



ORDINANCE NO. 25-004

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 3, BUSINESS LICENSE REGULATIONS, CHAPTER 1 DEFINITIONS, CHAPTER 2A-12 RENEWAL OF LICENSE CERTIFICATE, AND 2A.21.3 NIGHTLY RENTALS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brian Head Town identified a need to amend the Brian Head Business License in order to regulate businesses within the Town limits of Brian Head, Utah; and,

WHEREAS, the Council determined that an amendment to the nightly rental provision to update and clarify new legislation that took place in 2025, a need to review the Nightly Rental provision within the Business License Code; and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Business License Code, Chapter 1 Definitions, Chapter 2A-12 Renewal of License Certificate and Chapter 2A-21-3 Nightly Rentals within the Brian Head Town Code, Attachment "A" of this ordinance in order to regulate businesses within the Town of Brian Head, Utah. All businesses within the Town of Brian Head shall comply with the Brian Head Business License Code; and

Section 2. Effective Date. This ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council, all provisions of this ordinance shall be incorporated into Title 3 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the State Code shall supersede.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance and all prior Business License Codes previously adopted shall be repealed.

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2
3 **PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL this 27th day of May**
4 **2025 with the following vote.**
5
6

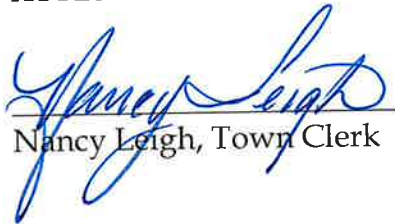
7 **Town Council Vote:**

8		
9	Mayor Clayton Calloway	Yes
10	Council Member Martin Tidwell	Yes
11	Council Member Kelly Marshall	Yes
12	Council Member Mitch Ricks	Yes
13	Council Member Larry Freeberg	Absent
14		
15		
16		

17 **BRIAN HEAD TOWN COUNCIL**

18
19
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21 By: 
22 Clayton Calloway, Mayor

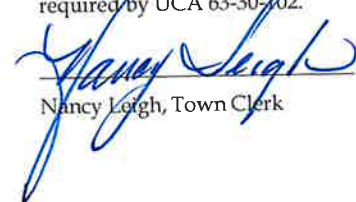
23 **ATTEST:**

24
25 
26 Nancy Leigh, Town Clerk
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28
29



37 **CERTIFICATE OF PASSAGE AND POSTING**

38 I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the ordinance passed by the
39 Town Council on the 27th May 2025, and have posted a ordinance summary within the Town of Brian Head, to-wit: Town
40 Hall and have posted a copy on the Public Meeting Notice Website and on the Town website: brianheadtown.utah.gov as
41 required by UCA 63-30-102.
42

43 
44 Nancy Leigh, Town Clerk
45

Attachment A

Title 3
BUSINESS AND LICENSE REGULATIONS

Chapter 1
DEFINITIONS

3-1-1: DEFINITIONS:

3-1-1: DEFINITIONS:

All words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

AGENT: Means any legally authorized entity acting on behalf of a property owner, including but not limited to a rental management company, property manager, an executor of the owner's estate, or other legal fiduciary. (Ord. 19-009, 7-8-2019)

BEDROOM: A room that provides the necessary separation and privacy for sleeping and meets the following criteria in accordance with the International Residential Code (IRC) for bedrooms:

1. A minimum ceiling height of seven feet, six inches (7'6").
2. A minimum of seventy (70') square feet for a single occupant and must have a dimension of seven-feet (7') in one direction. For each additional occupant, an additional fifty (50') square feet is required.
3. Must have a means of egress through a window or door to the outside in case of fire. If the egress is a window, the opening of the window must be no more than forty-four (44") inches from the floor and the opening must be net clear opening of at least twenty (20") inches wide and at least twenty-four (24") high, with a net clear area of at least five-feet seven-inches (5'7") (approximately two feet by three feet (2'x3')).
4. A smoke detector on the ceiling of the room and on the ceiling in the hallway outside of the room.

BUSINESS: A distinct and separate "person" or entity "engaging in business", as those terms are defined in this section. A "business" may be distinguished from another business by separate state sales tax numbers, federal tax identification numbers (employer identification number), and/or separate ownership.

