

ESCALANTE CITY
ORDINANCE 2019-01

AN ORDINANCE OF ESCALANTE CITY ADOPTING SECTION 10.75 OF THE ESCALANTE CITY CODE: REGULATING AND LICENSING THE USE OF DWELLINGS IN A RESIDENTIAL ZONE FOR VACATION RENTALS, REPEALING THE HOLIDAY HOME ORDINANCE 10.70.030, AMENDING BED AND BREAKFAST ESTABLISHMENTS, INNS, AND HOLIDAY HOMES 10.70 AND 10.70.020, AMENDING HOLIDAY HOMES AND BED AND BREAKFAST FROM CONDITIONAL USE TO PERMITTED USES, AND REPEALING 20.10.010 REGULATION ON NEW BED AND BREAKFAST INNS AND HOLIDAY HOME PERMITS IN ALL ZONES

WHEREAS, Escalante City had Holiday Homes and Vacation Rental Ordinances and;

WHEREAS, Escalante City had received and administratively approved a significant increase in new permit applications for bed and breakfast uses in residential zone districts and;

WHEREAS, bed and breakfasts have the potential to negatively impact surrounding residential properties and neighborhoods through noise, traffic, neighborhood character, safety, and other ways and;

WHEREAS, the Escalante City Council placed a land use regulation moratorium to confer with the Escalante City Planning and Zoning Commission to determine the best course to address their concerns. Because of those meetings, the City Council believe it to be in the best interests of their citizens to amend the Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Escalante City Council, State of Utah, the following:

SECTION 1: AMENDMENT “10.70 Bed And Breakfast Establishments, Inns, And Holiday Homes” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.70 Bed And Breakfast Establishments, ~~Inns, And Holiday Homes~~ And Inns

SECTION 2: AMENDMENT “10.70.020 Bed And Breakfast Establishments” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.70.020 Bed And Breakfast Establishments

- A. The number of guest rooms shall be limited to a maximum of six rooms; and,
- B. Only minor architectural ~~modifications~~ ~~modifications~~ may be made to the exterior of the existing structure; and,
- C. Food preparation or cooking shall be limited to the common "breakfast area"; and,
- D. Breakfast may be served only to guests taking lodging; and,
- E. Parking ~~stalls~~ shall be provided at the rate of two ~~spaces~~ ~~stalls~~ for the innkeeper and one ~~space~~ ~~stall~~ for each guest room, and shall be constructed according to Escalante City standards; and,
- F. All ~~modifications~~ ~~modifications~~ shall be in accordance with adopted building codes.
- G. All Bed and Breakfast establishments must have a host living on Premises.

SECTION 3: **REPEAL** "10.70.030 Holiday Homes" of the Escalante Municipal Code is hereby *repealed* as follows:

R E P E A L

~~10.70.030 Holiday Homes (Repealed)~~

- ~~A. The number of guests per holiday home shall be limited to two guests per bedroom and to a maximum of no more than ten guests per holiday home at any time; and one parking stall for each guest room, and shall be constructed according to Escalante City standards; and,~~
- ~~B. There shall be no architectural modifications to the exterior that changes the residential character or appearance of the dwelling; and,~~
- ~~C. All modifications shall be in accordance with the adopted City building codes.~~

SECTION 4: **ADOPTION** "10.75 Vacation Rental" of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75 Vacation Rental(*Added*)

SECTION 5: **ADOPTION** "10.75.010 Definitions*" of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.010 Definitions(*Added*)

The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Vacation Rental Ordinance.

APPLICATION: The application for a Vacation Rental License, shall be a form, approved by the City Recorder.

CITY: Escalante City, Utah.

COMPLETE APPLICATION: an Application that has satisfied all of the submittal requirements set forth in this Vacation Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Vacation Rental License.

FLOOR PLAN: a level-by-level plan of the Rental Property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.

GARFIELD COUNTY: Garfield County, Utah.

OWNER(S): the record titled owner(s) of the residence for which a Vacation Rental License is sought or has been issued. The Owner(s) may be a person, or any form of business entity recognized by the State of Utah. If the Owner(s) is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce

PARKING: There shall be one parking space for each guest room which shall be constructed according to Escalante City standards.

PROPERTY OR VACATION RENTAL PROPERTY: All such residences or dwelling units used for Vacation Rental purposes.

PROPERTY MANAGEMENT COMPANY: The Owner's agent for renting the Property, if any.

