensively based on the experience of the varied issues that have been addressed regarding transient rental units in Midway and by reviewing other cities' codes for useful ideas that will help make our code better. Important proposed revisions include the following:

- Eliminating the prohibition of renting a unit for less than 48 hours.
- Requiring the owner or property manager to provide information on all occupants if requested.
- The property manager must respond to all complaints within an hour.
- Require proof that all taxes have been paid for license renewal.
- Joint liability of owner and property manager for any violations of the ordinance.
- Units in residential zones with shared driveways or common walls must have written consent from neighbors to apply for a transient rental unit license. Written consent must be recorded.
- Require posted information on the exterior of the property with a sign containing the name and 24-hour per day, 365-day per year, telephone number of the property manager responsible for receiving and resolving complaints.
- Require posted within the transient rental unit the following information:
  - A copy of the vacation rental business license.
  - The name, address, and phone number of the property manager.
  - The location of all fire extinguishers.
  - A list of all rules applicable for vacation rentals.
  - The maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
  - Water, gas, and power emergency shut-off locations.
- Advertising must comply with provisions of the code and cannot advertise more beds than the number of people approved to stay overnight in the unit.

- If a property is licensed as a transient rental unit, then the requirements of the code are in effect for the property regardless of whether the property is occupied by the owner, nonpaying guests of the owner, or paying guests of the owner.
- A party that has lost a license may petition the City Council to have it reinstated after a period of six months.
- The property manager's address shall not be the same as a transient rental unit's address.
- The property manager must have a Midway business license for a physical location/address in Midway but is not restricted to the C-2, C-3, or Resort zones.
- Each time a property manager accepts a new unit to manage, an updated list must be submitted to the City.
- Defining a rental unit as the entire dwelling and property.
- Allowing a transient rental unit as a permitted use in all zones if in the TROD.
- In person check-in and check-out of the units have been removed.
- Added enforcement provisions.

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 a 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 State 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.
- Proposed code requires joint liability of owner and property manager for any violations of the ordinance.

#### **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**

The City Council of Midway City hereby makes the following findings:

- A.—~~Midway City is a small rural community that attracts many visitors. Our vision is that Midway City "be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly." We welcome visitors; we are pleased to have them come. Our resort and lodging establishments are valued and we appreciate all they contribute to our community.~~
- B.—~~There are many single and multi-family vacation homes and condominiums in Midway. Transient rental of some of these units provide a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation homes by providing revenue which may be used for maintenance, upgrades and deferred costs.~~
- C.—~~Transient rental of homes and condominiums and individually owned units associated with commercial lodging establishments has, on occasion, created problems for City staff and the City's permanent residents. The City has been called upon to respond to complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking and accumulations of refuse at transient rental units.~~
- D.—~~It has become necessary for Midway City to address transient rental of single family and multifamily homes, and individually owned units within, or associated with, commercial lodging establishments, to forestall future problems and provide an equitable balance of private and public interests.~~
- E.A.        ~~Due to its limited resources and staff, the City must often rely on third parties (resorts, inns and property management firms) for assistance in the enforcement of this Chapter to maintain civic peace and tranquility for the benefit of both citizens and visitors.~~

### **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 ~~the resort provisions of this code, and/or a conditional use permit or development agreement issued by the City which allows, among other things, the rental of a lodging unit or units for periods of more or less than 48 hours.~~
- B. Commercial Lodging Unit. A lodging unit located in a commercial lodging facility, ~~and which is wholly owned by said commercial lodging facility, the rental of which lodging unit is subject to the terms of a conditional use permit or a development agreement issued by the City for the commercial lodging facility.~~
- C.—Commercial Lodging Unit Rental. The rental of a commercial lodging unit located in a commercial lodging facility for periods of more than or less than 48 hours. Commercial lodging unit rental is governed primarily by the conditional use permit or a development

agreement issued for the commercial lodging facility (and other City ordinances as applicable), and not primarily by this Title.

~~D.—Individually Owned Lodging Unit. An apartment, condominium, house or other building or structure, or a room designed for human habitation not wholly owned by a commercial lodging facility.~~

~~E.—Lodging Unit. A house, apartment, condominium, or other building or structure or portion thereof, or a room designed for human habitation.~~

F.C. Owner. The person(s) or entity who possesses legal title to a lodging unit and/or possesses the legal right to allow entrance into the unit or to compel departure from the unit.

G.D. 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. A lodging unit which is rented for less than 30 days and which is not a commercial lodging unit.~~

H.E. 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.

I.F. Transient Lodging Unit Owner. A person or entity who owns a transient lodging unit.

J.G. 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.

