

ORDINANCE NO. 299

AN ORDINANCE OF THE CITY OF HAYDEN LAKE, IDAHO, ADDING CHAPTER 9 TO TITLE 9 OF THE CITY CODE TO REGULATE SHORT-TERM RENTALS; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SUSPENSION OF THE RULES AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

**CITY OF HAYDEN LAKE
KOOTENAI COUNTY, IDAHO**

WHEREAS, Article XII, Section 2 of the Idaho Constitution states that a municipality “may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws.”

WHEREAS, the Legislature of the State of Idaho allows municipalities to enact ordinances to “maintain the peace, good government and welfare of the corporation and its trade, commerce and industry”. Idaho Code § 50-302(1).

WHEREAS, such regulations must bear a reasonable relationship to the public health, safety, morals or general welfare. *Johnston v. City of Boise*, 87 Idaho 44 (1964).

WHEREAS, short-term or vacation rentals of residential dwellings are becoming more and more popular in the City with no regulation of the same.

WHEREAS, Idaho Code §63-1802 allows the City to regulate short-term rentals “in circumstances necessary to safeguard public health and welfare.”

WHEREAS, establishing regulations for the use of residential dwellings as short-term rentals is necessary to safeguard the public health, safety and general welfare, to protect the integrity of the City neighborhoods, to establish a system to track the short-term rental inventory in the City, to ensure compliance with local performance standards, to provide a means of contact for the responsible party of a short-term rental and to allow private property owners the right to fully and efficiently utilize their property without undue regulation or interference.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAYDEN LAKE, KOOTENAI COUNTY, IDAHO, as follows:

SECTION ONE: ADDITION OF CHAPTER 9 TO TITLE 9 OF THE CITY CODE ENTITLED “SHORT-TERM RENTALS”.

For the reasons set forth above, the following new Chapter 9 entitled “Short-Term Rentals” is hereby added to Title 9 (Zoning) of the City Code:

9-9-1: PURPOSE:

- A. The purpose of this chapter is to establish regulations for the use of residential dwellings as short-term rentals, to safeguard the public health, safety and general welfare, to protect the integrity of the City's neighborhoods, to establish a system to track the short-term rental inventory in the City, to ensure compliance with local performance standards, to provide a means of contact for the responsible party of a short-term rental and to allow private property owners the right to fully and efficiently utilize their property without undue regulation or interference.
- B. Nothing in this chapter shall be construed to nullify or override any lease agreements, or covenants, conditions, and restrictions applicable to the property that may prohibit or restrict its use for short-term rental purposes.

9-9-2: DEFINITIONS:

OCCUPANT: Shall mean the person or persons who contract with the responsible party for use of the short-term rental.

RESIDENTIAL DWELLING: Shall mean a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Tents, recreational vehicles, campers, and similar units not designed for permanent residential use are excluded from this definition.

RESPONSIBLE PARTY: Shall mean the owner of a residential dwelling being used as a short-term rental, as well as any person designated by the owner who is responsible for compliance with this chapter by an occupant and any guests utilizing the short-term rental. The responsible party shall provide for the maintenance of the property and ensure compliance by the occupant and any guests with the provisions of this chapter, or any other applicable law, rule, or regulation pertaining to the use and occupancy of a short-term rental. The owner of the property shall not be relieved of responsibility or liability for noncompliance with the provisions of this chapter, or any other applicable law, rule, or regulation pertaining to the use and occupancy of a short-term rental because of the designation of another responsible party. All responsible parties shall be at least twenty-one (21) years old.

SHORT-TERM RENTAL: Shall mean a residential dwelling which is rented for thirty (30) days or fewer, and which is sometimes referred to as a "vacation rental". This term does not include country club facilities as that term is defined in City Code Section 9-2-1.

9-9-3: PERMIT REQUIRED:

- A. An applicant for a short-term rental permit must be the owner of the residential dwelling to be offered for rent. No person with less than a fee ownership interest may apply for a short-term rental permit.

