

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 19-17(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 16 OF THE WASILLA MUNICIPAL CODE BY ADOPTING CHAPTER 16.26, SHORT-TERM RENTALS, THAT INCLUDES SECTIONS TO ADDRESS PURPOSE AND INTENT, DEFINITIONS, APPLICABILITY, APPLICATION AND FEE, APPROVAL CRITERIA–NEW AND RENEWAL, STANDARDS, PROHIBITIONS, ISSUANCE–TERM, RENEWAL–TRANSFERABILITY, DENIAL, VIOLATIONS–ENFORCEMENT, APPEALS, AND SEVERABILITY; AND AMEND SECTION 16.20.020, DISTRICT USE CHART, TO ADD THE PERMIT APPROVAL REQUIRED FOR A SHORT-TERM RENTAL AND TO AMEND THE PERMIT APPROVAL REQUIRED FOR BED AND BREAKFAST, HOTEL, HOME OCCUPATION, AND MOTEL.

WHEREAS, the Wasilla City Council adopted the Wasilla Comprehensive Plan in 2011 that contains goals, objectives, and actions to promote and encourage development while protecting residential neighborhoods; and

WHEREAS, the Planning Commission is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on October 8, 2019, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission discussed the proposed adoption of short-term rental regulations during the Committee of the Whole at one meeting in 2018 and six meetings in 2019; and

WHEREAS, the Wasilla Planning Commission deliberated on this amendment taking into account the information provided by City staff, public testimony – both written

33 and verbal comments, the applicable provisions of the 2011 City of Wasilla
34 Comprehensive Plan and Wasilla Municipal Code, and other pertinent information
35 brought before them; and

36 WHEREAS, after due consideration, the Wasilla Planning Commission determines
37 that the proposed short-term rental amendment is appropriate and is consistent with the
38 goals and objectives of the Wasilla Municipal Code and the 2011 City of Wasilla
39 Comprehensive Plan;

40 NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission
41 hereby approves this resolution recommending that the City Council adopt the following
42 amendments:

43 **Addition of chapter.** WMC 16.26, Short-term Rentals, is hereby added as
44 follows:

45 16.26.010 Purpose and Intent

46 A. The purpose of this chapter is to establish the regulations governing the use
47 of a residential dwelling unit as a short-term rental. This chapter provides
48 reasonable and necessary regulations for the permitting of short-term rental of
49 residential dwelling units in order to:

50 1. Ensure the safety, welfare and convenience of renters, owners and
51 neighboring property owners;

52 2. Balance the legitimate neighborhood livability concerns with the
53 property owners desire to use their property as they choose;

54 3. Recognize the need to limit short-term rental options within
55 neighborhoods to ensure compatibility, while recognizing the benefits of

Strikethrough indicates deleted language and **Underline** indicates new language

56 short-term rentals in in providing recreation and employment opportunities,
57 as well as transitional housing and business or hospital-related short stays;

58 4. Help maintain the City's needed housing supply for long-term
59 residential use; and

60 5. Protect the character and stability of the City's neighborhoods by
61 limiting the number, concentration, and maximum occupancy of full-time
62 short-term rentals in residential zones. In the adoption of these regulations,
63 the City finds that the transient rental of dwelling units has the potential to
64 be incompatible with surrounding residential uses. Therefore, special
65 regulation of residential dwellings listed for transient occupancy is
66 necessary to ensure that these uses will be compatible with surrounding
67 residential uses and will not materially alter the neighborhoods in which they
68 are located.

69 B. A short-term rental permit grants approval to operate a short-term rental in
70 accordance with this chapter. A short-term rental permit may be terminated or
71 revoked if the standards of this chapter are not met or the dwelling is sold or
72 otherwise transferred as defined in this chapter. This chapter provides an
73 administrative framework for approving the annual operation of a short-term rental.

74 C. The regulations of this code are not intended to permit any violation of the
75 provisions of any other law or regulation.

76 D. Exemption of a use from the provisions of this chapter shall not exempt the
77 use from other applicable provisions of this code.

Strikethrough indicates deleted language and **Underline** indicates new language

78 E. Prior to the adoption of the provisions contained in this chapter, there were
79 no provisions in the City's Land Development Code that identified or allowed the
80 establishment of a "short-term rental" as a legally permitted land use. Accordingly,
81 nothing in this chapter shall be construed to identify or allow an existing use to be
82 classified or considered a legal nonconforming short-term rental subject to the
83 provisions and allowances of Chapter 16.28 (Nonconforming Lots, Buildings and
84 Uses).

