

AN ORDINANCE ADOPTING SHORT TERM NIGHTLY RENTAL REGULATIONS

WHEREAS, The Town of Bluff has Short Term Rentals and;

WHEREAS, Short Term Rentals have the potential to negatively impact surrounding residential properties and neighborhoods through noise, traffic, safety, and other ways;

THEREFORE, the Town of Bluff enacts the following:

TITLE __ - SHORT TERM RENTAL REGULATIONS

SECTIONS:

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X.X.010 Purpose.

The following describes the intent and purpose of this ordinance:

1. The Town of Bluff recognizes the benefits of short term rentals on the local economy and supports permitted short term rentals within the Town;
2. The Town of Bluff wishes to respond to real and potential impacts on housing options in the community;
3. The Town of Bluff seeks to create rules and regulations that mitigate nuisances including traffic, parking, noise and other impacts on the surrounding neighborhoods;
4. The Town of Bluff seeks to facilitate safe locations and operations of short term rentals;
5. The Town of Bluff seeks to ensure that all applicable taxes are paid by operators of short term rentals.

X.X..020 Definitions.

Accessory Dwelling Unit. The term Accessory Dwelling Unit means a dwelling for human habitation that is smaller than, and located adjacent to, another dwelling unit or

building.

Adjacent Property. All property abutting a short term rental property and all nearby but not necessarily touching property, such as properties separated by a natural barrier such as a street or a waterway but not separated by another property.

Bed and Breakfast. An accessory dwelling unit, adjacent property, room(s) within primary dwelling, or small lodging establishment offering sleeping accommodations for rent and a morning meal included in the price.

Code of Conduct. A set of rules outlining the norms, rules, and responsibilities of, and or proper practices for, a short term renter that shall be posted in a visible place by the Manager or Operator at all times the short term rental is in operation.

Licensing Official. The Town Clerk or such other officer(s) as designated by the Town Council.

Local Contact. Designated person(s) in the Town boundary twenty four hours per day and seven days per week while the unit is occupied to address problems or concerns.

Exit. A door or window providing access to an exterior open space protected from fire exposure from the building.

Operator. A person or company that engages in or runs a short term rental on behalf of the Owner.

Owner. Means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner.

Short term rental. A short term rental, or vacation rental, is the renting or leasing of a furnished home, apartment, condominium, accessory dwelling unit, or semi-permanent structure with an approved onsite wastewater removal system for a short-term stay of thirty (30) days or less. Types of short term rentals include: rental of an entire home for short-term stays; rental of an entire separate unit for short-term stays, such as an accessory dwelling unit (ADU) or “mother-in-law unit”; or rental of individual rooms

within a home for short-term stays. Short term rentals for a period of thirty (30) days or less shall not be considered a valid home occupation. A bed and breakfast is considered a short term rental.

X.X..030 SCOPE AND APPLICABILITY.

- A. Compliance. All short term rentals operated after the effective date of this Chapter in all residential and agricultural zones in the Town shall conform to the requirements established by this Chapter.
- B. Conflicts: Should this Chapter conflict with other ordinances of the Town, the more restrictive provision shall apply.

X.X.040 PERMIT REQUIREMENT, APPLICATION, AND REVIEW PROCEDURE.

- A. It shall be unlawful and a violation of this chapter for any person to use any property as a short term rental without first having obtained a short term rental permit from the Town of Bluff. All short term rentals shall strictly comply with the requirements of this chapter.
- B. Annual Application and Fee required.
 - a. Rolling applications shall be accepted. Annual application renewal and annual fee shall be due on March 1 or the next business day.
 - b. Applicants shall pay their permit fee at the time of application, whether for initial or for any renewal. This fee is non-refundable.
 - c. Applications will be reviewed for approval within 30 days by the Town of Bluff.
 - d. Property shall be available for rent at the time the permit is issued.
 - e. See the Fee Schedule for applicable fees.
- C. Term of Annual Permit and Transferability.
 - a. Annual permit is for one year.
 - b. Permit is issued in the name of the property owner and is nontransferable.
- D. Suspension, Revocation.
 - a. A short term rental permit may be suspended or revoked by the licensing official for failure to comply with this Chapter.
 - b. The applicant of such a short term rental permit may appeal the licensing official's decision to suspend or revoke the short term rental permit. An appeal of a decision to suspend, revoke, or deny a short term rental permit, must be submitted in writing within thirty (30) days of the action. An appropriate body or person appointed by Bluff Town Council will review

and make a determination. This shall be someone other than the licensing official.

