

# CITY OF RED LODGE

1 PLATT AVENUE SOUTH, P.O. BOX 9, RED LODGE, MONTANA 59068



That Title 12 Section 4.4.33 (Short-term Rental) be deleted and Title 12 Section 4.4.22 (Specific Uses) of the Red Lodge Municipal Code, Zoning Regulations – be amended as follows:

## **M. Short-Term Rentals**

The purpose of this article is to provide for the regulation of short-term rentals within the City in order to preserve neighborhood character while encouraging economic activity and diversity, and to ensure the public health, safety, and welfare of the occupants.

### **1. Applicability**

The provisions of this article apply only to short-term rentals as defined herein. This article does not apply to any rental of a dwelling unit which is governed and defined by The Montana Residential Landlord and Tenant Act of 1977.

A lower-priced or moderate-priced dwelling that received financial support from the City, including but not limited to down payment assistance, or other financial subsidy, may not be used as a short-term rental until such time as the lien instrument against the property in favor of the City securing the amount of such subsidy has been released and the release recorded with the Carbon County Clerk and Recorder's Office.

### **2. Definitions**

#### **a. Short-Term Rental**

A home that is rented by or on behalf of the owner to the general public for compensation for transient occupancy of 30 days or less.

#### **b. Owner-Occupied Short-Term Rental**

A short-term rental of one or more bedrooms in an owner-occupied or agent-occupied dwelling while the owner/agent is occupying the same dwelling unit for the entire rental period.

#### **c. Hosting Platform**

A person or entity that provides a means through which an owner may advertise and offer for rent a short-term rental to the general public.

#### **d. Local Property Manager/Owner**

A person who must be available to take and respond to reports of concerns and complaints 24 hours per day, 7 days per week during the rental period. The local property manager may be an owner or agent of the property.

### **3. Compliance with Laws**

In addition to the provisions of this article, the short-term rental owner must comply with all other applicable local, state and federal laws, including but not limited to City business

license, resort tax, lodging facility use tax and accommodations sales tax regulations; permitting requirements; fair housing laws; approved codes; building code and health department regulations. Loss of any required permit or license will result in revocation of the short-term rental license.

Compliance with all applicable laws and regulations is the sole responsibility of the owner. City approval of an application for short-term rental license in no way waives or transfers to the City such responsibility. In addition, the owner is solely responsible for verifying that the use of a property as a short-term rental is compatible with insurance and mortgage contracts, homeowners' association covenants, rental agreements and any other contracts which govern the use of the property.

#### **4. Safety, Health, Nuisance, and Environmental Regulations**

Owners of short-term rental property shall comply with applicable rules and regulations of the Red Lodge Fire Department and Carbon County Health Department.

- a. Safety hazards and public health.** The owner or their representative acknowledges that the City has the right to suspend operation of any short-term rental when the City determines the rental is causing or contributing to an imminent public health, safety hazard, or nuisance, as defined in municipal code (4-1-1).
- b. Maximum occupancy for short-term rentals.** The maximum occupancy of a short-term rental will be determined by the fire chief, or designee. The maximum occupancy will be noted on the short-term rental registration and must be included in the list of short-term rental rules.
- c. Signage.**

The list of rules must be prominently displayed within the short-term rental.

  - i. Safety**

During a rental period, there must be a sign posted inside the short-term rental showing the locations of all fire extinguishers in the unit, the gas shut-off valve, and fire exits.
  - ii. Trash removal**

The local property manager/owner must ensure proper disposal of solid waste pursuant to local and state rules, regulations and laws. The schedule for trash and recycling collection must be included within the short-term rental rules.
  - iii. Noise**

All activities producing noise discernible from a neighboring property (as defined in municipal code) shall cease by 10:00 p.m. This requirement must be included in the short-term rental rules.
- d. Change in Ownership.** A short-term rental license does not run with the land.
- e. Expiration** Licenses are valid for one year from date of issue.
- f. Renewal** The registrant may apply to renew the license annually.
- g. Short-term rental agreement; written rules for guests** The guest must be provided with a written list of rules applicable to the short-term rental with the rental agreement, and the rental agreement must include a written acknowledgement by the renters of their agreement to comply with such rules.
- h. Parking** Local property manager/owner needs to be cognizant of on-street parking issues and not infringe on parking of neighbors.