

## **TOWN OF BICKNELL**

### **ORDINANCE 25-10-2**

#### **AN ORDINANCE CREATING, FOR EXTENDED STAYS ROOMS, A LAND USE ORDINANCE FOR BICKNELL TOWN, AND ESTABLISHING SUBPOENA AND INSPECTION REQUIREMENTS, IT WILL BE KNOWN AS THE EXTENDED STAY ORDINANCE**

**WHEREAS**, the Town is creating the Extended Stay Ordinance to provide for definitions, requirements, and enforcement regulations related to hotels, motels, extended-stay rooms, and related matters, hereinafter the "Extended Stay Ordinance"; and

**WHEREAS**, state law and state construction and building codes recognize important differences between transient and non-transient use of hotel and other similar rooms for rent; and

**WHEREAS**, state law defines non-transient rentals as rooms or dwellings rented for more than 30 days, including in sections 10-8-85.5 and 57-22-2(5) of the Utah Code; and

**WHEREAS**, the Town has followed the state classification of rentals in this ordinance by designating non-transient rentals as "Extended Stay" rooms; and

**WHEREAS**, the Town desires to encourage the provision of transient rentals in an appropriate balance with Extended Stay rooms through the Town's land use and zoning regulations as authorized by state law, including section 10-9a-102 of the Utah Code; and

**WHEREAS**, section 10-8-85.5 of the Utah Code allows the Town to require that the owner of an Extended Stay room to obtain a business license, comply with state construction and building codes, comply with the Utah Fit Premises Act, Title 57, Chapter 22 of the Utah Code, and comply with all other generally applicable health and building codes; and

**WHEREAS**, owners of hotels, motels, and other properties that provide Extended Stay rooms are required by the Utah Fit Premises Act, Title 57, Chapter 22 of the Utah Code, to maintain rental units in conditions fit for human habitation and in accordance with local ordinances and rules, and such owners are authorized to enter rental units upon proper notice to make repairs, correct dangerous conditions, and to ensure all standards of habitability are met; and

**WHEREAS**, owners of all places providing temporary sleeping accommodations are authorized by the Utah Innkeeper's Rights Act, Title 29, Chapter 2 of the Utah Code, to refuse or deny accommodations to or to eject a person due to disorderly conduct resulting in a public nuisance or in violations of federal, state, or local laws; and

**WHEREAS**, the Town desires to clarify the process by which the Town may inspect records and property of owners of places providing transient and Extended Stay rooms.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BICKNELL, WAYNE COUNTY, STATE OF UTAH, AS FOLLOWS:**

### **Section 1. Preamble**

The recitals in the Preamble are enacted to be deemed a part of this Ordinance and are hereby declared to express the intent hereof.

### **Section 2. Definitions**

**Extended Stay Room:** A hotel or motel room with a working kitchen, including a sink, a permanent cooktop or range, and a bathroom that is assigned and rented for more than 30 days but not to exceed 60 days total within a 180-day period.

**Extended Stay Guest:** A person who contracts to occupy the premises of a hotel, motel, or short-term rental for more than 30 days but not to exceed 60 days total within a 180-day period.

**Transient Guest:** A person who contracts to occupy the premises of a hotel, motel, RV Park or short term rental for 30 days or less.

A person residing within Bicknell Town for a period of 61 days or longer in any 180-day period is not deemed a transient or extended stay guest under the Town Code.

**Transient Lodging:** A building, facility, or portion thereof, excluding inpatient medical care facilities and group homes, in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to a transient guest with daily or weekly charge. A transient lodging facility includes any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings rented to a guest or guests for 30 days or less within any 180-day period, or which is advertised or held out to the public as a place regularly rented to Transient Guests. Transient lodging includes but is not limited to a hotel, motel, boarding house, short-term rental, dormitory, motor lodge, tourist court, RV Park or similar building or group of buildings.

**Hotel:** A building and associated facilities offering overnight accommodations for transient or extended stay guests, with access provided through a common entrance, lobby, or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

**Motel:** A group of attached or detached buildings containing individual sleeping rooms or dwelling units, or a combination of both, designed for or used for the temporary occupancy of transient or extended stay guests. Includes auto-courts, tourist parks, and motor lodges.

