

April 5, 2025 - Draft

**ORDINANCE 2025-C
BOULDER TOWN, STATE OF UTAH**

AN ORDINANCE REGULATING RESIDENTIAL SHORT-TERM RENTALS WITHIN THE INCORPORATED AREA OF BOULDER TOWN, GARFIELD COUNTY, STATE OF UTAH.

WHEREAS the Boulder Town Council as the legislative body of Boulder Town directed the Planning Commission to consider changes to the Boulder Town Code regulating Residential Short-Term Rentals (RSTRs) in Boulder; and

WHEREAS there is a need to clarify administrative processes in the Boulder Town RSTR Code; and

WHEREAS Boulder Town continues to have an interest in balancing the availability of housing for local residents, the quality of life in neighborhoods, and the economics of tourism

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Boulder Town Council, Garfield County, State of Utah the adoption of the following ordinance making changes in Boulder Town land use codes related to Residential Short-Term Rentals.

APPROVED and PASSED by the Boulder Town Council, State of Utah, on this ____ day of _____, 2025.

ATTEST:

Boulder Town Clerk _____

Boulder Town Mayor _____

VOTE:

Conrad Jepson, Mayor _____

Josh Ellis, Councilmember _____

Ray Gardner, Councilmember _____

Gladys LeFevre, Councilmember _____

John Veranth, Councilmember _____

Replace in its entirety section 153.204 with the following:

§ 153.204 RESIDENTIAL SHORT-TERM RENTALS.

(A) PURPOSE

The purpose of this section is to establish land use regulations for the use of privately-owned dwelling units as short-term rentals to protect neighborhoods and residents' and guests' health, safety, and well-being.

(B) DEFINITIONS

For the purpose of this section, the following definitions shall apply:

- 1) OWNER: a resident of Boulder who has permanent residence status via a Utah tax property document or as identified by an LLC, LLP, or Family Trust
- 2) MANAGER. The owner or the designated agent or representative of the owner who is responsible for compliance with this Code and available to respond to guests via phone within one hour or in-person within three hours.
- 3) RESIDENTIAL SHORT-TERM RENTAL (RSTR). A dwelling unit, or any portion thereof, being used for commercial accommodation purposes, including but not limited to, single-family dwellings, accessory dwelling units (ADU's), or any other dwelling unit for a period less than thirty (30) consecutive days. Additionally, any dwelling unit that is listed on any accommodation website including but not limited to Airbnb, Vacation Rental By Owner (VRBO), HomeAway, Trip Advisor, etc. is hereby considered a Residential Short-Term Rental and shall be subject to the regulations set forth in this Ordinance, even if the RSTR is rented out for a period longer than thirty (30) days. Bed and Breakfast accommodations (as defined in Utah State Code – add section #?) are exempt from this Code.

(C) CONDITIONS

- 1) Residential Short-Term Rentals (RSTRs) require an RSTR Conditional Use Permit (CUP) as outlined in section D below and in the Boulder Town Code 153.153.
- 2) RSTRs securing an approved CUP require an annual business license to operate as outlined in Boulder Town Code 110.01 (H) (4). The initial business license application requires an approved building inspection by Garfield County. Business licenses must be

renewed by February every year and tax documentation provided showing that the dwelling has been rented for at least 7, but no more than 182 days during the previous year.