BUSINESS AND SPECIAL EVENTS NUISANCE: Any licensed premises where persons are permitted to use profanity, indecent, immoral, loud or boisterous language, or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or

persons under the age of twenty one (21) are permitted to purchase or drink beer, alcoholic beverages or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge, actual or constructive, of the licensee which tend to affect the public health, safety, peace or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health.

CHARITABLE ORGANIZATION: Any organization recognized by the internal revenue service (IRS) as a 501(c)(3) charitable organization, such as, but not limited, to a religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe or personal tragedy.

COMMERCIAL VEHICLES AND TRAILERS: Motor vehicles that are utilized in the normal course of business, including, but not limited to, delivery trucking, commercial hauling, snow removal services, transportation of goods or other cargo rental vehicles, concrete trucks and dump trucks. "Commercial vehicles and trailers" do not include those that transport people to, from and within Brian Head Town for a fee.

CONDUCTING BUSINESS: Includes the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

CORPORATE SPONSOR: Any business or combination of businesses which provide funding for any special event for a substantial amount of the funds necessary to promote the event or account for substantial amount of the event's operating expenditure budget.

DESIGNEE: A Brian Head Town staff member authorized by the town Licensing Officer to process liquor related and business license applications and renewals.

ENGAGING IN BUSINESS: Includes all activities engaged in within the corporate limits of Brian Head Town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes, but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of services for others for a consideration, except the rendering of services by an employee to his employer under any contract of employment.

FIREWORKS PERMIT: A permit issued by the town fire marshal for aerial or concession fireworks, pursuant to current fire codes.

FOOD CART: A cart that is not motorized and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption. (22-012, 11-8-22)

FOOD TRUCK: A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor standing within the frame of the

vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption; or a food cart, or an ice cream truck. (ord. 22-012, 11-8-22)

FOOD TRUCK BUSINESS: A person who operates a food truck or, under the same businesses, multiple food trucks. (ord. 22-012, 11-8-22)

FRACTIONAL OWNERSHIP: Where more than one unrelated parties have ownership of a real estate asset that is divided into shares, allowing multiple individuals to own a fraction of the property.

HEARING OFFICER: The Town Manager of Brian Head Town is designated as the hearing officer for Brian Head Town.

ICE CREAM TRUCK: A fully encased food service establishment:

- A. On a motor vehicle or on a trailer that a motor vehicle pulls to transport;
 - B. From which a vendor, from within the frame of the vehicle, serves ice cream;
 - C. That attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
 - D. That may stop to serve ice cream at the signal of a patron.
- (ord. 22-012, 11-8-2023)

LICENSE FEE: Includes the administrative fee as defined by the Consolidated Fee Schedule.

LICENSED PREMISES: Any room, building, structure or place, whether permanent or temporary, occupied by any person licensed to conduct business within the town boundaries.

LICENSEE: Person to whom a license has been issued pursuant to the provisions of this Title, including individual person, partnership, joint ventures, associations, clubs, trusts, corporations or any other entities qualified by law to carry on any business referred to herein. The term Licensee as used herein shall include all of the above and shall be either the applicant or licensee. (amd. Ord. 19-009, 7-8-2019)

LICENSING OFFICER: The Town Clerk, or his or her designee, responsible for receiving from an applicant the completed application and either granting, suspending, or denying the application.

LIVING SPACE: As defined in the IRC as a space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

MOBILE VENDOR: Any business which sells food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from tents/canopies, push carts, mobile wagons, trailers, or motor vehicles. Includes Food Trucks. (ord. 22-012, 11-8-22)

NIGHTLY RENTAL MANAGEMENT COMPANY: A business that handles the day-to-day operations of a nightly rental property, like a vacation rental on behalf of the property owner. Rental Management Companies must have a minimum of six (6) units to be considered a Nightly Rental Management Company. The Nightly Rental Management Company may own up to 33% of their rental properties with 66% of the rental properties owned by other individuals

1 **NIGHTLY RENTAL UNIT FACILITY:** Also called "short-term rental". Any place providing
2 temporary sleeping accommodations to the public for a period less than thirty (30) days,
3 including, without limitation, ~~a hotel, motel,~~ lodge, condominium project, single-family residence,
4 bed and breakfast, boarding house, inn, resort, rooming house, recreational lodging unit, private
5 campground, or timeshare project. amd. Ord. 19-009, 7-8-2019
6