### **Section 3. Business License Requirements, Suspension, Revocation, or Non-Renewal**

1. A business license, sales tax number, and collection of transient room tax shall be required for all transient lodging located in Bicknell Town.
  - a. No person, firm, corporation or other entity shall operate a Hotel/Motel that offers Extended Stay Rooms within Bicknell Town without first having obtained an annual license for that purpose. The Town may impose reasonable conditions upon the issuance of any license, including but not limited to those minimum conditions referenced with this ordinance or any other applicable ordinance of Bicknell Town.
2. Bicknell Town or its representative may deny a license request or suspend an existing license for cause/good reason. "Good reason" includes doing something, failing to do something, or allowing something to happen that:
  - A) is contrary to public health, safety, and welfare,
  - B) is illegal, dishonest, or improper,
  - C) goes beyond what the license allows, or
  - D) violates this ordinance or any other law.
3. Cause shall include, but not be limited to:
  - a. Fraud or material misrepresentation in the application for license.
  - b. Fraud or material misrepresentation in the operation of the licensed business.
  - c. Any material violation of this ordinance or of the regulations authorized herein.
  - d. Any violation of Federal or State law, or local ordinance which creates a risk to the health, safety or welfare of the transients or to the community, or brings into question whether the licensee is suitable to operate the business.
  - e. Conducting the business in an unlawful manner or in such a manner as to constitute a nuisance upon or in connection with the licensed premises. For purposes of this ordinance, "nuisance" shall be given the normal and customary meaning, and shall include, but not be limited to, the following:
    - i. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes.
    - ii. A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety and welfare of the residential and/or commercial properties in the area.
    - iii. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties.

- f. Failure by the licensee to permit the inspection of the licensed premises by the Town's agents or employees in connection with the enforcement of this ordinance.
  - g. Failure of the licensee to pay personal property taxes, other Town obligations, and real property taxes for each year arising from their use and occupancy of the property. A licensee who does not own the real property is not responsible for the payment of the real property taxes unless the lease requires such payment.
- 4. Each establishment licensed pursuant to this ordinance shall be operated and maintained in accordance with all applicable laws and regulations of Bicknell Town and the State of Utah. Upon violation of this ordinance pursuant to Section 3, after notice and hearing, the Bicknell Town may revoke such license.
- 5. Before taking any action concerning non-renewal, revocation or suspension of license, Town staff shall serve the licensee by registered return receipt, mailed at least ten days prior to hearing the notice of hearing, which notice shall contain the following:
  - a. Date, time and place of hearing.
  - b. Notice of the proposed action.
  - c. Reasons for the proposed action.
  - d. Names of witnesses known at the time who will testify.
  - e. A statement that the licensee may be represented by legal counsel, present evidence, testimony, and confront and cross-examine adverse witnesses.
  - f. A statement requiring the licensee to notify the Bicknell Town's Attorney at least three days prior to the hearing date if licensee intends to contest the proposed actions, and to provide the names of witnesses known at that time who will testify on the licensee's behalf.
- 6. Upon completion of the hearing, Town staff shall submit to the licensee within thirty days a written statement of its findings and determination..
- 7. During the procedure for non-renewal, revocation or suspension, the licensee will be permitted to continue to operate until such time as the findings and determination is served upon the licensee by mail or otherwise ordered by a court.
- 8. Any person whose initial request for a license is refused shall have a right to a hearing before the Town Council, provided a written request thereof is filed with Town staff within ten days following such refusal. The Town Council shall have the right to affirm and sustain any refusal to issue a license, or the Town Council may grant any license.

#### **Section 4. Hotel, Motel, and/or Transient Lodging Requirements**

All hotels, motels, or transient lodging facilities shall comply with the following:

- 1. The number of Extended Stay Rooms in a single Hotel, Motel, or Transient Lodging Facility shall not exceed 25% of the number of rooms available at the facility, and all units within the facility shall be constructed in full compliance with the building code.

