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February 2018

Dixie Springs Community Newsletter

www.dixiesprings.info

NIGHTLY RENTAL ISSUES AND ACTIONS

A nightly rental in Dixie Springs has been causing numerous problems over the last year and a number of affected neighbors went to the City Council to complain about the issues. There have also been numerous complaints about other nightly rentals in Dixie Springs.

There is an ordinance that governs nightly rentals in Hurricane. Also, the nightly rentals need to adhere to the general Hurricane ordinances.

In the City Council meeting, the police made it clear that they will not enforce the nightly rental ordinance. However, they do enforce the general Hurricane ordinances. Therefore, if you are having issues with a nightly rental, you need to take different actions depending on what ordinances are being violated.

If the violation is of a general Hurricane ordinance, such as parking trailers on the street, you can call the police. It is important that you document everything and get a copy of any police report. If the violation is of the nightly rental ordinance, you will need to document the violation yourself and call the nightly

rental contact. The documentation needs to have the date and time of the issue, a description, and photos if applicable.

When you have collected documentation of violations caused by a nightly rental, you need to take that documentation to the City Council. The City Council can remove the license if they feel it is warranted.

The following are some Hurricane City Ordinances that nightly rental residents may violate:

Title 6, Chapter 1, 6-1-3. D. Unlawful Parking. The November 2017 newsletter contained the full text of this ordinance. Basically, you cannot park any unmotorized vehicle on the street for any period of time unless it is connected to a motorized vehicle.

4-9-1: PROHIBITION OF EXCESSIVE NOISE:

You cannot make noise that “unreasonably disturbs or interferes with the peace, quiet, comfort or repose of any person of average or reasonable sensitivities in his dwelling”. Examples include: honking of horns; playing of loud music; barking dogs; fighting, yelling, shouting or loud laughter. (Ord. 2017-04, 2-2-2017)

NIGHTLY RENTAL ORDINANCE

3-10-11: SHORT TERM VACATION RENTAL:

Regulations and restrictions imposed by this section are in recognition of the premise that a vacation rental provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Separation requirements listed in subsection B of this section and total license limits listed in subsection C of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses. (Ord. 2016-04, 3-17-2016)

A. Business License Required: No dwelling in a residential zone shall be occupied or used as short term vacation rental, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this section. (Ord. 2017-13, 8-17-2017)

I. A vacation rental license application that has not had all required items submitted and approved and the license issued within eight (8) months of the application date shall be considered void and a new application and fee will be required. If there is a waiting list, the applicant will forfeit their spot and go to the end of the waiting list. (Ord. 2017-01, 1-5-2017)

B. Conditions For Issuance Of A Business License For A Short Term Vacation Rental: In addition to any other requirement of this section, a short term vacation rental business license shall be approved by the Business License Officer if:

I. The dwelling unit is located in a single-family dwelling that has been issued a certificate of occupancy by the date of the adoption hereof, or has been in use as a residential dwelling for at least six (6) months from issuance of a certificate of occupancy, or has been built to meet Building and Fire Codes for transient occupancy and has been issued a certificate of

occupancy before application is made for a short term vacation rental license. Notwithstanding the previous restriction, application may be made for a short term vacation rental license for a single-family dwelling that has been issued a certificate of occupancy but has not met the six (6) month residential use restriction upon deposit of one hundred dollars (\$100.00) and submittal of a complete application. If applicant does not then pay the remainder of the licensing fee and complete the licensing process within seven (7) months of the initial deposit, deposit shall be forfeit. Portions of a single-family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single-family dwelling, (Ord. 2016-07, 7-21-2016)

2. The owner of a single-family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Hurricane City limits. For purposes of this subsection, "owner" 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,

3. The property line of another dwelling licensed as a short term vacation rental is not located within three hundred feet (300'), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought,

4. The application lists the name, address and phone

NIGHTLY RENTAL ORDINANCE (CONTINUED)

number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and

5. The application includes a valid Utah state tax number for remittance of transient lodging taxes.

C. Limit On Total Number Of Short Term Vacation Rental Licenses: The total number of short term vacation rental business licenses issued within the city of Hurricane shall be limited in accordance with the following:

1. The maximum number of short term vacation rental business licenses for property in single-family zones to be issued shall be based on the total population of the city, allowing three (3) licenses for every one thousand (1,000) of total population.