K.H. Transient Rental Overlay District. ~~An additional~~ 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. ~~A transient lodging unit may not be rented for a period less than 48 hours.~~

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

A commercial lodging facility ~~may not exist or shall operate unless~~ pursuant to the provisions of code and any other applicable rules and regulations. ~~a conditional use permit or a development agreement issued by the City.~~

#### **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 ~~C-2, C-3 and Resort Zone (RZ) within the~~ transient rental overlay district is a permitted use. ~~Transient lodging unit rental in any other zone within the transient rental overlay district is a conditional use.~~

(2011-09, Sub-section Amended, eff. 12/15/2011; 2019-03, Sub-Section Amended, eff. 1/15/2019)

- ~~B. Whenever a lodging unit is rented for transient lodging purposes, the owner of the lodging unit is required to comply with all provisions of this Chapter.~~

~~C.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 License Of 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 owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.~~
- 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 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 ~~and telephone number~~ of the rental unit.
- C. Proof that all required health, building, and fire code inspections have been successfully completed.
- D. ~~A title report issued for the transient rental unit verifying Proof of ownership. For a new unit license application this report must have been issued within the past 30 days.~~
- E. A schematic floor plan for the rental unit indicating all utility shut-off locations in case of emergency.
- ~~F. A statement granting Midway City the right to inspect the rental properties and authorize the entry of police or other emergency personnel in the case of an emergency.~~

(2010-03, Section Amended, eff. 5/26/2010)

#### **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 ~~specifically~~ prohibited by City Code zoning requirements or private development covenants, conditions, and restrictions (CC&R's) as a conditional use.
- B. The Midway City Business License Officer or assignee has reviewed the application and ~~has~~ determined that the rental unit is in compliance with state and local health, building and fire 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, or any re-inspection, in accordance with the ~~regular~~ policies of each department.

If the structure and the layout of the unit are such that: ~~if 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 an access, hallway, 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.~~

- 1.
- C.

~~1.—There is direct access to the public right of way such that trespass from the proposed rental unit onto adjoining private properties is not necessary to use the unit; or~~



~~2.1. The proposed rental unit is part of a multi-family structure and shares an access, hallway, 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.~~

~~D.—Lighting shall be shielded and operated in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from fixture surfaces, are directed away from an adjacent property and shall not detract from driver visibility on adjacent streets. 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 vacation rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone 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 sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a short-term vacation rental property.~~

~~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 vacation rental:~~

- ~~1. A copy of the vacation 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 vacation rentals.~~
- ~~5. The maximum occupancy of the vacation 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 **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 at all times (day or night) of 14 persons in any transient lodging unit. Designated bedrooms must meet all Midway City building and safety code standards.~~

~~A.B. Maximum number of people permitted on the property (including visitors) is limited to 14 at all times.~~

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

~~E.D.~~ No on street ~~overnight~~ parking (~~including visitors~~) is permitted.

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

E. Noise resulting from activities at the transient rental shall not intrude on adjoining properties ~~and must comply with Midway City code. 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.~~

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 provisions of this code. The advertising cannot list or contain more beds than the number of people that are approved to stay overnight in the transient rental unit.~~

~~I.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 renew the Midway City transient lodging unit license annually.

E.F. ~~A party having lost a license may petition the City Council to have it reinstated after a period of at least six months.~~

#### **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 Midway business license as a transient lodging unit manager, ~~and shall have for such business a valid Midway business license, 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 property manager's 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 Midway City street address for the manager and the street address of the office which will serve as the guest check-in and check-out location.~~

~~C.—The office location must be in the C-2, C-3 or Resort Zones within Midway City.~~

D.B. \_\_\_\_\_ The telephone number at which the manager is available 24 hours per day every day.

E.C. \_\_\_\_\_ An appropriate Utah State tax collection account number ~~for the transient lodging unit, the address of which matches the Midway City street address of the check-in and check-out location that will assure that Midway City and Wasatch County receive all appropriate tax revenue.~~ In no event shall any license authorized under this Section be effective until the tax account number is provided and verified by Midway City.

F.D. A list of all other licensed transient lodging rental units that the manager will manage.

G.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.
  - 2-3. Each time the property manager accepts a new unit to manage, an updated list must be submitted to the City.
  - 3-4. All dates when each unit was rented during the previous one-year period (listed separately by date and by unit).
  - 5. And the amount of rent that was charged for every rental during the previous one-year period (listed separately by date and by unit).
  - 4-6. For each rental specified in #5 above, the number of overnight occupants in the rental party.

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

- A. Both the owner and the manager are responsible and liable to ensure that the following duties are performed by the manager:
  - ~~B. Physically and in person check renters into and out of the unit at the beginning and ending of each rental.~~
  - ~~C. B.~~ 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 ~~substantial~~ 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 ~~ie~~nsures 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.