2. The use of Extended Stay Rooms shall be limited to Extended Stay or Transient Guests. No guest in Bicknell Town for a period of 60 days or longer in any 180-day period shall occupy a room in a Transient or Extended Stay Lodging Facility.
3. A hotel/motel offering Extended Stay rooms shall meet all applicable requirements of this Ordinance, and all other Land Use Ordinances, Building Codes, and Health Codes, as applicable.
4. The Fire Chief shall inspect the premises of a Hotel/Motel, or Extended Stay property and provide a Fire Clearance that the dwelling and premises comply with all applicable Fire Codes, as adopted.
5. A Hotel/Motel that provides Extended Stay Rooms and allows pets and animals shall comply with all Town ordinances and provide adequate space to accommodate pets. Dogs, cats, or other domesticated animals are allowed under Town ordinances that, with permission of the Hotel/Motel, accompany the occupants of the Extended Stay Rooms. All occupants of the Extended Stay Rooms shall not allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the Owner or custodian of the pet or animal.
6. A Hotel/Motel room regularly rented on a weekly or monthly basis exceeding a transient term of 30 days shall be considered an extended stay room. Rooms used for Extended Stay shall provide a working kitchen, including a sink, a permanent cooktop or range, and a bathroom. All rooms used for Extended Stay shall be cleaned regularly to comply with public health codes, prevent sanitation problems and comply with the Utah Fit Premises Act.
7. The Town may require, as set forth herein, that the manager or person in charge of any motel or hotel shall furnish a list of the persons who have registered at such motel or hotel including all guests in an Extended Stay room. The date and time of arrival of an occupant of each unit shall be noted upon the record to be kept pursuant thereto. In no event shall there be a letting to, or occupancy by, any other person of such unit within the day noted.
8. The Town shall notify the manager or person in charge at least 24 hours in advance of the request to inspect. If the manager or person in charge does not grant the request to inspect or otherwise objects to the request, the Town may issue an administrative subpoena requiring the manager or person to make the records available for inspection within 24 hours of issuance, or the Town may obtain a warrant. Prior to issuance, an administrative subpoena shall be reviewed and approved by the Town attorney.
9. No person shall register for accommodations at any hotel or motel under a false, fictitious, or assumed name, without first making his or her true name known to the person in charge thereof.
10. Whoever violates or fails to comply with any of the provisions of this section is guilty of a class B misdemeanor for each such offense. A separate offense shall be deemed

committed for each unit and for each day during or on which a violation or noncompliance occurs or continues.

**Section 5. Responsibility for Minors**

No transient lodging facilities unit shall be rented, leased, or registered to any person under the age of 18 years. Each person to whom a lodging unit is rented, leased, or registered shall be responsible for any minors occupying such unit and shall remain on the transient lodging facility premises at all times while there are minors occupying such unit.

**Section 6. Saving Clause**

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Bicknell Town.

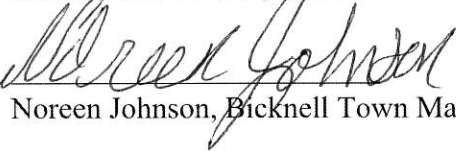
**Section 8. Effective Date and Commencement Clause**

The provisions of this ordinance shall become effective when passed and approved by the Bicknell Town Council and after any required posting and/or publication has been accomplished according to law.

All existing parties, within the jurisdiction, must be in compliance with this ordinance and its provisions within six (6) months of adoption, no later than April, 2026.

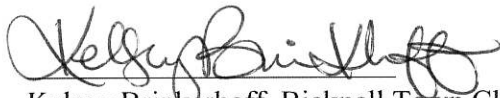
ADOPTED by the Town Council of Bicknell Town this 2<sup>nd</sup> day of October, 2025.

BICKNELL TOWN, UTAH



Noreen Johnson, Bicknell Town Mayor

ATTEST:



Kelsey Brinkerhoff, Bicknell Town Clerk

Kerry Stevens	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Weston Johnson	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Steve Albrecht	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Gregg Anderson	<input checked="" type="radio"/> Yes	<input type="radio"/> No