2. The total number of licenses available each year shall be recalculated based on an estimated population derived by adding the total number of new dwelling units times 2.9 residents per unit to the prior year's base population.

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 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 short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within forty five (45) 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 forty five (45) days, the license will be forfeited and the owner must reapply for any available license or be placed on the waiting list.

D. Parking Regulations: The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.

2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.

3. All guest parking should be contained on the site.

4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.

5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.

E. Maintenance Standards: Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;

2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and

3. Each sleeping room must meet current international residential code codes for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

F. Prevention Of Noise, Nuisance Or Trespass: The owner of any dwelling licensed as a short term vacation

NIGHTLY RENTAL ORDINANCE (CONTINUED)

rental shall be responsible to ensure that guests or occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. 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 ten o'clock (10:00) P.M., or other similar activities.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. 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.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. 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 owner or 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.

H. Miscellaneous Rules And Regulations: The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has

been issued:

1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.
2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Hurricane Valley fire district, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
3. 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 twenty four (24) hour per day, three hundred sixty five (365) day per year telephone number of the owner or other party designated by the owner as 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 twelve inches by eighteen inches (12" x 18") and shall be the only sign other than an address permitted on a short term vacation rental property.
4. The owner or property manager shall provide information on current occupants 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.
5. The requirements of this section shall be in effect throughout the time a short term vacation rental

DIXIE NIGHTLY RENTAL ORDINANCE

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 that, 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 vacation rental.

6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with twenty four (24) hour notice to the license holder/property manager if deemed necessary by the city.

7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes.

I. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the city of Hurricane 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 guilty of a class B misdemeanor, which shall be punishable by a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or any combination thereof for each such violation.

2. Any owner of any dwelling in a residential zone within the city of Hurricane, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter 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 not less than seven hundred fifty dollars (\$750.00) for each such violation.

3. 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.

4. 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.

5. In the event of three (3) or more violations of this section committed by an owner or guest, or any combination of the two (2), within any twelve (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. (Ord. 2016-04, 3-17-2016)

3-10-12: PENALTY; SUSPENSION OR REVOCATION OF LICENSE:

In addition to the denial, suspension, revocation or refusal to renew a license as outlined in section 3-1-9 of this title, any licensee who shall operate a transient lodging facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine as provided in section 1-4-1 of this code. (Ord. 2015-2, 2-19-2015)

ITEMS OF NOTE IN NIGHTLY RENTAL ORDINANCE

There is a lot to read in the ordinance, but there are some things that you should pay special attention to.

Parking regulations

Even though the Hurricane ordinances allow you to park a motorized vehicle in the street, that is not the case for short term rentals. All vehicles must be parked off the street and on the property of the short term rental. If there are vehicles parked in the street, take pictures and document when the violation occurred.

Noise restrictions

The noise restrictions are more restrictive than the

city ordinances. There cannot be any outside noise after 10 pm, for example. For these violations, document the noise and the date and hours. Record the noise if possible.

Required Posting

There must be a sign that can be seen from outside of the house that has information about who to call if there is an issue. This contact must be available 24 hours a day/7 days a week Call to complain about any issue, and BE SURE and document the issue yourself so you can submit the documentation to the City Council if there continues to be problems.

DIXIE SPRINGS AND AREA ACTIVITIES

Skeet Shooting

Every Wednesday at 9 am, meet at the Purgatory Clay Sports range for fun shooting skeet.

Hurricane Community Choir

The choir rehearses each Wednesday evenings at 7 pm starting on 6 Sep 2017. Contact webmaster@dixiesprings.info for more information.

