

ORDINANCE NO. 2023-01

AN ORDINANCE ADPOTING AND ENACTING A NEW SHORT TERM RENTAL CODE FOR CARIBOU COUNTY, IDAHO; SETTING FORTH THE DEFINITIONS; REGULATING SHORT TERM RENTALS IN THE COUNTY; SETTING FORTH THE APPLICATION PROCESS AND FEE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; REPEALING CERTAIN ORDINANCES NOT INCLUDED HEREIN OR IN CONFLICT HEREWITH; WAIVING THE THREE READING RULE; AND PROVIDING WHEN SHUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:

SECTION 1. Chapter 13.65 Short-Term Rentals:**13.65.010 Purpose:**

The purpose of the County's Short-Term Rental Application program is to protect the public's health, safety, and welfare and to safeguard the integrity of the residential neighborhoods in which short-term rentals operate.

Short-term Rental (STR), shall obtain an administrative permit and shall be a permitted use in all zones within the county subject to the following conditions and standards listed in this section. At no time shall an existing STR be considered a "grandfathered" use.

13.65.20 Definitions:

- a) Accessory Dwelling Unit (or ADU): Is defined under section 13.04.070 of Caribou County Code, and generally described as a self-contained dwelling unit that is incidental and subordinate to the primary dwelling unit on the property. An ADU shall include a kitchen, bathroom, and a separate entrance and exit.
- b) Dwelling: Is defined under section 13.60.010 of Caribou County Code, a place of residence.
- c) Egress: A means or place of going out, an exit.
- d) Local Representative: An owner, property manager, or agent who is readily available to respond to questions or concerns of guests and neighbors of the short-term rental or the City.
- e) Lodging Operator: A person that rents a short-term rental or vacation rental to an occupant using a short-term rental marketplace. An owner, property manager, or agent may be a lodging operator.
- f) Lodging Transaction: A charge to an occupant by a lodging operator for the occupancy of any short-term rental or vacation rental using a short-term rental marketplace.
- g) Owner: The person or entity that holds legal or equitable title to the property.
- h) Owner-Occupied: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner occupied tax-exempt status with the Caribou County Assessor shall be considered proof of owner-occupied status for purposes of this chapter.

- i) Short-Term Rental (STR): A dwelling unit, or any portion thereof, which is offered for a fee for the purpose of overnight lodging for a period of thirty (30) days or less. A short-term rental may include but is not limited to, any individually or collectively owned single-family house, accessory dwelling unit, apartment, condominium, cooperative, timeshare, vacation home, or any portion of such property.
- j) Short-Term Rental Marketplace: A person that provides a platform through which a lodging operator or the authorized agent of the lodging operator offers a short-term rental or vacation rental to an occupant

13.65.030 STR Conditions and Standards:

- A) Number of Units: One STR unit is allowed on a parcel with an administrative permit, along with a fee as adopted by resolution that meets the requirements described in this section.
- B) Noise: All short-term rentals shall maintain quiet hours between ten o'clock (10:00) P.M. to eight o'clock (8:00) A.M. daily.
- C) Safety:
 - a) All short-term rentals shall provide and maintain functioning fire extinguishers, smoke detectors, and carbon monoxide detectors if there are gas or solid fuel appliances or attached vehicle garages.
 - 1. Smoke Detectors and Carbon Monoxide Detectors shall be in accordance with 2018 International Residential Code.
 - a. Smoke Detectors:
 - i. In each separate sleeping room.
 - ii. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
 - iii. On each additional story of the dwellings, including basements and habitable attics.
 - b. Carbon Monoxide Detectors:
 - i. Installed outside of each separate sleeping area in the immediate vicinity of the bedrooms.
 - ii. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed.
 - c. Bedrooms shall be in accordance with 2018 International Residential Code: ¹
 - i. Determining Number of Bedrooms:
 - 1) Minimum area: Habitable rooms shall have a floor area of not less than seventy (70) square feet.

¹ Homes built 1996 or earlier do not require egress windows, unless the home has been remodeled or changed occupancy classifications. Egress windows were mandatory in 1997 International Residential Code.

- 2) Minimum dimensions: Habitable rooms shall be not less than seven (7) feet in any horizontal dimension.
 - 3) Emergency escape and rescue opening required. Basements, habitable attics, and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.
- D) Trash: No trash or other refuse shall be left stored within public view, except in proper containers for collection by the authorized waste hauler on scheduled trash, compost, and recycling collections days.
- E) Obey All Laws: All short-term rental applicants shall operate in compliance with all applicable Federal, State, and local statutes, rules, and regulations.
- F) Occupancy: The occupancy for short-term rentals is determined by bathrooms inside the rental.
- a) Allowance per bathroom is four (4) renters.
 Example: The short-term rental has one (1) bathroom, the allowed occupancy is four (4) renters.
 Example: The short-term rental has two (2) bathrooms, the allowed occupancy is eight (8) renters.
- G) There shall be no associated RV's or tents used to supplement the maximum occupancy.
- H) Posting of Rules On-site: Rules covering regulations within this section and emergency contact numbers shall be posted on-site, including an emergency exit plan.
- I) Renter parking cannot interrupt the flow of traffic, visual of road, or be placed in the county Right-Of-Way.
- J) Camp Fire Management: All campfires must be in an appropriate fire pit. Renters must be notified of any burn bans or restriction in the area.
- K) The STR cannot be serviced by porta potties for any portion of the approval including overflow in the number of occupants. Unless renters (the individual renting the STR) provide delivery and pick up.

