

ORDINANCE 1092

AN ORDINANCE ADDING SECTION 5.60 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING RESIDENTIAL SHORT-TERM RENTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 5.60 of the Municipal Code of the Town of Jackson, is hereby added as follows:

5.60 Residential short-term rental permits.

5.60.010 Preamble: Intent and purpose

- A. The natural, wildlife, agricultural, and scenic resources found in the Town of Jackson are essential components of the community's economic base and establish the character of the community. The economic base of the community is tourism and the future success of tourism is directly linked to the community's ability to provide an enjoyable experience to people who have many alternative locations to vacation. The location of tourist facilities and the quality of the facilities are important parts of the tourist experience in Jackson, and thus this ordinance seeks to ensure those facilities are of the highest quality.
- B. The intent and purpose of this ordinance is to establish procedures and standards by which residential short-term rentals can be provided to tourists seeking them in a manner that protects both the quality of their experience and the community of Jackson. It is the Town of Jackson's intent to establish residential short-term rental regulations that promote a mix of lodging options to support Jackson's tourist base and local economy, while simultaneously upholding the health, safety and welfare of the public and preserving the long-term residential neighborhoods within the Town.

5.60.020 Definitions

- A. "Residential short-term rental" means the rental of all or a portion of a residential unit such that occupancy is limited to less than 31 days. No Residential short-term rental unit shall be rented so as to limit the right of occupancy of the renter to less than 31 days. A rental that has the effect of limiting occupancy to a period of less than 31 days is a lodging use and requires a permit pursuant to Section 6.1.5 of the Town Land Development Regulations. No Residential short-term unit shall be subletted by the renter.
- B. Words or phrases in this Chapter necessitating a definition shall be defined pursuant to the Town Land Development Regulations, as amended.

5.60.030 Prohibitions

- A. It is unlawful for any person, individual, corporation, or otherwise to lease or operate a Residential short-term rental except within the Lodging Overlay District or the Snow King Resort District, or as an established Lodging Use as set forth in the Town Development Regulations., or as an established legal non-conforming use.
- B. It is unlawful for any person, individual, corporation, or otherwise to lease or operate a Residential short-term rental without first obtaining a Residential Short-Term Rental Permit in accordance with the provisions of this Chapter.
- C. It is unlawful to lease or operate a Residential short-term rental in violation of the standards set forth herein.

5.60.040 Residential Short-Term Rental Permit Required

- A. An application for a Residential short-term rental permit must be submitted and approved by the Town before the subject property can be rented on a short-term basis.
- B. Applications for Residential short-term rentals shall be made in writing, must be notarized statements, and must include:

1. The legal name, phone contact and mailing address of the Residential short-term rental unit owner;
 2. The physical and mailing address of the Residential short-term rental unit;
 3. If applicable, proof that the owner has obtained a letter from the homeowner's association pertaining to the application for a Residential short-term rental permit;
 4. The name of a designated owner representative for the rental unit, who must be located within Teton County, Wyoming and who must be on call 24/7 to manage the property;
 5. The contact phone number and mailing address for the designated owner representative, including an emergency contact number; and,
 6. The signature of the rental unit owner indicating his or her promise to collect and remit all applicable sales and lodging tax or to have his or her agent collect and remit all such applicable tax, and to provide receipts for proof thereof and the sales tax number to the Town.
- C. The fee for a Residential short-term rental unit permit is \$100.00 *for each residential short-term unit being permitted.*
- D. Where one agent or owner manages or owns multiple Residential short-term rental units within the same complex, a single consolidated permit application may be submitted. Each Residential short-term rental unit will be assigned a unique permit number. If the units are managed by different owner representatives, despite being in the same complex, separate applications are required.
- E. It is the applicant's responsibility to notify the Town of any changes to the items set forth in 5.60.040 during the Short-Term Rental Permit period.
- F. Residential short-term rental permits are nontransferable, except that upon death the property may be transferred to an immediate family member.

5.60.050 Residential Short-Term Rental Business Operational Requirements

- A. **Homeowner's Association Notification:** In the event that a proposed rental is part of a common interest community and there is a homeowner's association for such community, a letter from the homeowner's association that Residential short-term rentals are permitted.
- B. **Notice to Neighbors within 300 Feet:** Rental unit owners or their agents must provide notice to the owners of neighboring parcels within 300 feet of the short-term rental property, informing these neighbors that a Residential short-term rental permit has been issued and providing the name and contact information for the local owner representative. The Residential short-term rental permit applicant has an affirmative duty to re-notify all applicable neighbors upon a change in the local owner representative and to also notify the Town.
- C. **Advertising Requirements:** Any advertising, including but not limited to newspaper, radio, print, digital, or voice advertising of Residential short-term rental units must include: 1) the valid permit number issued to the unit; and 2) for digital advertising, an effective internet link to the Town of Jackson short-term rental law.
- D. **Lodging and Sales Taxes:** Residential short-term rental owners are subject to and responsible for collecting and remitting all applicable taxes, specifically including the sales and lodging taxes.
- E. **Compliance with Building and Fire Codes:** All Residential short-term rentals are subject to the applicable building and fire codes and prior to occupancy must be reviewed and approved for compliance with such codes by the Town Building Official and the Fire Marshal, respectively.

5.60.060 Permit Renewal

- A. Residential short-term rentals permits must be renewed annually.
- B. Residential short-term rental permit renewal applications shall be filed annually with the Town of Jackson Administrative Department. The Town may, for good cause, refuse to renew a permit.