7 **NIGHTLY RENTAL ADVERTISING WEBSITE:** A website or other digital platform that: 1) allows
8 a person to offer a nightly rental to one or more prospective renters; and 2) facilitates the renting
9 of, and payment for a nightly rental. Examples include, but are not limited to Airbnb, Vrbo,
10 Travelocity, or self-managed online advertising platforms.
11

12 **NONPROFIT CORPORATION:** A corporation or company which is not conducted or
13 maintained for the purpose of making a profit and/or no part of the income of which is
14 distributable to its members, trustees or officers, or a nonprofit cooperative association.
15

16 **PERMIT:** Permits may be issued by the Licensing Officer, or his or her designee, to any
17 business, individual or special events that are identified in subsection 3-2A-5B of this title, as a
18 permit holder in lieu of a license. Permits are considered temporary in nature unless otherwise
19 identified.
20

21 **PERSON:** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm,
22 partnership, joint venture, club, company, business trust, corporation, association, organization,
23 society, or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, for
24 profit, nonprofit, or otherwise.
25

26 **PLACE OF BUSINESS:** Each separate location maintained or operated by the licensee within
27 Brian Head Town from which business activity is conducted or transacted. A location shall be
28 identified by street address or by building name if a street address has not been assigned. "Place
29 of business" means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and
30 any other place where the general public is invited or admitted for business purposes, including
31 any patios, balconies, decks or similar areas, and also means private clubs, corporations and
32 associations operating under charter or otherwise wherein only the members, guest members
33 and their visitors are invited. Occupied hotel, motel rooms, condominiums and cabins that are not
34 open to the public shall not be "places of business" as herein defined.
35

36 **RESTAURANT:** A place of business where a variety of food is prepared and/or cooked and
37 complete meals are served to the general public and is engaged primarily in serving meals to the
38 general public.
39

40 **ROUTE DELIVERY:** Any delivery made to customers of a business which makes repeated door
41 to door deliveries to the same households along designated routes with an established time
42 interval in between delivery visits. The majority of such deliveries must be to fulfill orders
43 previously made by the customer. Such businesses will include, but not be limited to, dairies and
44 sellers of bulk meats or produce.
45

46 **SALE/SELL OR TO SELL:** Any transaction, exchange or barter whereby, for any
47 consideration, or by any means or any pretext promised or obtained, whether done by a person
48 as a principal, proprietor, or as an agent, servant or employee, unless otherwise defined in this
49 title.
50

51 **SEASONAL BUSINESS:** A business engaging in business for more than thirty (30) days in a
52 given year, but not exceeding more than six (6) months in the same year.
53

SEXUALLY ORIENTED BUSINESS: A "business" as defined in [chapter 5](#) of this title, "Sexually Oriented Businesses".

SOLICITED DELIVERY: A delivery of previously ordered goods or services or the United States mail. "Solicited delivery" includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

SPECIAL EVENT: Any event, public or private, with either public or private venues, requiring town licensing beyond the scope of normal business and/or liquor regulations, as defined by this code; or any event held on public or private property in which the general public is invited, with or without charge, and which creates significant public impacts through any of the following:

- A. The attraction of large crowds;
- B. Necessity for street closures on any arterial street necessary for the safe and efficient flow of traffic in Brian Head Town;
- C. Use of public property;
- D. Use of town transportation services;
- E. Use of off-site parking facility;
- F. Use of amplified music in or adjacent to a residential neighborhood;
- G. Use of Town personnel;
- H. Impacts via disturbance to adjacent residents;
- I. Disruption of the normal routine of the community or affected neighborhood; or
- J. Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts.

SPONSOR: A person, group or business which has contracted to provide financial or logistical support to any special event or festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products or logos.

STREET CLOSURE: The deliberate blockage of any public street or town owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a special event license.

~~**UNIT:** Any separately rented portion of a hotel, motel, condominium, single-family residence, duplex, triplex or other residential dwelling without limitation.~~

UNSOLICITED DELIVERY: Delivery that is not a solicited delivery, including the

1 delivery of any unsolicited newspaper or publication, sample product or advertising
2 material. Unsolicited newspapers or publications, sample products or advertising
3 material shall include, but not be limited to, handbills describing or offering goods or
4 services for sale, any goods or products that were not previously ordered by the
5 homeowner or occupant, any newspaper or publication delivered without a subscription
6 by the owner or occupant, and any coupons or rebate offers for goods and services.