~~D.C.~~ Provide emergency contact information to renters and describe appropriate emergency procedures.

~~E.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.

~~F.E.~~ Ensure that all required taxes are paid to Midway City, Wasatch County, and the State of Utah, as applicable.

~~G.—The owner and manager may jointly authorize a person other than the manager to perform the duties required by this Section if the authorization is made in writing and signed by both the owner and manager. Notwithstanding such authorization, the owner and manager shall continue to be responsible and liable for the fulfillment of the duties required by this Section.~~

#### **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 forfeiture of the license and thereby the right to operate transient rentals. A party having lost a license may petition the City Council to have it reinstated after a period of at least six months.

### **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. ~~The license fee for a transient lodging unit manager shall be based on the number of units the manager manages.~~

### **7.06.170 Enforcement Provisions**

- ~~A. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short term vacation 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 and shall be guilty of an infraction, which shall be punishable by a fine of up to \$750.00 for each such violation.~~
- ~~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 vacation rental, subsequently operates or permits operation of said short-term vacation rental in violation of the terms and provisions of this section, shall be guilty of an infraction, and shall be punished by a fine of up to \$750.00 for each such violation.~~
- ~~C. Any person who occupies a short-term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.~~
- ~~D.~~
- ~~E. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.~~
- ~~F. In the event of three or more violations of this section committed by an owner or guest, 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 vacation rental property in accordance with the provisions of the general business license ordinance.~~



**Midway**

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

### **AN ORDINANCE TO AMEND CHAPTER 7.06 OF THE MIDWAY CITY MUNICIPAL CODE REGARDING TRANSIENT HOME 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 home rentals in Midway; and

**WHEREAS**, Midway City Staff has comprehensively revised Chapter 7.06 based on the experience of the varied issues that have 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**

A.

#### **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. Owner. The person(s) or entity who possesses legal title to a lodging unit and/or possesses the legal right to allow entrance into the unit or to compel departure from the unit.
- D. 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.
- E. 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.
- F. Transient Lodging Unit Owner. A person or entity who owns a transient lodging unit.
- G. 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.
- H. 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.

(2011-09, Sub-section Amended, eff. 12/15/2011; 2019-03, Sub-Section Amended, eff. 1/15/2019)



- 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 owner or other person designated as the property manager shall respond to complaints and concerns within one hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
- 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 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. Proof that all required health, building, and fire code inspections have been successfully completed.
- D. Proof of ownership.
- E. A schematic floor plan for the rental unit indicating all utility shut-off locations in case of emergency.

(2010-03, Section Amended, eff. 5/26/2010)

### **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 and fire 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, or any re-inspection, 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 vacation rental shall cause to be displayed in a City approved location on the exterior of the property an approved sign containing the name and 24-hour per day, 365-day per year telephone 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 sign shall not exceed 12 inches by 18 inches and shall be the only sign other than an address permitted on a short-term vacation rental property.
- 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 vacation rental:
  - 1. A copy of the vacation 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 vacation rentals.
  - 5. The maximum occupancy of the vacation 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 up to a maximum occupancy at all times (day or night) of 14 persons in any transient lodging unit. 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 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 provisions of this code. The advertising cannot list 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 renew the Midway City transient lodging unit license annually.
- F. A party having lost a license may petition the City Council to have it reinstated after a period of at least six months.

### **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 Midway business license as a transient lodging unit manager. Midway business license. The property manager's 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 will manage.
- 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.

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

- A. Both the owner and the manager are responsible and liable to ensure that the following duties are performed by the manager:
- B. 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.
- 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 forfeiture of the license and thereby the right to operate transient rentals. A party having lost a license may petition the City Council to have it reinstated after a period of at least six months.

#### **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 Enforcement Provisions**

- A. Any owner of any dwelling within the City who allows or permits occupation of said dwelling as a short term vacation 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 and shall be guilty of an infraction, which shall be punishable by a fine of up to \$750.00 for each such violation.
- 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 vacation rental, subsequently operates or permits operation of said short-term vacation rental in violation of the terms and provisions of this section, shall be guilty of an infraction, and shall be punished by a fine of up to \$750.00 for each such violation.
- C. Any person who occupies a short-term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
- D. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.
- E. In the event of three or more violations of this section committed by an owner or guest, 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 vacation rental property in accordance with the provisions of the general business license ordinance.

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

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

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NAY

Council Member Jeff Drury

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Council Member Lisa Orme

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Council Member Kevin Payne

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Council Member Andy Garland

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Council Member JC Simonsen

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APPROVED:

\_\_\_\_\_  
Craig Simons, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

(SEAL)