

**10-8-85.5 "Rental dwelling" defined -- Municipality may require a business license or a regulatory business license and inspections -- Exception.**

- (1) As used in this section, "rental dwelling" means a building or portion of a building that is:
  - (a) used or designated for use as a residence by one or more persons; and
  - (b)
    - (i) available to be rented, loaned, leased, or hired out for a period of one month or longer; or
    - (ii) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.
- (2)
  - (a) The legislative body of a municipality may by ordinance require the owner of a rental dwelling located within the municipality:
    - (i) to obtain a business license pursuant to Section 10-1-203; or
    - (ii)
      - (A) to obtain a regulatory business license to operate and maintain the rental dwelling in accordance with Section 10-1-203.5; and
      - (B) to allow inspections of the rental dwelling as a condition of obtaining a regulatory business license.
  - (b) A municipality may not require an owner of multiple rental dwellings or multiple buildings containing rental dwellings to obtain more than one regulatory business license for the operation and maintenance of those rental dwellings.
  - (c) A municipality may not charge a fee for the inspection of a rental dwelling.
  - (d) If a municipality's inspection of a rental dwelling, allowed under Subsection (2)(a)(ii)(B), approves the rental dwelling for purposes of a regulatory business license, a municipality may not inspect that rental dwelling except as provided for in Section 10-1-203.5.
- (3) A municipality may not:
  - (a) interfere with the ability of an owner of a rental dwelling to contract with a tenant concerning the payment of the cost of a utility or municipal service provided to the rental dwelling; or
  - (b) except as required under the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act, for a structural change to the rental dwelling, or as required in an ordinance adopted before January 1, 2008, require the owner of a rental dwelling to retrofit the rental dwelling with or install in the rental dwelling a safety feature that was not required when the rental dwelling was constructed.
- (4) Nothing in this section shall be construed to affect the rights and duties established under Title 57, Chapter 22, Utah Fit Premises Act, or to restrict a municipality's ability to enforce its generally applicable health ordinances or building code, a local health department's authority under Title 26A, Chapter 1, Local Health Departments, or the Utah Department of Health's authority under Title 26, Utah Health Code.

Amended by Chapter 289, 2012 General Session