

CHAPTER XIII – SHORT-TERM RENTAL

SUBCHAPTER I: GENERAL PROVISIONS

Section 1. NAME OF RESOLUTION. This resolution shall be known, and may be cited, at the Short-Term Rental Resolution of the County of Sublette and shall be incorporated within and become part of the Sublette County Zoning Development Regulations Resolution, originally adopted December 13, 1978, as amended.

Section 2. AUTHORITY. The Short-Term Rental Resolution of the County of Sublette is authorized by WYO. STAT. ANN § 18-5-201 *et. Seq.*, as amended.

Section 3. INTENT AND PURPOSE. The Board of County Commissioners of the County of Sublette establish this Short-Term Rental Resolution to promote public health, safety, welfare, and orderly growth; to preserve human values and property values; to develop for the County of Sublette its own distinctive character arising from its special climate, topography, economy, and people. Areas within unincorporated Sublette County are known for their scenic beauty and recreational opportunities. These areas are world renowned vacation destination. Recent surges in popularity of short-term rentals in this area have created compatibility issues in established residential areas. These issues have the potential to endanger the health and safety of residents and guests and endanger the very environment and resources that attract visitors to the area. To ensure protection of the health and safety of residents and guests and to protect the environment, it is the purpose of this article to provide permit procedures and establish standards for short-term rentals in the unincorporated area of Sublette County. All requirements, regulations and standards imposed by Sublette County Zoning and Development Regulation Resolution.

Section 4. JURISDICTION. The territorial jurisdiction of the Short-Term Rental Resolution shall include all the unincorporated lands within Sublette County.

Section 5. INTERPRETATION. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. No provision of this Resolution is intended to repeal, abrogate, annul, impair, or interfere with any existing Resolution of the County or statute of the State of Wyoming, except as is specifically repealed by adoption of this Resolution, provided that where any provision of this Resolution imposes more stringent regulations, requirements, or limitations than is imposed by any other Resolution of Sublette County or any statute of the State of Wyoming, then the provisions of this resolution shall govern.

Section 6. DEFINITIONS. The following words, phrases and terms as used in this article shall have the following meanings:

Agent. means a person or entity authorized to operate the short-term rental on behalf of the property owner and includes a property manager, professional property management company, and/or local contact person.

Guest or Guests. means an individual or individual(s) renting the short-term rental for the purposes of staying overnight.

Local contact person. means an individual who is personally available by telephone on a twenty-four-hour (24) hour basis, who maintains the ability to be onsite within ninety (90) minutes, and who has access and authority to assume management of the unit. An agent of professional property management company that meets the availability requirements can serve as the local contact person.

Professional property management company. means a firm charged with operating a real estate property for a fee.

Property owner. means the owner of the real property on which the short-term rental exists.

~~Resort. means a self-contained lodging facility that provides onsite amenities and activities.~~

~~Short-Term Rental. Means a single dwelling, accessory dwelling unit, multi-family dwelling unit, studio, condominium, townhouse, duplex, guesthouse, cabin, bedroom within dwelling unit, tiny home, or other facility, structure or apparatus rented for the purpose of for-profit, overnight lodging for a period of not less than one (1) night or not more than thirty (30) days. A dwelling that is deed restricted for affordable/moderate or achievable housing is prohibited from being short-term rental.~~

SUBCHAPTER II- PROCEDURAL REQUIREMENTS

Section 7. PERMIT REQUIRMENTS. It is unlawful for any person to advertise, maintain, operate, or use a short-term rental in the unincorporated area of Sublette County without a short-term rental permit, or in violation of the terms and conditions of the permit or the requirements of this Resolution. Short-term rental permits shall be renewed biennially (24 months), and separate permits are required for each short-term rental. The permit requirements for short-term rentals are set forth below. The issuance of any permit pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of the Sublette County Zoning and Development Regulations Resolution pertaining to the use and occupancy of the short-term rental or the property in which it is located.