- C. Permit renewal applications must be in writing, be notarized statements, and must specify:
1. What, if any, contact or address information on the last application has changed; and
 2. That the owner will remit all applicable taxes to the Town of Jackson.

5.60.070 Permit Expiration

- A. All annual licenses shall expire on the thirty-first (31) day of December each year.
- B. It is the duty of each permittee to renew and maintain a valid permit in conformance with the requirements of 5.60.060 and this Chapter. The Administrative Department shall mail to all permittees of the Town a renewal statement. However, failure to send out such notice or the failure of the permittee to receive it shall not excuse the permittee from a failure to obtain a renewal of their permit, nor shall it be a defense in an action for operation without a permit.

5.60.80 Permit Denial.

- A. A permit issued under this section shall be a personal privilege, good for the period for which issued, subject to the condition that it may, for good cause, be suspended, revoked, or denied. Good cause shall include, but is not restricted to:
 1. Violating any of the provisions of this Chapter;
 2. Making a false material statement in the permit application;
 3. Violating any ordinance relating to health and safety of the premises being rented or relating to zoning;
 4. Operating a rental property that does not fully comply with the Town building and safety codes or the Land Development Regulations;
 5. Otherwise becoming disqualified for the issuance of a permit under the terms of this Chapter; or
 6. Violating any of the provisions of this Code or other ordinances of the Town or the laws of the United States or the State of Wyoming, the violation of which reflects unfavorably on the fitness of the holder to offer Residential short-term rentals.
- B. Suspension, Revocation, or denial may be instituted by any appropriate Town department, including Planning, Building, Fire, Police, or Finance. Immediately upon such suspension, revocation, or denial written notice thereof shall be provided by the appropriate Town department to the permittee by certified United States mail, which will be addressed to the registered agent as identified in the current initial or renewal application. Immediately upon the giving of such notice the permit shall become null and void.
- C. Such suspension, revocation, or denial may be in addition to any fine imposed.

5.60.090 Appeal.

- A. If a permit is suspended, revoked, or denied by the Planning, Building, or Fire departments the permittee may seek review of the decision, in which case the hearing and appeal procedures governing the applicable Town department shall govern the appeal process.
- B. If a permit is suspended or revoked by the Police Department, the appeal of such decision shall be heard by the Town Council and shall be governed by the Wyoming Administrative Procedures Act.

5.60.100 Fraud and Misrepresentation.

- A. It is unlawful for any rental unit owner, or their agent, to induce, or attempt to induce, any person to rent a unit by knowingly or wantonly misinforming or misleading such person as to the time period for which the unit is available, the regulations applicable to short-term rentals, the location of the unit within the Town of Jackson, or the price of the unit.
- B. It is unlawful for any rental unit owner, or their agent, to knowingly or wantonly misinform or mislead any Town agent or department during the initial permitting process or a renewal, or during any revocation, suspension, or denial process or hearing.

5.60.110 Enforcement

- A. Advertising that offers a property as a Residential short-term rental shall constitute prima facie evidence of the operation of a Residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal Residential short-term rental or is not in operation.
- B. Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a Residential short-term rental shall constitute prima facie evidence of the operation of a Residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal Residential short-term rental or is not in operation.
- C. Advertising a Residential short-term rental without a valid permit number is prohibited and constitutes a violation of this title and may result in enforcement action pursuant to Section 5.60.120 of this title, provided:
 - 1. The property owner, or his or her registered agent, is notified that such advertising without a valid permit number must be terminated within seven (7) days of the notice; and
 - 2. Advertising without a valid permit number continues after such notice.
- D. Other evidence of the operation of a Residential short-term rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, receipts or bank statements showing payments to the owner by a guest, or any other information deemed relevant by the Town.
- E. A conviction for the operation of a Residential short-term rental without a permit shall result in the property owner being ineligible to apply for a permit for five (5) years.
- F. Conviction for the operation of a Residential short-term rental without a permit and the failure to remit sales and lodging tax to the Town will result in the Town notifying the appropriate County and State departments of taxation of the short-term rental operation and its failure to comply with tax law.

5.60.120 Penalty.

- A. In addition to any provisions of this Chapter, any individual or violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished according to Section 1.12.010 of this Code. Each day during which a person or business shall operate a Residential short-term rental unit for which a permit is required, constitutes a separate violation hereof.
- B. In addition to the penalties above set forth, the Town may institute an injunction or any other appropriate action to prevent or enjoin the operation of a short-term rental, or prevent or enjoin the continued operation of a short-term rental, within the Town if said short-term rental is being operated or maintained in violation of this Chapter or the Town Land Development Regulations.

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.


This Ordinance shall become effective after its passage, approval and publication.

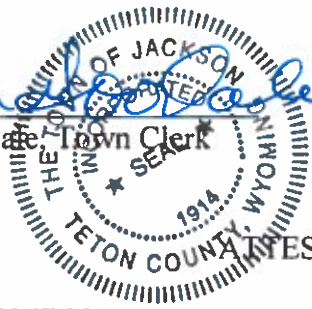
PASSED 1ST READING THE 3RD DAY OF AUGUST, 2015.
PASSED 2ND READING THE 17TH DAY OF AUGUST, 2015.
PASSED AND APPROVED THE 8TH DAY OF SEPTEMBER, 2015.

TOWN OF JACKSON

BY: 
Sara Flitner, Mayor

ATTEST:

BY: 
Olivia Goodale, Town Clerk



TESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. 1092 was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the 9th day of September, 2015.

I further certify that the foregoing Ordinance was duly recorded on page 200 of Book 7 of Ordinances of the Town of Jackson, Wyoming.


Olivia Goodale Town Clerk