

ORDINANCE 2025-8

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 has determined that there is a need to clarify regulatory requirements in Section 153.204 Residential Short-Term Rentals of the Boulder Town Code; and

WHEREAS Boulder Town has an interest in balancing the availability of housing for local residents, the quality of life in neighborhoods, property rights of property owners, and the economics of tourism; and

WHEREAS Boulder Town considers allowing additional short-term rentals to be consistent with the General Plan goal of promoting the development of home-based businesses for local residents; and

WHEREAS Boulder Town finds that limiting the nature of short-term rentals is appropriate to provide for orderly and controlled growth.

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 BUSINESS AND LAND USE CODES RELATED TO RESIDENTIAL SHORT-TERM RENTALS.

Add to Title XI Business Regulations a new Chapter 112 as follows:

Chapter 112: Residential Short-Term Rentals

§112.01 GENERAL REQUIREMENTS

(A) These business regulation requirements apply to residential short-term rentals in non-commercial zones, bed and breakfast inns, and guest ranches as defined in Chapter 153 of Boulder Town Code.

(1) Rentals for periods longer than 30 consecutive days are exempt from this section.

(2) Businesses in the Commercial zone §153.116 or that were approved under the commercial standards §115.415 are exempt from this section.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt, provided no money is paid to the owner in compensation for lodging.

(B) All short-term lodging businesses are required to have an annual, renewable Class I business license.

§ 112.02 ELIGIBILITY FOR OBTAINING A LODGING BUSINESS LICENSE.

(A) The following are eligible to be issued an annual, renewable business license for short-term lodging:

- (1) The existing RSTRs (as defined in §153.204 (D)(1)), bed and breakfast inns, and guest ranches that were licensed by Boulder in 2025.
- (2) RSTRs that have been reviewed by the Planning Commission for compliance with the zoning requirements for short term rentals in §153.204, and have received an approved Conditional Use Permit.
- (3) RSTRs that have been determined by the Board of Adjustment to be non-conforming uses per §153.255 et seq.

§112.03 BUSINESS LICENSE ADMINISTRATION.

Businesses previously licensed as, or holding an approved CUP as, a Guest Ranch per §153.415 are not subject to the requirements of this section §112.03.

In addition to the General Requirements of §110, the following shall apply to RSTR business licenses:

(A) The RSTR business license holder must be a natural person who is a permanent resident of Boulder, and the license holder shall reside on the same property as the RSTR and shall be present on-site with their guests during guest stays. RSTRs licensed prior to the enactment of this ordinance (2025) are exempt from the requirement that the license holder must be present on-site during guest stays.

(B) The following shall be acceptable proof of residency:

(a) Garfield County tax statement showing that applicant's physical address qualifies for the primary residential exemption under Utah Code §59-2-103; or,

(b) at least two (2) of the following: a Utah driver's license or state ID showing the license holder's current physical address; current Utah voter registration showing the license holder's current physical address; or other state or federal document showing residence physical address.

(C) Issuance or renewal of an RSTR business license shall require self-certification by the license holder that they are in compliance with the residence and, as applicable, presence requirements in §112.03 (A), applicable building code and health regulations, have paid required sales, resort, and transient room taxes, and are implementing/maintaining any specific mitigation measures required by the Conditional Use Permit. Self-certifications are subject to audit or verification at the Town's discretion.

(D) A license holder is entitled to only one RSTR business license.

(E) Some or all of the above may not be applicable to non-conforming uses, as determined by the Board of Adjustment per §153.255 et seq.

§112.04 OPERATION OF A LICENSED RSTR

(A) All applicable taxes shall be collected and remitted to the appropriate agency. This includes sales, resort, and transient room tax, and property tax.

(B) The premises shall be kept in compliance with all building codes, public health, nuisance, and safety regulations that apply to single family dwellings.

(C) The license holder shall require guests to comply with all applicable federal and state laws and Boulder Town ordinances. This requirement includes necessary measures to insure that guests do not trespass on others property, do not create noise out of character with the noises customarily heard in the surrounding areas by shouting, fighting, playing loud music, racing cars, or engaging in other outside recreational activities after 10 PM and before 10 AM; violate fire restrictions; or allow pets or animals to create incessant noise, roam the neighborhood, or create any type of mess that is not cleaned up by the owner of the pet or animal.

(D) The license holder is required to include the Boulder business license number on any listing on a short-term rental website in accordance with Utah Code 10-8-85.4.

§112.05. ENFORCEMENT.

(A) Operating a regulated lodging without a valid business license or providing false information on a business license application shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(B) 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 violate any applicable law, rule, or regulation pertaining to the use and occupancy of the short-term rental.

(C) If a violation of the RSTR regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the license holder describing the alleged violation with a formal request to come into compliance.

(D) In accordance with Utah Code 10-8-85.4, the town may request removal of a non-licensed RSTR from an online website and may notify the county auditor of possible tax non-compliance.

(E) Appeals of RSTR business application decisions and enforcement actions shall be in accordance with Boulder Town Code.

(Ord. 2025-7, passed 12/02/2025)

Repeal and replace section 153.204 in its entirety 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 promote goals of the general plan.