- A. Where allowed. As to this article, short-term rentals are allowed in all zoning districts that allow residential use, with approval of a short-term rental permit. (Agricultural (A-1) zoning district, and in the Rural Residential, Rural Residential 5, 10 and 20 (R-R, R-R 5, R-R 10 and R-R 20) and Rural Residential Mobile Home, Rural Residential Mobile Home 5, 10 and 20 (R-R MH, R-R MH 5, R-R MH 10, R-R MH 20) and the Rural Mixed district (RM).
- B. Application process. An application for a short-term rental permit shall be submitted by the property owner or agent (written property owner authorization is required for an agent to file the application) to the Sublette County Planning and Zoning Department and shall at a minimum include the following:
 - i. Property owner or agent name and contact information.
 - ii. The name of the local contact person, if different from the property owner or agent, and a telephone number at which that party may be immediately reached. One (1) additional alternate contact person is permitted.
 - iii. Address and County PIDN number for property for which the short-term vacation

rental is located.

- iv. Rental unit type (e.g., home, interior apartment, accessory dwelling unit, condominium). If more than one (1) residential unit is located on the property, identify if the rental unit is the property's primary or secondary dwelling.
 - v. The number of bedrooms. For purposes of this section, a bedroom is a room intended primarily for sleeping that contains a minimum of seventy (70) square feet and contains a window or opening that can be used for emergency egress. Previous building permits may be referenced to determine this number.
 - vi. Maximum occupancy amount. Occupancy is defined as two (2) people per bedroom, plus two (2) additional people. Occupancy limits may be modified on a case-by-case basis at the discretion of the Planning and Zoning Administrator.
 - vii. Total number of on-site parking spaces, if applicable. If on-site parking is not available, an alternative parking plan must be provided designating the location of off-site parking
 - viii. Proof of existing garbage service and total number of trash receptacles.
 - ix. Acknowledgment that the property owner or agent has read and understood this article.
 - x. Completed Short-term Rental Self-Inspection Safety Checklist
 - xi. Acknowledgment that the property owner or agent has read and understood this article.
 - xii. Notice to Neighbors: Rental unit owners or their agents must provide notice to the owners of adjoining properties of the operation of a short-term rental property at the applicant's location. This notification shall be evidenced by certified USPS mail receipt. The notice shall inform neighbors that a residential short-term rental permit has been issued and provide the name and contact information for the local owner representative(s). 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 County.
- C. Term and scope of project. A short-term rental permit issued under this article shall expire twenty-four (24) months from the date of issuance, unless revoked or suspended earlier. The permit authorizes the property owner to conduct only such services as is described in the permit and in accordance with the terms and conditions of the permit. The permit is non-transferable and shall expire upon any change in ownership of the property. A permit will be renewed if, prior to expiration, the following is provided: updated application information (if changes have occurred), and payment of the renewal permit fee
- D. Hotel/motel. Hotels, motels, resorts and guest ranches are exempt from the permit

requirements of this article.

- E. Permit Fee. Each short-term rental permit application shall be accompanied by a nonrefundable short-term rental permit fee. The fee schedule shall be two hundred dollars (\$200.00) for the first 24 months and one-hundred dollars (\$100.00) for each subsequent 24-month period.
- F. Date Effective. This article shall become effective August 1st, 2021.

SECTION 8. OPERATIONAL STANDARDS. All short-term rentals are required to comply with the following standards and shall not generate other disturbances which may disrupt the peace, safety, and general welfare of the neighborhood. Failure to comply with the standard conditions of this section may result in fines and permit revocation as outlined in Section 10 of this Chapter.