7
8 **VENDOR:** Any person, group or business that transacts business within the town limits
9 on a temporary basis, such as special events. (amd. ord. 22-012, 11-8-22)

10
11 **VENUE:** The location or locations upon which a special event or festival is held, as well
12 as the ingress and egress route when included in the special event license. (Ord. 08-
13 017, 8-26-2008)

14 15 **TITLE 3, CHAPTER 2A – LICENSING IN GENERAL**

16 17 **3-2A-12: RENEWAL OF LICENSE CERTIFICATE:**

18
19 Upon receipt of the license fee, the Town shall issue a license certificate valid through September
20 30 of the next year for nightly rental businesses and all other businesses shall have a license
21 certificate valid for the calendar year ending December 31 of that year. (Ord. 08-017, 8-26-2008)

22 23 **3-2A-21-3: NIGHTLY RENTALS FACILITIES:**

24
25 No person shall operate or engage in any nightly rental activity within the town without
26 first obtaining and maintaining a valid business license as required by this chapter. (amd.
27 Ord. 19-009, 7-8-2019)

28
29 A. License Issuance: The business license for nightly lodging facilities will be issued
30 by the Town upon payment of necessary fees and upon a finding by the Licensing
31 Officer or designee that the review criteria established below have been satisfied.

32
33 B. Licensee: The applicant and licensee for nightly lodging facilities under this
34 section shall be the owner of the property which will be used as a nightly rental or
35 the operator of the nightly rental (such as a rental management company) with the
36 written consent of the property owner. (amd. Ord. 19-009, 7-8-2019).

37
38 C. Application Procedure: In addition to the information required by section 3-2A-4 of
39 this article, all new and renewal license applications for nightly rental facilities
40 must contain the name of the property owner and the property rental manager, if
41 any, a sales tax collection number, the physical address of each nightly rental unit
42 being operated by the licensee, the address and telephone number of the owner
43 and/or property rental manager who is available by telephone, the number of on-
44 site parking spaces at each nightly rental unit, and all other information requested
45 on the application forms. It is the licensee's duty to promptly supplement all forms
46 as information changes or as units change from one owner or manager to
47 another. (amd. Ord. 19-009, 7-8-2019).

1 D. Multiple Ownership or Fractional Ownership: In instances where multiple parties
2 hold ownership of a unit, all owners must sign the Town's Nightly Rental Owner
3 Affidavit acknowledging that the unit is intended to be used as a nightly rental unit.
4 Exception to is provision are joint trusts owned by legally married persons, where
5 one spouse may sign on behalf of the other spouse.
6

7 DE. Minimum Standards For Licensing: The minimum standards required to obtain
8 and maintain a nightly rental business license with the Town: (amd. Ord. 19-009,
9 7-8-2019)

- 10 1. All nightly rentals must meet all applicable building, health, fire codes and town
11 ordinances for the intended use. (Ord. 19-009, 7-8-2019)
12
- 13 2. Maximum occupancy as allowed by fire code shall be posted in plain view near the
14 main entry of all single family residential nightly rentals. (Ord. 19-009, 7-8-2019)
15
- 16 3. Advertising: All advertising in the control of the owner or Rental Management
17 Company for the nightly rental of a unit shall include the Brian Head Town business
18 license number, maximum occupancy limits, parking spaces (if applicable).
19
- 20 4. Snow Removal For Access: Snow removal during winter months to a level that allows
21 safe access to the nightly rental facility unit over the normal pedestrian access to the
22 unit. (amd. Ord. 19-009, 7-8-2019)
23
- 24 5. Off Street Parking Maintenance: Snow removal service to and from off-street parking
25 facilities associated with the nightly rental facility unit must be maintained so that off
26 street parking is at all times available for the use of the occupants. (amd. Ord. 19-009,
27 7-8-2019)
28
- 29 6. Parking: Parking must be in compliance with the Town's parking ordinance including
30 limitations on on-street parking and other state laws and regulations. Nightly rentals
31 shall be limited to the maximum number of vehicles parked on-site based on the total
32 available developed off-street parking spaces on premises. Single family residential
33 nightly rental shall post the maximum on-site parking in plain view near the main entry
34 along with a declaration prohibiting on-street parking between November 1st and April
35 30th as well as a map of available overflow public parking (amd. Ord. 19-009, 7-8-
36 2019)
37
- 38 7. Structural Maintenance: Structural maintenance to sure building, health, safety, and
39 fire code compliance.
40
- 41 8. Yard Maintenance: Summer yard maintenance, including landscaping, to a level that is
42 consistent with the level of landscaping and maintenance on adjoining and nearby
43 properties.
44
- 45 9. Inspections: Each unit will be inspected for safety issues such as fire extinguishers,
46 smoke detectors, maximum occupancy limits, appropriate egress, etc. Units will be
47 inspected at the time the license is granted and will be re-inspected at least biennially
48 (once every two (2) years). Inspection and re-inspections will be at the cost of the
49 licensee. (amd. Ord. 19-009, 7-8-2019).
50
51

