

ORDINANCE NO. 511-24

AN ORDINANCE ESTABLISHING A SHORT-TERM RENTAL OF DWELLING UNITS' BUSINESS LICENSE FOR THE CITY OF ASHTON, IDAHO.

BE IT HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ASHTON, IDAHO AS FOLLOWS:

Purpose

The purpose of this ordinance is to protect the integrity of the City's residential neighborhoods and private property rights by limiting non-owner-occupied short-term rentals within residential neighborhoods and by regulating all short-term rentals of dwelling units to safeguard the health, safety and welfare of short-term rental occupants and that of neighboring residents.

Definitions

Local Representative - An area property manager, owner or agent of the owner, who is readily available to respond to tenant and neighborhood or City questions or concerns.

Owner – The person or entity that holds legal and/or equitable title to the private property. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

Short-Term Rental – The use of a dwelling unit or a portion thereof which is rented for the purpose of overnight lodging for a period of thirty (30) days or less. Short term rentals are also commonly referred to as vacation homes, tourist homes or vacation rentals.

Requirements

1. Permit Required. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit for a short-term rental occupancy within the City without obtaining a short-term rental permit.
2. Compliance With Chapter. Permits for short term rentals are allowed subject to all provisions of this chapter and title.
3. Procedures and fees for a short-term rental are the same outlined in Chapter 5.12 SAMC unless otherwise stated in this chapter.

Standards

1. Permit:
 - A. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short-term occupancy shall have obtained a short-term rental permit. Application for such a permit shall be made upon suitable forms furnished by the City. The permit is valid for one year and must be renewed annually. Renewal of the permit requires a complete permit application and fee. If a complete application and applicable fees have not been received by the City on the annual renewal date, the short-term rental shall be

conclusively presumed to be discontinued and the City shall revoke the short-term rental permit.

- B. A short-term rental permit is issued to a specific owner of a dwelling unit. The short-term rental permit shall be revoked when the permit holder sells or transfers the real property. For purposes of this section, “sale or transfer” shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse or child or transfers on the owner’s death to a trust which benefits only a spouse or child. A permit holder may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. When the permit holder sells or transfers the real property, the new owner shall apply for and receive a short-term rental permit before using the dwelling as a short-term rental.
2. Issuance: the issuance of a short-term rental permit shall be subject to the following requirements:
 - A. Inspection:
 1. At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.
 2. For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a City provided self-inspection checklist.
 3. Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner’s expense.
 - B. Windows: Bedroom windows shall be operable to allow for emergency egress in accordance with the most recent building and fire codes as adopted and amended by the State of Idaho, County of Idaho and City.
 - C. Smoke alarms: single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers specification:
 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - D. CO Detectors: A CO detector is required on each floor if: there is an attached garage, solid fuel appliance or gas appliance.
 - E. Fire Extinguishers: The short-term rental shall be equipped with one 2AS:10BC type extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet (3’) and five feet (5’) above the floor and shall be accessible to occupants at all times.
 - F. Occupancy: No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a short-term rental.

G. Local Representative:

1. Each short-term rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Ashton city limits.
2. If the Police Department is not able to contact the local representative within 24 hours more than twice during the term of the annual permit, this shall be considered a violation pursuant to the Violation: Infraction: Penalty section of this ordinance.
3. The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the City of a change in the local representative constitutes a violation pursuant to the Violation: Infraction: Penalty section of this ordinance.

H. Permit Posting: The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

1. The name of the local representative and a telephone number where the representative may be reached.
2. The name and a telephone number where the property owner can be reached.
3. The telephone number and website address of the City of Ashton and the Ashton Police Department.
4. The maximum number of occupants permitted to stay in the dwelling.
5. The solid waste and recycling collection day.

I. Equivalent Dwelling Unit: All short-term rentals must disclose to the City or inspector how the property is to be rented so as to comply with the City's Equivalent Dwelling Unit (EDU) designations. For example, if a property rents out multiple rooms, each with its own bathroom and is most similar to a hotel or motel, then the EDU equivalent will apply in that situation. Otherwise, each separate dwelling will count as one EDU.

Violation; Infraction; Penalty

The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:

1. Violations:

- a. The tenants of the dwelling have created noise, disturbances or nuisances in violation of this Code or violations of State law pertaining to the consumption of alcohol or the use of illegal drugs.
- b. The owner has failed to comply with the standards of the Standards Section of this ordinance.

2. Penalties:

- a. For the first two (2) violations within a twelve (12) month period the sanction shall be a warning notice.
- b. For the third violation within a twelve (12) month period the sanction shall be a revocation of the permit.

3. Written Notice: The City shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

4. **Appeal of Suspension or Revocation:** Pursuant to this section, the City shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefor. The permit holder may appeal the suspension or revocation to the City Council by filing a letter of appeal to the City Clerk within twenty (20) days after the date of the mailing of the City Clerk's or Designee's order to suspend or revoke the permit. The City Clerk's or Designee's suspension or revocation shall be stayed until the appeal has been determined by the City Council. The City Council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the Council may uphold, modify or overturn the decision of the City Clerk or Designee to suspend or revoke the permit based on the evidence received.
5. **Infraction:** Unless otherwise provided, any person who shall commence or continue to operate a short-term rental for which a permit is required by any provision of this title without first procuring the same shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined one hundred dollars (\$100.00). An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
6. **Advertisement of Short-Term Rental:** An advertisement promoting the availability of short-term rental property in violation of this Code is prima facie evidence of a violation and may be grounds for denial, suspension or revocation of a license. Advertising that offers a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, manager, operator or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation. Any communication by a property owner, manager, operator or lessee to any person where the owner, manager, operator or lessee offers their home for rent as a residential short-term rental shall constitute a prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation. Other evidence of the operation of a short-term without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements and receipts or bank statements showing payments to the owner by a guest.

PASSED BY THE MAYOR AND COUNCIL OF THE CITY OF ASHTON, IDAHO, this _____

day of _____, 2024.

THOMAS MATTINGLY, MAYOR

ATTEST:

CATHY STEGELMEIER, CLERK