RECORDER: The Escalante City Recorder or deputy Recorder.

SIGNAGE: One (1) Premises identification sign, not to exceed four (4) square feet in sign area.

SLEEPING AREA: The number of guests per Vacation Rental shall be limited to two (2) guests per bedroom plus two (2) guests and to a maximum of no more than ten (10) guests per holiday home at any time.

USE WITH CRITERIA: The land use approval process contained in the City's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Vacation Rental Ordinance, the terms and conditions in the Vacation Rental Ordinance shall control.

VALID OBJECTION: An objection based on:

- A. The Owner's objective failure to file a Complete Application; or
- B. The Owner's failure to meet any of the required criteria for the issuance of a Vacation Rental License.

VACATION RENTAL: The rental of a single-family residence which is periodically provided to the vacationing public in its entirety for compensation. The length of stay shall be less than thirty (30) days to a single person.

SECTION 6: **ADOPTION** “10.75.020 Requirements For Application” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.020 Requirements For Application(*Added*)

Vacation Rentals shall be allowed in all zones.

The following information and documentation shall accompany the application and be provided to the City Recorder:

- A. Completed Application
- B. Proof of Ownership
- C. Site Plan, including the parking area
- D. Vacation Rental Inspection Checklist
- E. Proof of valid insurance
- F. Proof of valid liability insurance for the following:
 - 1. Owner
 - 2. Property management company/or any other entity
 - 3. Contact person
- G. Floor plan
- H. Zone designation and street address
- I. Copies of currently valid State Sales Tax Certificate in the name of the Owner(s) or the Property Management Company
- J. The name, address, and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living within 15 minutes of the property(s), who may be the Owner or Owner's Agent, and who can be contacted in the event of an emergency.
- K. A signed acknowledgement on the application, that the Owner(s), Property Management Company, and/or Owner's agent, if any, have read all of the City's regulations pertaining to the operation of a Vacation Rental

L. The Owner(s) shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Vacation Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

SECTION 7: ADOPTION “10.75.030 Other Provisions” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.030 Other Provisions(*Added*)

- A. Vacation Rental must comply with all applicable local and state building, health, fire, safety and maintenance codes;
- B. Vacation Rental shall have Smoke Detectors, Carbon Monoxide Detectors and a Fire Extinguisher;
- C. Vacation Rental shall have a clearly visible and legible notice within the unit, on or adjacent to the front door, containing the following information:
 - 1. The name of the Property Management Company, agent, and/or Property Owner(s), living within 15 minutes of the property, the contact person’s telephone number who may be reached on a 24-hour basis;
 - 2. The maximum number of occupants permitted by the license;
 - 3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on or in front of the Property;
 - 4. A detailed fire escape plan;
 - 5. The location of the Fire Extinguisher;
- D. The number and location of all on-site parking spaces and the parking rules.
- E. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-proof containers shall be used for all trash;
- F. Exterior Sign containing Street Address.

SECTION 8: **ADOPTION** “10.75.040 Prohibited Activities*” of the Escalante Municipal Code is hereby *added* as follows:

ADOPTION

10.75.040 Prohibited Activities(*Added*)

- A. Occupancy beyond the specified number allowed in the License.
- B. Parking of vehicles not in compliance.
- C. Outdoor sleeping of individual(s), which exceeds the occupancy permitted.
- D. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
- E. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
- F. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
- G. 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.
- H. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and/or alcohol.

SECTION 9: **ADOPTION** “10.75.050 Management Standards*” of the Escalante Municipal Code is hereby *added* as follows:

ADOPTION

10.75.050 Management Standards(*Added*)

The short-term rental property authorized by this ordinance must be managed properly. As a condition of holding a valid Vacation Rental License, the licensee agrees to provide or arrange to provide for adequate maintenance. The minimum services required, and management regulations include:

- A. Structural maintenance to preserve substantial code compliance as described herein.
- B. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance of adjoining or nearby properties.

- C. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of all accumulated garbage, refuse, and weeds. All large boxes must be collapsed, and trash bagged and placed in the appropriate receptacles.
- D. There shall be no architectural modifications to the exterior that changes the residential character or appearance of a dwelling; and
- E. All modifications shall be in accordance with the adopted City building code.