13.65.040 Application Terms; Renewal: Valid During Renewal Investigation:

- A. Applications packet shall be submitted to the Caribou County Planning and Zoning Administrator with the appropriate fee as adopted by resolution 2022-12 for review.

- B. General Standards and Requirements for Application and Renewal: In addition to the minimum requirements set forth in 13.65.60 of this title, the general standards and requirements for permit applications pursuant to this chapter are as follows:
1. A list of the names, physical addresses, phone numbers, and email addresses of every owner of the short-term rental;
 2. The physical address of the property used as the short-term rental;
 3. The name, physical address, phone number, and email address of the local representative;
 4. The nature (i.e., type and size) of the property, or portion thereof, to be used as a short-term rental and whether the property is owner-occupied;
 5. Rental Marketplace (Where the property is listed)
 6. Information regarding safety equipment within the short-term rental and general information regarding parking for guests;
 - i. Number of bedrooms
 - ii. Smoke Detectors
 - iii. Carbon Monoxide Detectors
 - iv. Fire Extinguishers
 7. Site Plan (Layout of property)
 8. Proof of ownership
- C. Expiration: All approved short-term rental application shall expire one (1) year from the date of issuance.
- D. Renewal: Any person holding an approved application under the provisions of this chapter must renew such permit for the following succeeding year by complying with the permit renewal requirements set forth in 13.65.60 of this title.
1. Property manager or owner shall file an annual report with the fee as adopted by resolution, as follows:
 - i. Due date (renewal date) is the date of the issuance of the permit each year.
 - ii. State intent for the current upcoming year.
 - iii. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new permit will be required with the updated information.
 - iv. Shall be revoked if not submitted within 30 days of the renewal date.
 - v. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new permit will be required with the updated information.
- E. Application Remain Valid During Renewal Application Investigation: Upon the timely submission of a completed renewal application, the current short-term rental permit shall remain valid until the Planning and Zoning Administrator reviews the applicant's qualifications and either denies the renewal application or reissues the permit.
- F. Notice To Adjacent Property Owners: The administrator shall notify property owners within three hundred feet (300) and/or active home owner's association upon issuance of the administrative permit.

13.65.050 Application Denial, Suspension, Revocation, and Appeal:

- G. Except as otherwise may be provided herein, the procedures for denial, suspension, revocation, and appeal of a short-term rental application shall be as set forth in 13.65.040 CCC.
- H. Failure to obtain an Administrative Permit for an STR or violation of the Administrative Permit shall be cause for revocation of the permit and shall be subject to the following:
 - 1. Infraction citation
 - 2. If after 3 infraction citations violations continue to occur, then enforcement and penalties in accordance with 1.00.140 of CCC.

13.65.060 Penalty:

- I. Violation of any of the provisions of this chapter may result in either the suspension or revocation of the approved short-term rental application pursuant to 13.65.00 CCC.
- J. In addition to any action on the license, violation of any of the provisions of this chapter, or the failure or omission to perform any duty imposed by the provisions of this chapter, is hereby declared unlawful and punishable as a general misdemeanor, subject to penalty as provided in section 1.00.140 of CCC.

SECTION 2. Fee established for Short-Term Rental Application is one-hundred dollars (\$100).

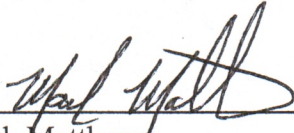
SECTION 3. If any provision of this Ordinance shall be declared by a court of appropriate jurisdiction to be invalid, such decision shall not affect the validity of remaining portions of this Ordinance. Any remaining portions shall be interpreted to give effect to the spirit of this Ordinance prior to removal of the provisions declared invalid.

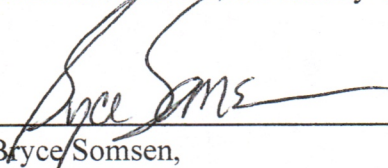
SECTION 4. The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

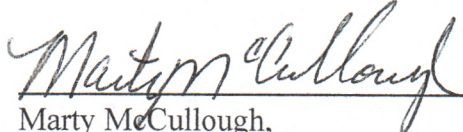
SECTION 5. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND DATED this 9th day of January, ²⁰²³~~2022~~ ^{DA}~~5~~ ¹⁹⁻²³

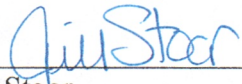
CARIBOU COUNTY COMMISSIONERS


 Mark Matthews,
 Chairman of Board of County Commissioners


 Bryce Somsen,
 County Commissioner


Marty McCullough,
County Commissioner

ATTEST:


Jill Stoor,
Clerk of Caribou County