- 3) The RSTR CUP applicant must be a permanent resident of Boulder and show proof via property tax records and a Utah driver's license with a local address.
- 4) If the property is owned by an entity (e.g., a corporation, LLC, LLP, Family Trust), the following apply:
 - a. The individual who holds the majority interest in said entity must be part of the application as a resident (with proof) or give notarized written consent to a person representing the entity to file the CUP application.
 - b. Other members of the applicant's household or with ownership in the applicant's entity will not be eligible for an RSTR on any other lots in Town.
- 5) The RSTR CUP is valid for 5 years, with an approved annual business license. After this time, the next applicant on the waiting list in the geographic area will be notified and they will have 30 days to submit an RSTR CUP. The original holder may be added to the waiting list. If there are no waiting list applicants or they do not respond within the designated time frame, the original RSTR holder, assuming full compliance with this Code, may retain their RSTR permit.
- 6) Dwellings eligible for RSTR status fall into two classifications, which are mutually exclusive and **only one shall be allowed as an RSTR:**
 - a. The primary dwelling or an ADU on the lot comprising the domicile and residence of the applicant. The said lot containing the subject dwelling(s) is not to be occupied by RSTR guests in excess of 182 days per year; or
 - b. A separate lot of record in the town which contains a dwelling separate and apart from the domicile of a resident-applicant and is not to be used by guests in excess of 182 days per year.
- 7) In no event shall more than one of the qualified dwellings on a lot (primary dwelling or an IADU or ADU) be occupied by RSTR guests on any given day or at any given time.
- 8) Three geographical areas are used to define the number of RSTR's allowed.
 - a. 5 RSTRs in **Upper Boulder**, beginning at the north boundary of Boulder and extending east-west to the boundaries of the town limits and south through to the south property line of the Boulder Cemetery
 - b. 5 RSTRs in **Middle Boulder**, including all property within the town limits situated between the south line of Upper Boulder, as described in (i) above,

extending south to the Town limits, accesses off HWY 12 and east along the Burr Trail Road to the southeast boundary of properties accessed from Burr Trail Road.

- c. 5 RSTRs in **Lower Boulder**, including all property with access from Lower Boulder Road.
- 9) RSTRs in each area shall be available on a first-come basis. When an area's quota is reached, applicants can sign up on a waiting list.
- a. Waiting lists are established by applicants interested in establishing an RSTR sending a letter of interest to the Town Clerk. The Town Clerk will notify the applicant of availability within a geographic area. If no RSTRs are available, the Town Clerk will add their name and interest to the waiting list.
 - b. When an applicant on the waiting list is informed of an opening to apply for an RSTR CUP, the applicant has 60 days to submit the CUP application to the Town Clerk. If the applicant does not meet this deadline, the next person on the waiting list will be considered for the opening.
- 10) The following guest rules and regulations will be posted in the RSTR and provided to guests.
- a. Information about Boulder Town regulations such as those relating to noise, pets, dark skies, fire restrictions, parking, etc.
 - b. A map of the property detailing boundaries and locations of public trails and roads and surrounding private property where trespass must be avoided
 - c. A copy of the current RSTR Boulder Town business license
 - d. Contact information for the manager and owner of the RSTR
 - e. Information from the Garfield County Building Inspection Checklist including:
 - i. Locations of all fire extinguishers
 - ii. Maximum occupancy of the dwelling unit
 - iii. Maximum number of vehicles allowed
 - iv. Locations of smoke detectors and carbon monoxide detectors
 - v. Trash rules

(D) RSTR CONDITIONAL USE PERMIT (CUP) AND BUSINESS LICENSE REQUIREMENTS AND PROCESS

- 1) The requirements for submitting an application for an RSTR CUP are included in the RSTR CUP Application Form on the Town website and summarized below.
- a. Show proof of residency
 - b. Show address and parcel number for the RSTR location
 - c. Show proof of property ownership

- d. Identify property manager with contact information
 - e. Complete the full application including a map that shows all dwellings, RSTR location, property lines, adjacent private property boundaries and owners, and parking spaces for guests
 - f. Provide an approved Inspection Report by Garfield County
 - g. Documentation of how the RSTR will be signed.
- 2) The process for submitting and considering an application for an RSTR CUP is as follows:
- a. The applicant submits an RSTR CUP application with accompanying documentation to the Town Zoning Administrator
 - b. The Town Zoning Administrator determines if the application is complete and requests additional information if needed.
 - c. Once the application is deemed complete, the Zoning Administrator works with the Planning Commission to schedule and conduct a public hearing.
 - d. The Planning Commission reviews public comments and the CUP Application to determine compliance with Town Code.
 - e. The Planning Commission votes to approve, approve with conditions, or deny the CUP Application.
- 3) Once a CUP is approved, the applicant must:
- a. Obtain a Business License from the Town Clerk as per Boulder Town Code 110.01 (H) (4).
 - b. Notify all adjacent property owners of the approved CUP and provide contact information to them for the property owner and manager.