85 16.26.020 Definitions.

86 When used in this title, the following words and phrases shall have the meanings
87 set forth in this section:

88 "Applicant" means an individual submitting an application to the City for a short-
89 term rental permit. Applicant may be the owner or agent for the owner.

90 "Agent" means a property management company or other entity or person who
91 has been designated by the applicant, in writing, to act on their behalf. The authorized
92 agent may or may not be the designated representative for purposes of contact for
93 complaints (see "Local Contact"). The agent is responsible for advertising and operating
94 a short-term rental and ensuring compliance with short-term rental regulations. Any agent
95 other than the property owner must be properly licensed broker or licensee with the State
96 of Alaska. Note: This term does not include listing services or online platforms for short-
97 term rental listings.

98 "Daytime" means between the hours of 7 AM to 10 PM.

99 "Hosting platform" means any electronic or other operating system, functioning in
100 the nature of a marketplace by which an operator markets, advertises, offers, solicits

Strikethrough indicates deleted language and **Underline** indicates new language

101 customers for, or makes available for commercial use a residential dwelling unit as a
102 short-term rental.

103 “Local Contact” means the person designated by the owner or agent who will be
104 available 24 hours per day, seven days per week, for the purpose of responding to
105 concerns or requests for assistance related to the owner’s short-term rental.

106 “Occupant” means any person who occupies or is entitled to occupy by reason of
107 concession, permit, right of access, license or other agreement a short-term rental for a
108 period of 30 consecutive calendar days or less, counting portions of calendar days as full
109 days.

110 “Overnight” means between the hours of 10 PM to 7 AM the following day.

111 “Owner” means the person or entity that holds legal and/or equitable title to the
112 private property for which the short-term rental permit is sought and is responsible for
113 compliance with these provisions, regardless of whether an agent or property manager is
114 used to manage the short-term rental.

115 “Owner occupied” means that the dwelling unit is occupied by the owner for a
116 minimum of six months out of a calendar year.

117 “Permanent resident” means, for purposes of this section, a person who is eligible
118 for a permanent fund dividend under A.S. 43.23.005 for the same year or for the
119 immediately preceding year. If the applicant has not applied or does not apply for the
120 permanent fund dividend, the applicant must show that they would have been eligible for
121 the permanent fund dividend.

122 “Primary residence” means an owner’s permanent residence or usual place of
123 return for housing as documented by at least two forms of identification as listed in this
124 chapter. A person may have only one primary residence.

125 “Short-term rental” means the commercial use, or the making available for
126 commercial use, of an entire residential dwelling unit for transient occupancy, dwelling,
127 overnight lodging or sleeping purposes, wherein any individual guest rents or occupies
128 the entire dwelling unit for a period of thirty days or less, with or without financial
129 compensation for a minimum of one night, but no more than 30 consecutive calendar
130 days in duration. May also be referred to as VRBOs, AirBnB, etc. Note: This term does
131 not include bed and breakfast, hotels, motels, dormitory, public or private club,
132 recreational vehicle park, hospital and medical clinic, nursing home, convalescent home,
133 foster home, halfway house, transitional housing facility, any housing operated or used
134 exclusively for religious, charitable or educational purposes, group living facilities, or any
135 housing owned by a governmental agency and used to house its employees for
136 governmental purposes.

137 “Transfer” means the addition or substitution of owners not included on the original
138 license application, whether or not there is consideration. If multiple owners exist on a
139 short-term rental permit, individual owners may be removed from the license without
140 constituting a transfer.

141 “Transient rental” means the rental of a residential dwelling unit for compensation
142 on less than a month-to-month basis.

143

~~Strikethrough~~ indicates deleted language and **Underline** indicates new language

144 16.26.030 Applicability.

145 A. No owner of a property within the city limits may advertise, offer, operate,
146 manage, rent, offer to rent, or otherwise make available or allow another person to
147 make available for occupancy or use as a short-term rental to another person
148 without a valid short-term rental permit approved and issued in the manner
149 provided for by this chapter. Advertise or offer includes utilizing any media,
150 whether written, electronic, web-based, digital, mobile or otherwise.