E. Expiration.

- a. A short-term rental permit shall expire within 60 days of a failure to renew permit, pay permit fee, or both.

X.X..050 CONDITIONS AND STANDARDS GENERALLY.

A. When a short term rental is allowed by this code, the following standards apply:

- a. The owner shall have a valid short term rental permit.
- b. The owner or operator shall pay an annual fee. See Town of Bluff fee schedule.
- c. The owner shall pay all applicable taxes including sales tax and transient room tax.
- d. A property manager shall be available twenty four hours a day, seven days a week while the property is under a short term rental.
- e. A Code of Conduct shall be made visible at all times the short term rental is in operation.
 - i. The Code of Conduct shall include but not be limited to the following:
 1. Quiet hours
 2. Off-street parking limitations
 3. Guest limit/maximum occupancy of the short term rental
 4. Instructions as to the timely removal of trash
 5. Instructions as to best practices in water conservation/awareness
 6. Emergency phone numbers including the local contact, area hospital/clinic/emergency room, and Sheriff's department
 7. A copy of the short-term rental permit
 8. Location of fire extinguisher(s)
 9. An evacuation plan
 10. Updates on burn bans
 11. Updates on pertinent town information
- f. The property manager information shall be provided to the owners of all adjacent properties and the licensing official.
- g. The physical address of the short term rental shall be prominently displayed on the property.
- h. The owner or operator shall post a copy of the permit in all online listings.

- i. Each sleeping room shall have an exit as defined by this ordinance in the event of a fire or emergency.
 - j. The short term rental shall have an ADA compliant smoke detector(s) and a carbon monoxide detector if a propane connection or a wood-fired stove are in the dwelling.
- B. The density of short term rentals shall be limited to one dwelling and one ADU per half-acre in residential zones.
- C. The maximum number of short term rentals permitted within residential zones shall be limited to 20.
- a. One lot with a maximum of three rental units shall be considered as one short-term rental.
 - b. A property owner or entity may hold a maximum of two short term rental permits at any time.
 - c. Applicants will be offered the opportunity to apply as permits expire or are revoked.
 - d. The Town of Bluff shall maintain a first-come, first-serve waitlist of future interested short-term rental operators.
- D. A property available for less than 30 days in a 365-day consecutive period shall have its permit terminated.

X.X.100 EXEMPTIONS.

- A. Home owners who rent all or a portion of their-residence as a short-term rental for 30 or less consecutive or non-consecutive total days in a calendar year are exempt from this ordinance.

X.X.110 VIOLATIONS.

- A. It is unlawful for any person to engage in any short term rental operation that is prohibited by the provisions of this Title. It is unlawful for any person to engage in any short-term rental operation without a valid permit from the Town of Bluff.
- a. In the event of any violation of this Title the Town may:
 - i. Revoke Short Term Rental permit;
 - ii. Obtain an injunction to halt or abate violations of this Title;
 - iii. Impose a civil penalty of five hundred dollars (\$500) per violation;
 - iv. Commence an action for damages—including damages for costs incurred in completing, repairing, or abating violations; and/or
 - v. Any other remedies available at law or equity, including the remedy of specific performance. The Town may combine remedies in its

discretion and pursue some or all at different times, as may fit the circumstances.

- B. Prior to invoking any remedies, the Town shall provide written notice to the property owner identifying the breach or violation(s) and allowing that person a reasonable period of time, but not more than thirty (30) days, in which to cure or abate the violation(s).
- C. To obtain injunctive relief the Town need only prove a violation of this Title; it shall not be required to post a bond as a condition for obtaining injunctive relief.

Approved by a majority of the Bluff Town Council. This Chapter shall take effect immediately upon passage.

Mayor Ann Leppanen

Date

Attest:

Linda Sosa, Recorder

Date