

May 6, 2025

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 Jepsen, 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, owner- or tenant-occupied dwelling units as short-term rentals in a manner to preserve residential and neighborhood character, protect public safety and residents' and guests' health, and prevent absentee or corporate control of transient lodging operations.

(B) DEFINITIONS

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

- 1) OWNER: the person or entity who can show via an Utah tax property document that the property considered for a residential short-term rental is legally theirs.
- 1) MANAGER. The designated agent or representative of the licensee 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 for RSTRs without an on-site licensee.
- 2) 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 and whereby the license holder:
 - a) Is the property owner or a lawful tenant with a valid lease/rental agreement, and
 - b) Resides on the property as their primary legal residence,

(C) LIMITATIONS ON RESIDENTIAL SHORT-TERM RENTALS

- 1) All of the four 2024 (or 2025?) licensed RSTRs, the one RSTR holding a valid CUP (2022), and the 2024 (2025?) licensed Bed and Breakfast Inn are acknowledged as non-conforming RSTRs and eligible for continued operation pending compliance with future business license requirements as noted in section (F).
- 2) All future RSTR license applicants, whether the owner of the property or a tenant, shall be a full-time Boulder Town resident and physically present during all short-term guest stays.
- 3) A total of ?? RSTRs will be allowed in Boulder Town. Once this total is reached, a waiting list will be established for applicants based on the order in which they are received. An applicant can express an interest in establishing an RSTR by sending a letter to the Town Clerk. The Town Clerk will notify the applicant of availability. If no RSTRs are available, the Town Clerk will add their name and interest to the waiting list. 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.
- 4) Licensed RSTRs shall have no limit on the number of nights of use per year, but shall be used at least 7 nights per year to maintain a valid Business License.
- 5) 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.

- 6) A short-term renter may not use an RSTR for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes, but is not limited to, using a rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.
- 7) No outdoor advertising signs related to the rental dwelling unit shall be allowed on the site.
- 8) Non-commercial use of a residence, including by friends or family, shall not be subject to the conditions of this section or require a business license.

(D) REQUIREMENTS

- 1) Residential Short-Term Rentals (RSTRs) require an RSTR Conditional Use Permit (CUP) as outlined in section E below and in the Boulder Town Code 153.153 and an annual Business License as outlined in section F below and in the Boulder Town Code 110.01 (H) (4)
- 2) Business licenses must be renewed by February 1st every year and tax documentation provided showing that the unit has been rented for at least 7 days during the previous year.
- 3) The RSTR CUP and business license applicant must be a natural person who is a permanent resident of Boulder and can show two forms of evidence as proof such as an Utah driver's license with a local address, voter registration, or utility bill. If the applicant is a tenant, a valid rental or lease agreement must also be shown that allows the tenant to apply for an RSTR.
- 4) The licensee of the RSTR shall ensure that Lodging Tax, Sales Tax, and all other applicable taxes are collected and remitted to all appropriate and designated agencies.
- 5) Dwellings eligible for RSTR status must be within the primary dwelling or an ADU on the lot comprising the domicile and residence of the applicant.
- 6) 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.
- 7) All RSTRs are subject to compliance with the International Building Code and shall be inspected by the Garfield County Inspector prior to initial application for a CUP and Business License. The fee for this inspection is set by and payable to Garfield County.
- 8) All RSTRs, including those considered non-conforming are subject to annual inspection by the Boulder Town Fire Authority prior to Business License renewal. The fee for this inspection is set by the Boulder Town Council.
- 9) 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 licensee (or manager) 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 detector
 - v) Trash rules

(E) RSTR CONDITIONAL USE PERMIT (CUP) PROCESS

- 1) A CUP application shall be submitted on the form provided on the Boulder Town website. The fee for filing an application is set by the Boulder Town Council and found in the Boulder Town Fee Schedule and may be changed at any time by resolution.
- 2) The documentation required for an application for an RSTR CUP is as follows:
 - a) Two forms of proof of residency
 - b) Proof of property ownership
 - c) In the case of a tenant-applicant, a valid lease/rental agreement allowing use of the property as an RSTR
 - d) Address and parcel number for the RSTR location
 - e) A map that shows all dwellings, RSTR location, property lines, adjacent private property boundaries and owners, fire/disaster escape route, and parking spaces for guests
 - f) An approved Garfield County Inspection Report,
- 3) The applicant shall document how they will ensure that occupants of the RSTR do not:
 - a) Create noises that by reason of time, nature, intensity, or duration are out of character with the noises customarily heard in the surrounding areas;
 - b) Disturb the peace of the surrounding properties by shouting, fighting, playing loud music, racing cars, or engaging in other outside recreational activities after 10PM and before 10AM;
 - c) Shine or use lights that violate the dark sky conditions of the community;
 - d) Allow pets or animals to create incessant noise, roam the neighborhood, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal;
 - e) Park in areas not designated for parking for the RSTR.
- 4) 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.

(F) LICENSING

- 1) Once a CUP is approved, the applicant shall obtain a Business License from the Town Clerk as per Boulder Town Code 110.01 (H) (4) and pay the licensing fee set by the Boulder Town Council and found in the Boulder Town Fee Schedule. This fee may be changed by Council resolution. Licenses procured during any time of the year require full payment of the fee. Requirements for initial Business License application are the same as shown in (2) below.
- 2) Business licenses shall be renewed by February every year and require the following documentation:
 - a) Tax records showing the number of days that the unit was rented during the previous year; and

- b) A signed affidavit by the licensee found on the Boulder Town website that confirms identity, residency, and guaranteed presence on the site of the RSTR when guests are present. Non-conforming RSTRs that lack an onsite licensee must identify a local RSTR manager to be available 24 hours a day when guests are present.
- 3) Complaints filed against the property that were not addressed or fines not paid will result in denial of a Business License.
- 4) The applicant shall notify all adjacent property owners of the approved CUP and Business License and provide contact information to them for the owner/tenant residing on the property or the manager..
- 5) Licenses are non-transferable. Any change in residency or leasing arrangement shall automatically terminate the license.

(G) 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 applicant fails to secure an annual Business License or if complaints are received and not responded to as outlined in (6) below.
- 2) Any RSTR Business License that is not renewed by February is considered abandoned and the next applicant on the waiting list will be notified. The former licensee 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 on-site licensee is 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 or on-site licensee 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 on-site licensee to respond to calls or complaints within 1 hour regarding the condition, operation or conduct of occupants of the residential short-term rental, the Boulder Town Attorney shall file a complaint in written form to the licensee. If the licensee fails to respond to the complaint from the Town or if two or more complaints are filed, the Planning Commission may consider revocation of the CUP and/or Business License in a public meeting.
- 7) When the Town determines a short-term rental may be operating without first meeting the requirements set forth in this section, the Town Attorney shall send a certified letter to the owner of the real property describing the requirements of this section with a formal request to come into compliance.
- 8) If the owner of the 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 subject to a fine of \$100.00 per day until all requirements of this section are met. The owner will

not be allowed to submit a CUP application for an RSTR until all fines have been paid. If fines are not paid in full, a lien will be recorded on the real property for any outstanding penalties.

- 10) Any licensee 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.

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 in 153.154:

(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.