1. A short-term rental permit is valid only for the residential dwelling identified in the application. An applicant shall file a separate application and obtain a separate permit for each residential dwelling to be used as a short-term rental.
 2. A short-term rental permit is non-transferable.
- B. Prior to offering a short-term rental to the public, the owner of the residential dwelling shall complete an application on a form provided by the City and file it with the City Clerk or his/her designee. The application shall include:
1. The owner's legal name, date of birth, contact number, both physical and mailing addresses, and email address;
 2. If the short-term rental is to be operated or managed by someone other than the owner, the name, date of birth, contact number, both physical and mailing addresses, and email address for a responsible party with day-to-day authority and/or control over the short-term rental;
 3. The address of the short-term rental;
 4. The signatures of the owner and other responsible party, if any, agreeing and acknowledging that they are jointly responsible for the compliance by the occupant and any guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, and for any unreasonable noise, disturbances or disorderly conduct by the occupant and/or guests while utilizing or while on the property of the short-term rental; and
 5. The fee established by resolution of the City Council.
- C. If any information required by subsections B1 through B4 of this section changes, a responsible party shall promptly advise the City.
- D. Short-term rentals are not a grandfathered use. All short-term rentals in the City must have a permit to operate.
- E. A short-term rental permit expires on March 31 of each following year; provided, if the residential dwelling identified in the application is sold or title is otherwise transferred, the permit shall automatically expire upon the transfer of title.
1. To renew a short-term rental permit, the holder shall submit an application for renewal on a form provided by the City to the City Clerk or his/her designee, together with the renewal fee.
 2. The renewal application must be submitted by March 1 of each following year. A permit for which a renewal application is not submitted by March 1 shall expire on March 31.
 3. If a permit has expired, a new application shall be required.
- F. Subject to subsection 9-9-1.B of this chapter, any residential dwelling in the City may be rented without a permit for no more than fourteen (14) days per calendar year, where those fourteen (14) days are divided into no more than two (2) stays.

9-9-4: STANDARDS:

A. Accessory Buildings:

1. An accessory building, as defined by subsection 9-2-1 of this title, may be rented as a short-term rental, provided that either the principal dwelling or accessory building on the property must be occupied by a majority owner of the property or an immediate family member of the property owner more than six (6) months out of any given year.
2. A principal dwelling and its associated accessory building may not both be rented out concurrently as short-term rentals.

B. Duties of Responsible Party:

1. A responsible party must be available twenty four (24) hours per day, seven (7) days per week, for the purpose of responding within sixty (60) minutes to complaints regarding the condition of the short-term rental or the conduct of the occupant of the short-term rental and/or their guests.
2. A responsible party shall obtain the name, address, and contact number of each occupant of a short-term rental.
3. A responsible party shall provide the information required in subsection B.2 of this section to the City at the City's request, if available.
4. A responsible party, upon notification that any occupant or guest has created any unreasonable noise or disturbance, engaged in disorderly conduct, or committed a violation of any applicable law, rule or regulation pertaining to the use and occupancy of a short-term rental, shall promptly respond in an appropriate manner within sixty (60) minutes and require an immediate halt to the conduct, and take such steps as may be necessary to prevent a recurrence of such conduct. Failure of the responsible party to respond to calls or complaints regarding the condition, operation, or conduct of an occupant or guest in a short-term rental in an appropriate manner within sixty (60) minutes shall constitute a violation of this chapter.
5. A responsible party shall prepare a written notice, and shall mail or deliver the notice to all residents and owners of property abutting or across the street from the short-term rental, which notice shall state the intent to operate a short-term rental and the number of bedrooms that will be rented to overnight guests, and include information on how to contact the responsible party by phone.
6. A responsible party shall post on or near the front door of the short-term rental a notice which includes the address of the rental, emergency contact numbers, and a diagram showing emergency exit route(s) approved by the Fire Department.

C. Information Provided to Occupants:

1. At the time of each occupancy of the unit, the responsible party shall provide to the occupant of a short-term rental the following:
 - a. A current copy of the short-term rental permit;
 - b. The name and contact number of all responsible parties;

- c. A notice of the trash pick-up day, and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the dwelling; and
- d. Parking locations and requirements.

D. Occupancy:

1. The maximum number of overnight guests occupying a short-term rental shall not exceed the definition of "family" as provided in subsection 9-2-1 of this title.
2. Guests of an occupant may use a short-term rental only when an occupant is present and may not stay overnight.
3. A responsible party may rent either the entire residential dwelling or one room of the residential dwelling to an occupant. Under no circumstances shall a responsible party rent individual rooms in a short-term rental to different occupants for the same night or nights.
4. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as a short-term rental or in conjunction therewith to provide additional sleeping areas or otherwise.

E. Outdoor Storage:

1. Storage of equipment, inventory, or work-related items other than vehicles, shall be within the residence or a permitted accessory building. Outdoor storage and storage containers are prohibited. For purposes of this article, the term "storage container" refers to industrial and commercial shipping containers and buildings, including PODS and like containers, which are designed to be portable and/or temporary and which do not meet the design criteria for accessory buildings. The term does not include sheds or small storage buildings intended for incidental residential use and which are compatible with residential use.

F. Parking:

1. All occupants and guests shall, to the greatest extent possible, utilize any off-street parking of the residential dwelling which constitutes the short-term rental. On-street parking by occupants and guests shall be governed by subsection 6-1-3 of this Code.
2. An accessory building, built after the effective date of this chapter and used as a short-term rental, requires one off-street parking space in addition to parking spaces required for the principal dwelling.