151 B. Where there are multiple short-term rental units on the same property, each
152 unit must be permitted individually.

153 C. The requirements of this section apply to all zoning districts where
154 residential uses are allowed but do not apply to principal transient
155 accommodations (hotels, motels, bed and breakfast) or residential dwelling units
156 occupied for more than 30 days.

157 D. The owner is responsible for ensuring that short-term rentals permitted
158 under this chapter comply with applicable local, borough, state, and federal
159 regulations, including private covenants and restrictions.

160 16.26.040 Application and fee.

161 A. Application fee.

162 1. An application for a short-term rental permit must be accompanied
163 by a non-refundable fee established by resolution of the Wasilla Planning
164 Commission, provided, however, the fee will be no greater than necessary
165 to defer the cost incurred by the City in administering the provisions of this
166 chapter.

Strikethrough indicates deleted language and **Underline** indicates new language

167 2. Increased Permit Fee for Non-compliance (after the fact fee). A
168 penalty of five times the regular permit fee shall be charged for a short-term
169 rental permit application for a short-term rental that was advertised without
170 first obtaining the necessary permit.

171 B. Application. An application must be submitted for each short-term rental
172 and must be on forms provided by the City, demonstrating the application meets
173 the standards required by this chapter and must contain the following information,
174 at a minimum. The applicant or authorized agent shall certify the following
175 information to be true and correct.

176 1. Owner/Applicant Information. The name, address, mailing address,
177 email address, and telephone number of the applicant and owner of the
178 short-term rental property. If the applicant or owner is a partnership, a
179 corporation, or limited liability company, the application must list all of the
180 owners;

181 2. Local Contact Information. The name, telephone number, address,
182 and email of the local contact, which can be a person or company, who can
183 be contacted concerning use of the property or complaints related to the
184 short-term rental. For purposes of this requirement, local means the
185 representative will be present within a one-hour travel time of the short-term
186 rental and available at all times the property is being rented to respond to
187 complaints or other issues.

188

Strikethrough indicates deleted language and **Underline** indicates new language

189 3. Site Plan. A scaled site plan that meets all site development
190 requirements of Subsection 16.08.015 of this code, except that the site plan
191 may be prepared by the owner or applicant provided that it is to scale. The
192 site plan must include property lines, any existing structures, proposed
193 signage, proposed and existing site improvements such as, but not limited
194 to, parking, fences, hot tubs, pools, docks, gazebos, etc.

195 4. Insurance. Proof of either a rider on a homeowner's policy or a
196 commercial policy that expressly covers short-term rentals and provides a
197 minimum of one-million-dollar liability and personal injury coverage.
198 Insurance required above shall be without prejudice to coverage otherwise
199 existing and shall name, as an additional interested party, the City, its
200 officers and employees, and shall provide that the policy shall not terminate
201 or be cancelled prior to the completion of the short-term rental permit period
202 without 45 days written notice to the City at the address shown in the short-
203 term rental permit. Copy must be submitted with permit application and with
204 subsequent renewal applications.

205 5. Occupancy. The number of bedrooms and the proposed maximum
206 occupancy for the short-term rental (daytime and overnight).

207 6. Advertising. A list of all hosting platforms and advertising media that
208 will be used to market, advertise, offer, or solicit customers for the short-
209 term rental.

210

Strikethrough indicates deleted language and **Underline** indicates new language

211 7. Septic. Certification, dated within one year of application for the
212 permit, from a state-licensed and certified septic inspector or inspection
213 service that each septic system located upon the site of the short-term rental
214 is functioning properly and conforms to all applicable city, borough, and
215 state health and safety regulations and requirements.

216 8. Acknowledgement. Notarized acknowledgement of receipt and
217 inspection of a copy of all regulations pertaining to the operation of a short-
218 term rental in the City.

219 9. Business license. Evidence of a valid business license issued by the
220 City for the short-term rental.

221 10. Such other information as the City Planner may deem reasonably
222 necessary to administer this chapter.

223 16.26.050 Approval Criteria – New and Renewal.

224 A. The applicant has the burden of proof to demonstrate compliance with each
225 of the applicable criterion for approval or renewal of the short-term rental permit.
226 The approval criteria also operate as continuing code compliance obligations of
227 the owner. Staff may verify evidence submitted and the applicant shall cooperate
228 fully in any investigation.