10. Good Neighbor Policy: Licensees are required to distribute a copy of a town-approved Good Neighbor Policy to all guests/renters at the licensee's expense and to keep a copy of the Good Neighbor Policy in a conspicuous place within the unit. (Ord. 19-009, 7-8-2019)
11. Response to Complaints: Failure of the licensee to respond in a timely manner to Town complaints or concerns may result in a violation and possible fines to the owner and/or the rental management company or revocation of the business license. (Ord. 19-009, 7-8-2019).
12. Insurance: Property and casualty insurance must be maintained on the nightly rental **facility unit** at all times. Licensee must provide proof of such insurance at the time of application and **upon annual renewal of the unit request by the Town**. (Ord. 19-009, 7-8-2019)
13. Commercial Uses Prohibited: Nightly rental facilities may not be used for commercial uses not otherwise permitted in the zone. Nightly rental facilities may not be converted to corporate sponsor 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. (amd. Ord. 19-009, 7-8-2019)
14. Collection of Applicable Taxes and Fees: Failure of the licensee to collect and deposit sales tax or the Brian Head Enhanced Service Business License Fee is a violation of the license and grounds for revocation. (Ord. 19-009, 7-8-2019)

E. Noise, Nuisance, and Occupancy Control: (amd. Ord. 20-008, 8-11-2020)

1. The licensee of any rental unit located in a single-family residential zone (R-1) is responsible for regulating the occupancy of the unit and noise and nuisance created by the occupants of the unit. Violation of the Town Nuisance Ordinance (§4.4), violation of maximum occupancies, failure to use designated off-street parking, criminal conduct, or any other abuse which violates any law regarding use or occupancy of the premises, is grounds for revocation under §3-2B-1 of this Title. (Ord. 20-008, 8-11-2020)
2. Licensees of rental units located in multi-family residential zones (R-3) or commercial zones, in concert with any existing owner's association, shall use their best efforts to reduce/limit noise and nuisance created by the occupants of the units. (Ord. 20-008, 8-11-2020)

F. Review Criteria: In determining whether or not a business license for a nightly rental **facility unit** shall be issued, the application shall be reviewed to see if, in addition to the minimum standards for nightly rentals set forth in 3-2A-21-3(D) and the standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met: (amd. Ord. 19-009, 7-8-2019)

1. The unit is located within a zone designated as allowing rentals or nightly rental facilities for the period for which the license is applied. (amd. Ord. 19-009, 2019)

- 1 2. The Building Department and Public Safety Department have reviewed the
2 business license application for compliance with all building, health, and fire
3 codes. Inspection of the unit shall be required under section 3-2A-7 of this
4 article. The applicant shall bear the cost of any such inspection and any re-
5 inspection which may be required. The cost shall be determined by the **Town's**
6 **Consolidated Fee Schedule.** ~~prevailing hourly rate of the building department~~
7 ~~and/or public safety department.~~ (amd. Ord. 19-009, 7-8-2019)
8
9 3. The application must bear a sales tax collection and accounting number for the
10 nightly rental **facility unit**. This number may be the sales tax accounting number
11 used by the **property** rental management company or owner responsible for
12 that unit, or may be specific to the unit, but no license will be effective until the
13 sales tax number is provided. (Ord. 08-017, 8-26-2008) (amd. Ord. 19-009, 7-8-
14 2019)
15