SECTION 10: **ADOPTION** “10.75.060” of the Escalante Municipal Code is hereby added as follows:

A D O P T I O N

10.75.060 Inspection(*Added*)

If the City has reasonable grounds to believe that prohibited activities are occurring at the Property, the City may require an inspection of the Property without advanced notice to the Owner(s), Property Management Company, agent, or local contact person of the Owner(s).

SECTION 11: **ADOPTION** “10.75.070” of the Escalante Municipal Code is hereby added as follows:

A D O P T I O N

10.75.070 Discovery Of An Immediate Health Hazard And Or Nuisance(*Added*)

Upon the discovery of an immediate health hazard to renters, the City Council can suspend the Vacation Rental License until the hazard is remedied and the property has been inspected. Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the city otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this City. (Escalante City Code 10.50 Noises Disturbances).

SECTION 12: **ADOPTION** “10.75.080 Violations And Penalties” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.080 Violations And Penalties(*Added*)

Any persons, firm or corporations (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a class B misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Ordinance shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, firm, or corporation.

SECTION 13: **ADOPTION** “10.75.090 Code Enforcement And Revocation” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.090 Code Enforcement And Revocation(*Added*)

Code Enforcement comprised of three (3) departments: Escalante City Council, Garfield County Building Department and Garfield County Sheriff’s Office; all play an important role in providing a safe and healthy community. Written notification is required for violations regarding zoning, parking, occupancy, nuisances, etc. and shall be addressed to the Escalante City Council; written notification should include:

1. Address of violation
2. Detailed description of violation
3. Photographs, diagrams, etc. (desirable, but not required)
4. Complainant name and phone number (all information is kept strictly confidential and is only used to contact complainant for additional details).

Upon receipt of a complaint a general investigation will be within 48 hours. Notification regarding violations of noise, trespassing, illegal conduct including drugs and/or alcohol shall be made to the Garfield County Sheriff’s office.

Any business license shall be revoked by the Escalante City Council upon violation of any requirements of this chapter, or upon failure to comply with any of the conditions or limitations of the license, unless such violation is corrected within three (3) days of receipt of written notice thereof. A Vacation Rental business license permit may be revoked for three-(3) repeated violations of the requirements of this chapter, notwithstanding compliance to the violation notice.

SECTION 14: **ADOPTION** “10.75.100 Licenses” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.100 Licenses(*Added*)

To operate as a Vacation Rental, the Property Owner or Owner’s Agent shall file an Application with the City Recorder. An Owner’s failure to meet the requirements of Ordinance 3.10, prior to renting shall be subject to the penalties as referred to in ordinance 3.10.150.

SECTION 15: **ADOPTION** “10.75.110 Limit On Total Number Of Vacation Rentals” of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.110 Limit On Total Number Of Vacation Rentals(*Added*)

The total number of Vacation Rental Business licenses issued within the City of Escalante shall be limited in accordance with the following:

1. Excluding commercial/residential district (R/C), the total number of Vacation Rental Business Licenses issued to permitted single family zones shall be limited in accordance with the following:
 - a. Seven percent (7%) of total residences within the residential zones.
2. The total number of licenses available each year shall be recalculated February 1st based on an estimated number of residences within the residential zones.
3. If a complete application meeting all other requirements for licensure is received after the maximum number of licenses has been issued, the application shall be placed on a waiting list in the order of the date of receipt of a completed application. No fees will be due until a license becomes available.

4. In the event of a sale or other transfer of any property containing a dwelling licensed as a vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within sixty (60) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to apply for a new license within said sixty (60) days, the license will be forfeited, and the owner(s) must re-apply for any available license or be placed on the waiting list.
5. The owner(s) of a single-family dwelling in a residential zone which has a vacation rental business license shall not obtain another business license to operate another vacation rental within a residential zone. For purposes of this paragraph, "owner(s)" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling.

SECTION 16: **ADOPTION** "10.75." of the Escalante Municipal Code is hereby *added* as follows:

A D O P T I O N

10.75.120 Effective Date Of License(*Added*)

The License shall be issued by the City Recorder, provided that:

- A. The City Recorder has reviewed the application, and if necessary has interviewed the applicant/owner and set requirements as stipulated by this ordinance for issuing the license, and;
- B. The City Recorder has reviewed all Valid Objections, and:
- C. The Applicant/owner has addressed and corrected any violations, listed in the objection, as stipulated by this ordinance, or
- D. The City Recorder finds that the objection is not valid as stipulated by this ordinance.
- E. All conditions of the license approval, by the City Recorder, have been completed by the applicant or owner.