229 B. To receive approval, an applicant must demonstrate that all approval criteria
230 listed below has been satisfied:

231 1. The zoning for the property is in compliance with the requirements of
232 WMC Title 16.

233 2. The site upon which the short-term rental use is to be established is
234 adequate in size and shape to accommodate said use.

235 3. The residential character of the neighborhood in which the use is
236 located will be maintained and preserved and that the issuance of the permit
237 will not be detrimental to the public health, safety and welfare of the
238 residents in the neighborhood or injurious to the community within the
239 vicinity in which the short-term rental is located.

240 4. The property owner is a permanent resident of the State of Alaska,
241 as defined in this chapter.

242 5. Local Contact Information. The applicant has provided information
243 sufficient to verify that a local contact will be available for questions and/or
244 concerns regarding the short-term rental. The local contact shall be
245 available to be contacted by telephone, text, or email to ensure a response
246 to complaints regarding the short-term rental address at all hours (24 hours
247 a day, seven days a week) while the dwelling unit is occupied for rent.
248 Response must be within one hour. The local contact may be changed from
249 time to time throughout the term of the short-term rental. To do so, the
250 revised contact information shall be submitted to the Planning Department
251 at least 30 days prior to the date the change takes effect to allow notification
252 of property owners within the 1,200 feet radius, except when the failure to
253 do so is beyond the owner's control. In an emergency or absence, the local
254 contact may forward information to a qualified person to act in their stead.

Strikethrough indicates deleted language and **Underline** indicates new language

255 6. Notice. Prior to approval of a short-term rental permit, the City
256 Planner must notify all owners of property within 1,200 feet of the site by
257 first-class mail that a permit application has been received and is pending
258 approval by either the City Planner or Planning Commission, as appropriate.
259 The applicant will be responsible for the postage fees for the mailing. The
260 notice shall be mailed at least 10 business days prior to making a final
261 determination on the application. The notice must provide a brief
262 description of the use requested by the applicant, the anticipated date the
263 permit will be issued, and where information regarding the application may
264 be obtained. For permits that require conditional use approval from the
265 Planning Commission, the notice will also indicate the date, time, and
266 location of the public hearing.

267 7. Parking. The short-term rental must have a minimum of two on-site
268 parking spaces. When the unit consists of more than four bedrooms, each
269 additional bedroom or sleeping area beyond the first four requires one
270 additional dedicated parking space. No portion of any such required parking
271 stall shall be located within either a required front or street side yard setback
272 area, except on a designated driveway or parking area. Grassed or
273 landscaped areas of the yard may not be utilized for required parking
274 spaces. All required parking spaces shall comply with the parking
275 standards in Section 16.24.040 , except for the minimum number of required
276 parking spaces. On-street parking is prohibited for short-term rental units.

277

~~Strikethrough~~ indicates deleted language and **Underline** indicates new language

278 8. Inspection. Prior to issuance of the short-term rental permit, the
279 owner(s) shall request and pay the applicable fee for an inspection from a
280 licensed commercial or home inspector to confirm that the required fire and
281 safety protection measures required in this chapter are in place and
282 functioning, including but not limited to smoke detectors, carbon monoxide
283 detectors, fire extinguishers, operable egress windows in each bedroom, an
284 evacuation plan posted conspicuously in each sleeping area, repair of any
285 exposed wiring, water heater inspection, required safety measures for pools
286 (if applicable), and exterior stairwells (if applicable). By accepting a short-
287 term rental permit, the owner agrees to allow on-site inspections by the City
288 at reasonable times with reasonable notice.

289 9. The City Planner (and Planning Commission, when required) shall
290 have the authority to place reasonable conditions on the permit to ensure
291 that the use will comply with the general approval criteria in Section
292 16.16.050.

293 16.26.060 Standards.

294 Short-term rentals must comply with the following standards:

295 A. Density. A maximum of 75 short-term rental permits may be issued by the
296 City Planner, provided that the dwelling complies with the following additional
297 limitations:

298 1. Multifamily buildings. No more than 25 percent of the lawfully
299 permitted residential dwelling units in a multifamily building may be rented
300 as a short-term rental.

~~Strikethrough~~ indicates deleted language and Underline indicates new language

301 2. Duplex. One of the two units in a lawfully permitted duplex may be
302 rented as a short-term rental.

