

ORDINANCE NO. 2026-03

BOULDER TOWN, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 112 OF TOWN CODE RELATING TO RESIDENTIAL SHORT-TERM RENTALS

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 112 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

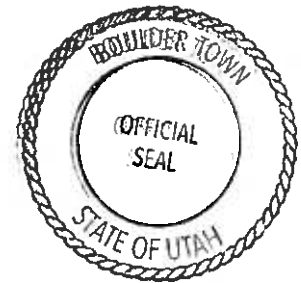
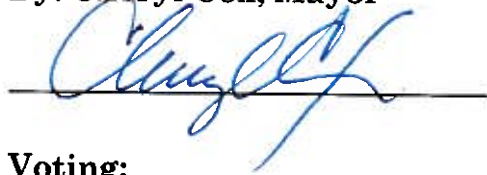
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 112 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor



Voting:

Lacy Allen	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Josh Ellis	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
John Veranth	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Tina Karlsson	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Cheryl Cox	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>

Attest: Elizabeth Julian, Town Clerk



DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 2026.

EXHIBIT A

CHAPTER 112: RESIDENTIAL SHORT-TERM RENTALS

Section

- 112.01 General requirements
- 112.02 Eligibility for obtaining a lodging business license
- 112.03 Business license administration
- 112.04 Operation of a licensed RSTR
- 112.05 Enforcement

§ 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 § 153.415 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.

(Ord. 2025-8, passed 12-2-2025)

§ 112.02 ELIGIBILITY FOR OBTAINING A RESIDENTIAL SHORT-TERM RENTAL BUSINESS LICENSE.

(A) A person shall be eligible to obtain and renew a Residential Short-Term Rental ("RSTR") business license only if:

(1) the applicant satisfies all residency, operational, tax, and other requirements established by this chapter; and

(2) the property is subject to an active Residential Short-Term Rental Conditional Use Permit issued pursuant to § 153.204; or

(3) the property has been determined by the Board of Adjustment to be a lawful nonconforming Residential Short-Term Rental pursuant to § 153.255 et seq.; or

(4) the property is a Residential Short-Term Rental expressly recognized as an existing lawful use under § 153.204(D)(1).

(B) Eligibility for a business license shall not excuse compliance with any condition of approval imposed through a Conditional Use Permit or any requirements applicable to a lawful nonconforming use.

(C) Possession of a business license does not constitute zoning approval and does not authorize operation of a Residential Short-Term Rental absent all land use approvals required by the Boulder Town Code.

(D) A business license issued under this chapter authorizes only the conduct of the licensed business and does not create any vested land use right, zoning entitlement, or exemption from compliance with applicable land use regulations.

(Ord. 2025-8, passed 12-2-2025)

§ 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 § 112.01, 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:

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

(2) 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 annual certification by the license holder, on a form approved by the Town, that:

(1) the license holder continues to satisfy the primary residence requirements of this chapter and, where applicable, the on-site presence requirements of § 112.03(A);

(2) all required sales taxes, transient room taxes, resort taxes, and other applicable taxes have been timely collected, reported, and remitted to the appropriate governmental entity;

(3) the Residential Short-Term Rental remains in compliance with all conditions of approval imposed through any Conditional Use Permit and with any conditions applicable to a lawful nonconforming use;

(4) the premises remain in compliance with applicable building, fire, health, safety, sanitation, and occupancy requirements;

(5) all information provided in connection with the original application and any renewal application remains true and correct, or has been updated and disclosed to the Town; and

(6) the Residential Short-Term Rental is otherwise being operated in compliance with the Boulder Town Code.

The Town may require supporting documentation reasonably necessary to verify compliance with this subsection. Certifications made pursuant to this subsection are subject to audit, inspection, and verification by the Town. Submission of false, misleading, or materially incomplete information shall constitute grounds for suspension, revocation, or non-renewal of the business license. (D) A license holder shall be entitled to only one (1) RSTR business license. No person or affiliated entity under common ownership or control may directly or indirectly obtain, hold, or control more than one (1) RSTR business license. For purposes of this section, entities shall be considered affiliated when they share common ownership, management, control, or beneficial ownership.

(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.

(F) RSTR business licenses are not transferable.

(Ord. 2025-8, passed 12-2-2025)

§ 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.

(Ord. 2025-8, passed 12-2-2025)

§ 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. 2025-8, passed 12-2-2025)

§ 112.06 SUSPENSION, REVOCATION, DENIAL OF RENEWAL, AND CONDITIONS.

(A) Grounds for Administrative Action.

The Town may suspend, revoke, deny renewal of, or impose additional reasonable conditions upon a Residential Short-Term Rental ("RSTR") business license upon a determination that:

(1) the license holder made a material misrepresentation or omission in an application, renewal application, certification, affidavit, or other document submitted to the Town;

(2) the license holder has failed to maintain eligibility for the business license under this chapter;

(3) the license holder or guests have committed repeated violations of Boulder Town ordinances or applicable state laws related to operation of the Residential Short-Term Rental;

(4) the Residential Short-Term Rental is being operated in a manner inconsistent with an approved Conditional Use Permit, an approved site plan, or any condition of approval imposed by the Town;

(5) the license holder has failed to collect, report, or remit required taxes, fees, or assessments associated with operation of the Residential Short-Term Rental;

(6) the license holder has failed to comply with a written notice of violation issued by the Town within the time specified in the notice; or

(7) continued operation of the Residential Short-Term Rental presents a threat to public health, safety, or welfare.

(B) Notice.

Prior to suspension, revocation, denial of renewal, or imposition of additional conditions, the Town shall provide written notice to the license holder describing:

(1) the alleged violation or basis for the proposed action;

(2) the corrective action, if any, necessary to achieve compliance;

(3) the deadline for responding or curing the violation; and

(4) the license holder's right to request a hearing.

Notice may be provided personally, by certified mail, by regular mail, or by electronic mail to the address provided by the license holder.

(C) Opportunity to Cure.

Except in cases involving an immediate threat to public health or safety, the license holder shall be provided not less than sixty(60) days to cure the violation or submit information demonstrating compliance.

(D) Hearing.

If the violation is not cured within the time allowed, or if the Town determines that revocation, suspension, denial of renewal, or additional conditions remain warranted, the Town shall provide notice of an administrative hearing before the appeals authority or other body or individual designated by the Town Council.

At the hearing, the license holder shall have the opportunity to present evidence, call witnesses, and be represented by legal counsel.

(E) Decision.

Following the hearing, the hearing body may:

- (1) dismiss the matter;
- (2) issue a written warning;
- (3) impose additional operational conditions;
- (4) suspend the business license for a specified period;
- (5) revoke the business license; or
- (6) deny renewal of the business license.

The decision shall be in writing and shall include findings supporting the action taken.

(F) Emergency Suspension.

If the Town determines that continued operation presents an immediate threat to public health, safety, or welfare, the Town may temporarily suspend the business license pending a hearing. A hearing shall be scheduled as soon as reasonably practicable following the suspension.

(G) Appeal.

A final decision under this section may be appealed by filing a written notice of appeal with the Town Recorder within ten (10) calendar days after issuance of the written decision. Appeals shall be heard by the Town Council if the original decision was made by an appeals authority or other administrative official. Decisions of the Town Council shall constitute final administrative action for purposes of judicial review.