SECTION 17: **ADOPTION** "10.75.130 Fees" of the Escalante Municipal Code is hereby *added* as follows:

ADOPTION

10.75.130 Fees(*Added*)

The application fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the City to process, administer, and monitor the operation of Vacation Rentals.

SECTION 18: **ADOPTION** “10.75.140 Term Of License” of the Escalante Municipal Code is hereby *added* as follows:

ADOPTION

10.75.140 Term Of License(*Added*)

The License shall be valid for up to one year and may be renewed annually beginning January 1st of each year. The License may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application.

The Owner shall amend the Application at any time there is a change in circumstances that would require an update to the information submitted by the Owner or Property Manager. By way of example, and not limitation, a change in circumstance would be: a change of ownership of the Property, any modification to the physical premises, including any changes to the Floor Plan, Site Plan, any change of the Property Management Company; or any change in the 24-hour contact information.

SECTION 19: **ADOPTION** “10.75.150 Operating A Vacation Rental Without A License” of the Escalante Municipal Code is hereby *added* as follows:

ADOPTION

10.75.150 Operating A Vacation Rental Without A License(*Added*)

Any Person violating the provisions of this Chapter by operating a Vacation Rental without a valid License shall be in violation, which may result in the imposition of a civil fine, which fine is set by resolution of the City Council.

SECTION 20: **AMENDMENT** “10.160.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.160.020 Permitted Uses

- A. Agriculture
 - 1. Tilling of the soil, the raising of crops, horticulture, and gardening.
 - 2. Animals, including fowl, for recreation or for family food production for the primary use of persons residing on the premises or for commercial production and sale.
- B. Single-family dwellings.
- C. Household pets.
- D. Stabling livestock.
- E. Accessory buildings and uses.
- F. Vacation Rentals

SECTION 21: **AMENDMENT** “10.160.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.160.030 Conditional Uses

- A. Churches.
- B. Schools.
- C. Parks & Public Buildings.
- D. Public Utilities.
- E. Public Riding Stables.
- F. Public Kennels.
- G. Living Quarters for hired hands, seasonal laborers, or other receiving compensation for work performed on site.
- ~~H. Bed and Breakfast Establishments and Holiday Homes.~~

SECTION 22: **AMENDMENT** “10.170.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.170.020 Permitted Uses

- A. Agriculture.
 - 1. Tilling of the soil, the raising of crops, horticulture, and gardening.
 - 2. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
- B. Single-family dwellings.
- C. Mobile Homes.
- D. Private stables, corrals, chicken coops or pens.
- E. Accessory uses and buildings customarily incidental to the permitted use.
- F. Planned Unit Development.
- G. Vacation rentals

SECTION 23: AMENDMENT “10.170.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.170.030 Conditional Uses

- A. Agricultural business or industry.
- B. Business or industry serving primarily agricultural concerns.
- C. Nursery or greenhouse, excluding any building or structure for retail business separate from the greenhouse growing facility.
- D. Public stables.
- E. Kennels.
- F. Home Occupation.
- G. Public utilities, essential facilities.
- H. Accessory uses and buildings customarily incidental to the conditional use.
- I. ~~Bed and Breakfast establishments and Holiday Homes.~~

SECTION 24: AMENDMENT “10.180.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.180.020 Permitted Uses

- A. Agriculture
 - 1. Tilling of the soil, the raising of crops, horticulture, and gardening.

- 2. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
- B. Single-family dwellings.
- C. Mobile homes.
- D. Private stables, corrals, chicken coops, or pens.
- E. Accessory uses and buildings customarily incidental to the permitted use.
- F. Vacation rentals

SECTION 25: AMENDMENT “10.180.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.180.030 Conditional Uses

- A. Home occupation.
- B. Licensed child day care or nursery.
- C. Park or playground.
- D. Golf Course.
- E. Public Utilities, essential facilities.
- F. Public buildings.
- G. Private Recreational grounds and facilities.
- H. Planned Unit Development.
- I. ~~Bed and Breakfast establishments and Holiday Homes.~~

SECTION 26: AMENDMENT “10.190.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.190.020 Permitted Uses

- A. Horticulture and gardening for personal use.
- B. Single-family dwellings of at least 1,000 square feet.
- C. Household pets.
- D. Accessory uses and buildings incidental to the permitted use.
- E. Vacation rentals