- A. Responsibility of property owner to prevent nuisance behavior and maintain neighborhood peace and quiet. The property owner and/or agent shall inform guest(s) that they are not to violate the standards of this article and shall be responsible to take any action necessary to ensure that guest(s) abide by the terms of this article and other applicable provisions of Sublette County Planning and Zoning Regulation Resolutions.
- B. Local contact person. A local contact person (and one (1) alternate if desired) shall be personally available by telephone on a twenty-four (24)-hour basis and shall maintain the ability to be physically present at the short-term rental within ninety (90) minutes
- C. Parking. On-site parking shall be provided for each short-term rental. If the property does not have sufficient on-site parking the property owner shall have a County-approved parking plan, designating the location of off-site parking.
- D. Noise. Reasonable nighttime noise limits and quiet hours are imposed from 5 | P a g e eleven o'clock (11:00) p.m. to seven o'clock (7:00) a.m. The nighttime noise limits shall be posted inside the vacation rental in a location readily visible to all guests.
- E. Trash and Refuse. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of the short-term rental at any time is prohibited. Trash collection must be provided for each short-term rental, and, where appropriate, bear resistant trash containers are advised.
- F. Interior posting requirements. The "Sublette County Good Neighbor" flyer, a "Sublette County Safe Outdoor Fire" flyer (if an open fire variance is granted), and a "Be Bear Aware" flyer shall be posted within the interior of the rental unit in a visible location. Interior postings shall also include the contact information for the local contact person (and any alternate), emergency evacuation information, contact information for local fire restriction updates, and all applicable guidelines. Aforementioned flyers will be available at the Planning and Zoning office. Furthermore, a map of the property shall be posted which shows clearly the property boundaries.
- G. Smoke Alarms. Smoke alarms, in good working order, shall be installed in accordance with recommendations of the Sublette County Fire Marshall and at a minimum shall be installed in each bedroom and at least one alarm on every level of the short-term rental, including basements and habitable attics.
- H. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the recommendations of the Sublette County Fire Marshall and at a

minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

- I. Fire extinguisher. Each short-term rental shall be equipped with at least one (1) five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually to ensure the extinguishers are in good working order.
- J. Visible Address. To facilitate late check-ins, each short-term rental shall have an address identification clearly visible after dusk. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property (red background with white 4" numbers required).
- K. Sewage Disposal. Every short-term rental shall have a sewage disposal system which conforms to all standards established by the Wyoming Department of Environmental Quality. The permittee is required to contact the Planning and Zoning Department if such an approved waste water disposal system experiences a failure in operation. Temporary portable privies are expressly prohibited.

Section 9. PROHIBITIONS AND RESTRICTIONS

- A. Prohibited structures. Short-term rentals are not allowed in structures not intended for permanent residential use/occupancy. Short-term rentals shall have been previously issued all building and wastewater permits applicable to dwelling units.
- B. Incidental camping. A short-term rental permit does not authorize incidental camping which causes the occupancy limit to be exceeded. Incidental camping means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.
- C. Outdoor fireplaces. Open campfires are prohibited at short-term rentals. A variance to this prohibition may be requested from the Planning and Zoning Department and granted by the Administrator based upon a fire safety overlay map produced by the P&Z Commission and County Fire Marshall. A variance to this prohibition may also require that campfire sites meet minimum standards established by the County Fire Marshall. Natural gas/propane burning fireplaces and fire pits with twenty (20)-pound tanks or smaller are preferred, provided the device is at least ten (10) feet from a structure and any flammable materials.
- D. Pets. Pets shall be secured on the property at all times.
- E. Special events. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, excessive noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities, unless a variance permit has been issued by the county pursuant to Chapter VI-Variances, of the Sublette Zoning and Development Regulations Resolution.
- F. Fireworks. Possession or ignition of fireworks in Sublette County is strictly prohibited

- A. General. Pursuant to Wyo. Stat. Ann. § 18-5-204 et seq., no person shall use any building or use land in violation of a resolution adopted by Board of County Commissioners. Violations of the terms or each permit granted hereunder or violations of the requirements of the Sublette County Zoning Development Regulations Resolution, originally adopted December 13, 1978, as amended, are enforceable through revocation of a permit and/or a fine of up to seven-hundred and fifty dollars (\$750), among other enforcement measures as provided by law. In an effort to ensure compliance by permit holders, the Sublette County Board of Commissioners has developed an intermediate enforcement schedule to be administered by the Sublette County Planning & Zoning Department and Planning & Zoning Board. This intermediate enforcement schedule does not negate or circumvent the Sublette County Board of Commissioners authority to utilize any and all enforcement measures available to them by law to ensure compliance with its Zoning Development Regulations Resolution, this Chapter, or the intermediate enforcement schedule described herein. THE BURDEN OF PROOF for all determinations made hereunder by the Planning & Zoning Administrator, Planning & Zoning Board, or the Sublette County Board of Commissioners is preponderance of the evidence.