(E) VIOLATIONS AND ENFORCEMENT

- 1) An RSTR CUP may be revoked or modified by the Planning Commission as outlined in Boulder Town Code 153.155 (with the exception of 153.155 (B)) if the following conditions occur. Items b and c require documentation via appropriate tax records.
- a. The applicant fails to secure an annual business license.
 - b. The RSTR is used less than 7 days/year.
 - c. The RSTR is used more than 182 days/year.
- 2) Any RSTR business license that is allowed to lapse is considered abandoned and the next applicant on the waiting list will be notified. The owner may ask to be put back on the waiting list.

- 3) Any CUP that is revoked or not renewed for cause by violating the conditions of the CUP shall not be entitled to apply for a new CUP, except as determined by request from the applicant to the Town Council to consider all the circumstances of said revocation or non-renewal.
- 4) The manager and/or local contact person are responsible for the conduct of guests and shall use reasonably prudent business practices to ensure that the occupants of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental.
- 5) The manager and/or local contact person shall, upon notification that any occupant of the short-term rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental, respond within 1 hour to halt or prevent recurrence of such conduct.
- 6) Upon failure of the manager or local contact person to respond to calls or complaints within 1 hour regarding the condition, operation or conduct of occupants of the residential short-term rental, the manager shall receive written notice from the Boulder Town Attorney. If the owner, manager, or local contact person fails to respond to the complaints and or written notification from the Town, the Town Council may consider revocation of the conditional use permit and/or business license in a public meeting.
- 7) When the Town determines a short-term rental may be operating without first obtaining the requirements set forth in this Ordinance, the Town Attorney shall send a certified letter to the owner of real property describing the requirements of this Ordinance along with a formal request to come into compliance.
- 8) If the owner of real property fails to respond to, or act upon, the first notice within 30 days of certified delivery, a 2nd notice shall be sent from the Town Clerk or Town Attorney informing the owner of the fines and penalties that shall be imposed if operation of the short-term rental continues without Town authorization.
- 9) Upon failure to respond to the 2nd notice within 14 days of certified delivery, the owner shall be guilty of a Class C Misdemeanor and shall be subject to a separate fine of \$100.00 per day until all applicable documentation is submitted and fees are paid in full to the Town. A lien will be recorded on the real property for any outstanding penalties.

- 10) Any owner or manager of a short-term rental located within Boulder Town who, having first obtained the required approvals as outlined in the Boulder Town Code, thereafter operates or permits operation of said short-term rental in violation of those terms and provisions may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
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Make the following changes to the Boulder Town Code pertaining to Conditional Use Permits (153.150 et seq. and 153.156 et seq.)

Modify the following section:

153.153 ~~RESERVED~~ CONDITIONAL USE PERMITS FOR RESIDENTIAL SHORT-TERM RENTALS

A Residential Short-Term Rental (RSTR) requires a CUP that complies with the requirements outlined in section 153.204 of the Boulder Town Code and is submitted on the RSTR CUP Application Form available on the Town website. An RSTR CUP is exempt from the requirements outlined in 153.152 Site Development Plan Requirements and 153.155 (B).

Modify the following sections:

(A) (1) If the Planning Commission finds that a proposed potentially compatible use complies with all the requirements of this chapter, specifically including, but not limited to, the standards of §§ [153.400](#) et seq. and [153.415](#) et seq. **and 153.204**, whichever is applicable, it shall approve the application for a CUP.

(B) If the Planning Commission finds that, a proposed potentially compatible use does not comply with the standards of this chapter, specifically including, but not limited to, the standards of §§ [153.400](#) et seq. and [153.415](#) et seq. **and 153.204** whichever is applicable, the application for a CUP shall be denied. If a CUP is denied by the Planning Commission, no other approvals, licenses, or permits related to the proposed use shall be approved or issued.

Add the following section to the Boulder Town Code pertaining to Business Licenses (Chapter 110)

110.01 (H) Class of license

(4) Class IV license for residential short-term rental. The class includes use of a dwelling unit for a short-term rental as outlined in Boulder Town Code 153.204.