SECTION 27: **AMENDMENT** “10.190.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.190.030 Conditional Uses

- A. Home occupation.
- B. Licensed child day care or nursery.
- C. Park or playground.
- D. Public utilities, essential services.
- E. Public buildings.
- ~~F. Holiday homes.~~

SECTION 28: **AMENDMENT** “10.200.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.200.020 Permitted Uses

- A. Horticulture and gardening for personal use.
- B. Single-family dwelling.
- C. Two-family dwelling.
- D. Household pets.
- E. Accessory uses and buildings customarily incidental to permitted uses.
- F. Vacation rentals

SECTION 29: **AMENDMENT** “10.200.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.200.030 Conditional Uses

- A. Dwellings
 - 1. Three-family dwellings.
 - 2. Four-family dwellings.
 - 3. Multi-family dwellings.

- B. Home occupation.
- C. Licensed child day care or nursery.
- D. Park or playground.
- E. Public utilities, essential services.
- F. Accessory uses and buildings customarily incidental to conditional uses.
- G. Planned Unit Development.
- H. ~~Holiday homes~~

SECTION 30: AMENDMENT “10.220.020 Permitted Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.220.020 Permitted Uses

- A. Single-family uses subject to the provisions of the R-1-10 District.
- B. Art Gallery/Antique Shop.
- C. Bank.
- D. Clinic.
- E. Food Services.
 - 1. Bakery
 - 2. Delicatessen
 - 3. Restaurant
- F. Florist/Gift Shop.
- G. General retail.
 - 1. Barber Shop
 - 2. Drug store
 - 3. Department store
 - 4. Hardware store
 - 5. Furniture store
 - 6. Grocery store
 - 7. Laundromat
 - 8. Salon/Spa
- H. Professional Offices.
- I. Public buildings.
- J. Recreation.
 - 1. Bowling alley
 - 2. Music store
 - 3. Sporting goods store
 - 4. Theater
 - 5. Guide Services
- K. Hotels, Motels and Inns.
- L. Churches

- M. Gas Station
- N. Alcoholic Beverage Services
- Q. Vacation rentals
- P. Bed and Breakfasts

SECTION 31: **AMENDMENT** “10.220.030 Conditional Uses” of the Escalante Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.220.030 Conditional Uses

- A. Second Story living quarters.
- B. Animal hospital for small animals only, provided business is conducted within a completely enclosed building.
- C. Automobile repair, storage, and/or service station, including paint, body and fender, brake, muffler, and transmission work provided business is conducted within an enclosed building.
- D. Bus terminal.
- E. Campground.
- ~~F. Bed & Breakfasts.~~
- G. Planned Unit Developments.
- H. RV Park.
- I. Rental agency.
- J. New and used car sales.
- ~~K. Holiday homes~~
- L. Multi-family Dwelling (Following the Multi-Family Residential District Density Regulations and Modifying Regulations).

SECTION 32: **REPEAL** “20.10.010 Regulation On New Bed And Breakfast, Inns And Holiday Homes Permits In All Zones” of the Escalante Municipal Code is hereby *repealed* as follows:

R E P E A L

~~20.10.010 Regulation On New Bed And Breakfast, Inns And Holiday Homes Permits In All Zones (Repealed)~~

~~NOW, THEREFORE, BE IT ORDAINED by the City Council that it does hereby approve a temporary land use regulation prohibiting new bed and breakfast, inns and holiday home applications in all zone districts for a period not to exceed 6 months from the enactment of this ordinance.~~

SECTION 33: **REPEALER CLAUSE** Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

SECTION 34: **SEVERABILITY CLAUSE** If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

SECTION 35: **EFFECTIVE DATE** The City Council of Escalante City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL FEBRUARY 05, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Louise Barnes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Dan'l Lindsay	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Marlene Stowe	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Guy Graham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Greg Allen	<u> </u>	<u> </u>	<u> X </u>	<u> </u>

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante City



Stephanie Steed, City Recorder
Escalante City



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §582-142-184 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

- 1) *Escalante Post Office*
- 2) *Griffins Mercantile*
- 3) *Escalante City Office*

on the above referenced dates.

Attest

A handwritten signature in cursive script that reads "Stephanie Steed". The signature is written in black ink and is positioned above a horizontal line.

Stephanie Steed, City Recorder,
Escalante City