Planning & Zoning Administrator. Any reference herein to the Planning & Section 10. ENFORCEMENT

- B. Zoning Administrator includes any designee or agent thereof
- C. Inspection. Under the powers of this Chapter, the Planning & Zoning Administrator shall have the authority to enter onto land within the unincorporated area of Sublette County to inspect alleged violations of this Short-term Rental Resolution. By obtaining a permit to operate a short-term rental, a landowner submits to reasonable inspections by the Planning & Zoning Administrator upon reasonable notice (24 hours) to, and as accompanied by, the landowner, or agent thereof
- D. Complaints and Violations. Formal written complaints, signed by the complainant, are to be investigated by the Planning & Zoning Administrator. Upon a determination by the Planning & Zoning Administrator that reasonable grounds exists that any term or condition of a permit or of this Chapter has been violated, regardless of how discovered, he shall issue a formal response according to the Enforcement Schedule detailed in Subparagraph F herein.
- E. False or Misleading Information Provided in Application. Information provided in an application for a permit that is determined to be false or misleading following the issuance of permit shall be considered a violation of this Chapter and enforced accordingly.

F. ENFORCEMENT SCHEDULE

- i. FIRST VIOLATION: Formal written warning describing violation delivered to the Permit Holder with a copy provided to the Planning and Zoning Board.
- ii. SECOND VIOLATION: Fine of one-hundred dollars (\$100) and a written citation describing the violation delivered to the Permit Holder with a copy provided to the Planning and Zoning Board.
- iii. THIRD VIOLATION: Fine of three-hundred dollars (\$300), revocation of permit for thirty (30) days, and a written citation describing the violation delivered to the Permit Holder with a copy provided to the Planning and

- iv. **FOURTH VIOLATION:** Fine of five-hundred dollars (\$500), revocation of permit for sixty (60) days, and a written citation describing the violation delivered to the Permit Holder with a copy provided to the Planning and Zoning Board
- v. **FIFTH VIOLATION:** Fine of seven-hundred and fifty dollars (\$750), permanent revocation of permit and a written citation describing the violation delivered to the Permit Holder with a copy provided to the Planning and Zoning Board.
- vi. Subsequent violations are defined as those that occur within twenty-four months of the First Violation.

- G. Payment of Fines. Any fine issued by the Planning & Zoning Administrator must be paid within ten (10) business days of the issuance thereof (post mark or email date stamp). Late payment of a fine shall be considered a violation of terms and conditions of this Chapter.
- H. Appeals Process. Any Permit Holder who is issued a warning, a fine, or whose permit has been revoked may request a hearing before the Planning & Zoning Board to be held at the next regularly scheduled meeting. Notice of a Permit Holder's desire to appeal to the Planning & Zoning Board must be in writing, signed by the Permit Holder, and provided to the Planning and Zoning Administrator within ten (10) business days issuance of a warning, fine, or the revocation of a permit. An adverse decision from the Planning & Zoning Board may be appealed to the Board of County Commissioners as a contested case pursuant to the Wyoming Administrative Procedure Act, Wyo. Stat. Ann. § 16- 3-101 et seq. Imposition of the fine shall be stayed during any appeals process. Failure to provide timely written notice of appeal is a waiver of a permit holder's right to appeal.
- I. Failure to Obtain a Permit Prior to Operation or Operation During Period of Revocation. Operation without a permit, or during a period of revocation, shall be considered a violation of this Chapter for each day the property was operated as a short-term rental without a permit and subject to enforcement by fine of and subject to enforcement by fine of seven-hundred and fifty dollars (\$750) for each violation/day, among other enforcement measures as provided by law. The application fee for individual who operated a short-term rental prior to obtaining a permit shall be doubled.