Pickle Ball

A number of residents go every Tuesday and Thursday at 3 pm to play Pickleball at the courts by the High School. Contact Deanna Sudweeks at 602-768-2603.

Ladies Luncheon

The ladies of Dixie Springs meet for lunch on the first Tuesday of each month at noon at the Sand Hollow Golf Course restaurant. Come join us!

ATV

Contact Debbie at dhohens@sbcglobal.net if you would like to join the community ATV rides.

Weaving

Calling all weavers, spinners and “want to be” weavers and spinners! For info, see the web page at <http://www.dixiesprings.info/weavers>

All RVs

If you have an RV, join the Red Rock Rovers! They are a great group that plans great trips 4 times per year. For more info, go to <http://www.redrockers.org/>.

Cannery Trip

The first Wednesday of each month, a group goes to the cannery in St George. You can purchase freeze dried canned foods with long shelf lives. Meet at 9:30 am in front of the mailboxes on the corner of Wilson and Dixie Springs Drive to carpool.

Tai Chi in the Dixie Springs Park

Tai Chi classes will be held every Tuesday starting 16 August at 10 am in the Dixie Springs Park.

Woodworkers

Looking for other hobby woodworkers to meet and share ideas, projects & skills. I did belong to the Woodworking Guild in Salt Lake before moving to Hurricane. Contact Jeff Blonder at 801-205-5605

Orchestra

All levels of stringed instrument players are invited to join the Square Pegs Orchestra. See <http://dixiesprings.info/SquarePegs.htm> for information.

DIXIE SPRINGS STATISTICS

Section	# Lots	# w/houses	Percent
A	225	161	72%
B	231	162	70%
C	274	141	51%
D	204	116	57%
E	259	126	49%
F	111	42	38%
G	86	56	65%
Total	1390	804	58%

CALENDAR

Dam to Dam 10 Mile Road Race

10 Feb 2018 at 10 am. This race is run entirely in Sand Hollow State Park—right in our backyard!

St George Parade of Homes

16—25 Feb 2018. This is a yearly tradition for many folks. There will be 28 new homes this year.

<https://paradehomes.com/web/>

Dixie State University Events can be seen at:

<https://visit.dixie.edu/calendars-events/>

They have lots of great concerts, plays, orchestra performances, etc.

For **Events in St George**, see:

<https://www.visitstgeorge.com/calendar>

For **Events in Hurricane**, see:

<http://www.hurricanerecreation.com/>

SECTION CAPTAINS

Section Captains contact new people, welcome them to the community and ask if they would give their email for the newsletter. This is a great chance for you to meet your new neighbors. It also ensures that everyone feels welcome to our community.

Dixie Springs is platted into lettered sections. We

have sections A through G.

To see the sections, see the following web page:

<http://www.dixiesprings.info/information.htm>

If you would like to help, contact Nancy at webmaster@dixiesprings.info

RECOMMENDED VENDORS

The list of recommended vendors is on the web at <http://www.dixiesprings.info/vendors.htm>. If you had good service from a vendor, submit your information so everyone can benefit from your experience.

DIXIE SPRINGS COMMUNITY FUND

The Dixie Springs Community Fund is used to:

- Fight threats to our residential community by establishing a relationship with a lawyer who can provide council and other representation
- Fund the Dixie Springs Community Web Site
- Fund the email messages (free now but there is a cost once we get to a certain size).

No funds would be used without approval of a committee of community members.

The fund will **not** be used to enforce CC&RS.

The money for the fund comes from voluntary donations. We recommend \$100 per year per home,

but any amount is welcome. Any use of the money will be reported in the newsletter.

To contribute to the fund, put your donation into the following account at the Mountain America Credit Union: 9992856. Put your name and lot number or address as a memo on the deposit.

You could set up a \$10 a month automatic deposit into the account, if that would be easier.

Please help your community. You may not be impacted by some of the threats now, but you may be in the future and will be glad of the support of your neighbors and the fund. Let's all work together!