G. Signs and Advertising:

1. No sign indicating that the residence is a short-term rental or that it is for rent or lease shall be displayed such that it is visible from any other public or private property.
2. The street number of a short-term rental shall be posted in accordance with Fire Department IFC requirements.

3. All advertising for the short-term rental shall include the City permit number and the maximum number of vehicles accommodated by off-street parking spaces.

H. Trash:

1. Trash and refuse shall not be left stored within public view except in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash collection days.
2. The short-term rental property shall, at all times, be kept in a neat and sanitary condition, in compliance with the requirements of this Code.

I. Zoning:

1. Subject to the standards and restrictions applicable to such zone, the standards and restrictions contained in this chapter, and any permit requirements, the use of a residential dwelling as a short-term rental is permitted as a right in the residential district only.

9-9-5: VIOLATIONS; PENALTIES:

A. Violations:

1. It is unlawful for any responsible party to offer for rent a short-term rental or to operate a short-term rental without a City permit.
2. It is a violation of this chapter if a responsible party, or an occupant or guest knowingly and willfully violates any provision of this chapter.

B. Penalty:

1. For any offense, the violator shall be subject to an infraction pursuant to the general penalty provision found in subsection 1-4-1 of this Code.
2. In addition to any other remedy or procedure authorized by law, for three (3) or more violations of or failure to comply with any of the standards of this chapter in a calendar year, the City Code Enforcement Officer or his/her designee may revoke any or all of the owner's permits and, in addition, may order that no new permit shall be issued for up to three (3) years pursuant to the following procedures.
 - a. Prior to the revocation of any permit or the denial of a permit for repeated violation of the provisions of this chapter, written notice of the reasons for such action shall be served on the owner and/or responsible party in person or by certified mail at the address on the permit application. Revocation shall become final within ten (10) days of service unless the owner and/or responsible party appeals the action. The owner and/or responsible party shall provide the appeal in writing to the City Clerk or his/her designee within ten (10) days of receipt of the notice. The written notice of appeal must state the reasons for the appeal and the relief requested.
 - b. Should the owner and/or responsible party request an appeal within the ten (10) day period, the City Clerk or his/her designee shall notify the

owner and/or responsible party in writing of the time and place of the hearing.

- c. Appeals shall be heard by the Mayor and City Council.
- d. For good cause shown, the City Council may affirm or reverse the decision to revoke a permit. The City Council may affirm, reverse, or modify a decision to deny a new permit upon a showing of good cause. The city council shall issue and provide to the appellant a written decision no later than thirty (30) days after the hearing regarding the same. Such decision shall be provided to the appellant by personal delivery, regular mail or electronic means. When sent by electronic means, the appellant shall be deemed to have received the decision on the date it was sent. When sent by regular mail, the appellant shall be deemed to have received the decision three (3) days after the date of mailing. An appellant or affected person may seek reconsideration of the decision by filing a written request with the city clerk no later than fourteen (14) days after receiving the decision. Such request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified. A written decision on the request for reconsideration shall be provided to the appellant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied.

SECTION TWO: SEVERABILITY, PREEMPTION AND PRECEDENCE

This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the City, and any amendments to this Ordinance as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

SECTION THREE: REPEAL OF CONFLICTING ORDINANCES

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance to the extent of such conflict are hereby repealed.

SECTION FOUR: EFFECTIVE DATE

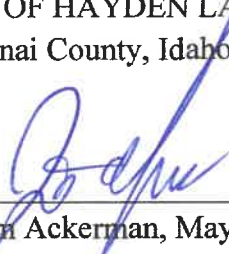
This Ordinance shall take effect and be in full force from and after its passage, approval and publication.




SECTION FIVE: SUSPENSION OF THE RULES

Passed under suspension of the rules at a regular meeting of the City Council of the City of Hayden Lake, Kootenai County, Idaho, held on the 20th day of October, 2020, on which a roll call vote was duly taken and duly enacted.

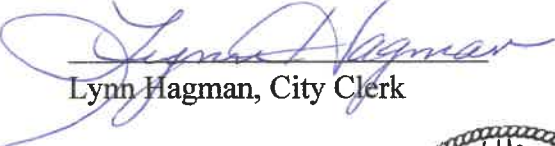
DATED this 20th day of October, 2020.

CITY OF HAYDEN LAKE
Kootenai County, Idaho

By: 
Jim Ackerman, Mayor

Councilman Graves voted 
Councilman Baker voted 
Councilman Weinstein voted 

ATTEST:


Lynn Hagman, City Clerk

(S E A L)