(B) DEFINITIONS

- 1) **LICENSE HOLDER:** the person who resides on the property and is legally responsible for compliance with all Town ordinances pertaining to the rental.
- 2) **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 three hours.
- 3) **RESIDENTIAL SHORT-TERM RENTAL (RSTR):** A dwelling unit or portion thereof that is not zoned or licensed as commercial lodging and that is rented for monetary compensation for a period of less than 30 consecutive days. This term includes bed and breakfast inns that may or may not serve hot meals to guests.
- 4) **GUEST RANCH:** Lodging that is permitted under the guest ranch provisions in §153.415. Guest Ranches are exempt from this section §153.204.

(C) GENERAL PROVISIONS

- (1) *Allowed zones:* RSTRs are allowed as indicated in 153.117 Table of Uses.
- (2) No more than one of the approved dwellings on a lot (the primary dwelling, an internal auxiliary dwelling unit, an external dwelling unit, or a camping unit) shall be occupied by RSTR guests at any given time.
- (3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt from zoning regulation as RSTRs provided no money is paid to the owner in compensation for lodging.
- (4) The maximum number of RSTR CUPs issued at one time shall not exceed 12 without legislative amendment to this subsection. If at any time the number of pending applications for a new RSTR CUP exceeds the number of allowed CUPs, the assignment of the available license

shall be by lottery.

(D) RESIDENTIAL SHORT-TERM RENTALS EXISTING BEFORE 2025

(1) The four RSTRs with valid business licenses and previously approved CUPs as of 2025, the one RSTR holding a valid CUP (2022) but no business license in 2025, and the 2025 licensed Bed and Breakfast Inn are acknowledged as legal uses and are eligible for continued business license renewal according to Chapter 112.

(2) For RSTRs in use prior to 2020 and in regular use since, establishment of payment of the required taxes in 2020 and onward shall be considered an adequate condition for determination as a nonconforming use by the Board of Adjustment per §153.255 et seq. These RSTRs are not required to obtain a CUP.

(3) Existing RSTRs that lack an onsite licensee must identify a local manager to be available when guests are present.

(E) RSTR CONDITIONAL USE PERMIT (CUP) PROCESS

1) A Residential Short-Term Rental (RSTR) requires a Conditional Use Permit (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 is exempt from the requirements outlined in 153.152 Site Development Plan Requirements, 153.155 (B), allowing a CUP without 6 months of continuous use to be revoked, and the commercial standards in 153.415.

2) 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.

3) The documentation required for an application for an RSTR CUP is as follows:

a) Business license application and proof of primary residence at the address of the proposed RSTR as described in 112.03.

b) A signed affidavit indicating that the applicant shall be on-site with guests during their stay and will enforce/comply with all terms of the business license and CUP.

c) Address and parcel number for the RSTR location.

d) 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.

e) Documentation that the site plan and dwelling unit configuration is consistent with the license holder living on site while guests are present.

- f) A Garfield County building department STR Inspection Report.
- 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. The Zoning Administrator forwards the application to the Planning Commission after the application is determined to be complete.
 - b) The CUP review process shall be limited to identifying any site-specific conditions that would result in reasonably anticipated detrimental impacts from the RSTR under consideration. The CUP review may consider whether conditions are proposed or shall be imposed to mitigate issues related to impacts to neighbors, building/use setbacks, the County STR inspection, dwelling unit count/configuration and relation to contiguous lot boundaries, time of year/duration of use, maximum number of guests, health and sanitation, parking amount/location, driveway access, outdoor lighting and lighting trespass, noise, and neighborhood visibility of activities/guests. Required mitigation may include limitations on number of guests and vehicles, limitations on outdoor activities after dusk, requiring fencing or vegetative barriers, etc.
 - c) The Planning Commission shall approve the CUP if reasonable conditions are proposed, or are imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with this section and Boulder Town Code.

(F) VIOLATIONS AND ENFORCEMENT

- 1) Operating an RSTR without a valid CUP, providing false information on a CUP application, or failure to comply with the applicable town regulations for RSTRs shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.
- 2) If a violation of the RSTR zoning regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the license holder describing the alleged violation with a formal request to come into compliance.

(Ord. 2019-2, passed 5-2-2019; 2025-7, passed 12/02/2025)

Passed and Adopted by the Town Council of Boulder, Utah, on Tuesday, December 2, 2025, at 6:30 PM.

Motion: Councilmember John Veranth moved to approve the ordinance draft as amended tonight. Councilmember Gladys LeFevre seconded.

Roll Call Vote: Councilmembers Gladys LeFevre - aye, Josh Ellis - aye, John Veranth - aye, Ray Gardner - no, Mayor Conrad Jepsen - aye. **Motion Passed 4-1** to approve the revised draft

ordinance amending ordinance 153.204 residential short-term rentals as ordinance 2025-8 at 6:30 PM on Tuesday, December 2, 2025.

Certification:

/s/ A. Conrad Jepsen
Boulder Town Mayor A. Conrad Jepsen (Presiding Officer)

/s/ Elizabeth Julian
Boulder Town Clerk (Attest)