303 3. Rentals per unit. No more than one short-term rental is allowed
304 within any residential dwelling unit.

305 B. Occupancy. The maximum overnight occupancy of the short-term rental
306 shall be limited to two persons per bedroom, plus two additional persons, up to a
307 maximum of 10 guests, excluding persons two years of age or younger.

308 C. Rental period. No minimum stay is required.

309 D. Signage.

310 1. Exterior. No on-site exterior signage of any type may be posted to
311 identify the property as a short-term rental or to solicit rental of such
312 residence. The only signage allowed is the required sign containing the
313 information for the local contact and the short-term rental permit number.
314 The required sign may be no larger than two square feet in area.

315 2. Interior. A sign with the following information must be posted
316 conspicuously within the short-term rental:

317 a. The maximum number of occupants that are permitted and
318 notification that failure to conform to the maximum occupancy is a
319 violation of the short-term rental permit.

320 b. The number of parking spaces provided, and the location of
321 assigned parking and the maximum number of vehicles that are
322 permitted.

Strikethrough indicates deleted language and **Underline** indicates new language

- 323 c. The trash pickup day(s) and applicable regulations pertaining
324 to leaving or storing trash on the exterior of the property.
- 325 d. Notification that the occupant may be subject to citation and
326 finances for violating applicable ordinances and laws.
- 327 e. The name and telephone number of the local contact that may
328 be reached at all times;
- 329 f. 911 emergency information, including the complete physical
330 address of the short-term rental;
- 331 g. Emergency exit information; and
- 332 h. Short-term rental permit number.

333 E. Advertising. All advertising for the short-term rental shall include the City-
334 issued short-term rental permit number.

335 F. Structural and Design Features.

336 1. House numbers. The short-term rental must have a visible house
337 number easily seen from the street, day or night. The size and type of
338 lettering must comply with all applicable local, borough, state, and federal
339 regulations.

340 2. Kitchens. The residential dwelling used for a short-term rental shall
341 not be modified to allow or contain more than one indoor kitchen/cooking
342 facility. However, the addition of an indoor wet bar, microwave, and/or
343 refrigerator may be allowed within the short-term rental.

344

Strikethrough indicates deleted language and **Underline** indicates new language

- 345 3. Each dwelling used as a short-term rental shall maintain an
346 operational fire extinguisher, smoke detectors (one per bedroom plus one
347 in each hallway) and carbon monoxide detectors (a minimum of one per
348 floor), conforming to the International Residential Building Code.
- 349 4. Exit/egress and an emergency evacuation map must be displayed in
350 a prominent location in each room used for sleeping purposes.
- 351 5. Operable egress windows must be in each bedroom.
- 352 6. Safety measures must be in place for pools and exterior stairwells.
- 353 7. Alterations or modifications. No alteration may be made that would
354 identify a dwelling as a short-term rental and that would not preserve and
355 protect the residential character of the residential dwelling or existing
356 neighborhood. This includes the usage of lighting, signage, color materials,
357 construction type, etc. Alterations and modifications must also comply with
358 all applicable provisions, requirements and standards of this code. Short-
359 term rental permits will not be issued to structures that have been previously
360 altered or modified without obtaining the appropriate permit for the alteration
361 or modification.
- 362 8. Lighting. Any lights used to illuminate a site used for a short-term
363 rental purpose must be directed toward the short-term rental and shall not
364 be directed toward adjoining properties and/or public rights-of-way.
- 365 9. Nuisance. The owner/agent shall ensure that the occupants of the
366 short-term rental do not create unreasonable noise or disturbances, engage
367 in disorderly conduct, or violate applicable provisions of the city code or any

Strikethrough indicates deleted language and **Underline** indicates new language

368 state law pertaining to noise, disorderly conduct, overcrowding, the
369 consumption of alcohol, or the use of illegal drugs. Owners are expected to
370 take measures necessary to abate disturbances, including, but not limited
371 to, directing the occupant, calling for law enforcement services or city code
372 enforcement officers, evicting the occupant, or any other action necessary
373 to immediately abate the disturbance.

374 10. The City Planner (and Planning Commission, when required) shall
375 have the authority to place reasonable conditions on the permit to ensure
376 that the use will comply with the general approval criteria in Section
377 16.16.050.

378 G. Contact Information. The owner shall maintain a valid 24-hour telephone
379 number for the local contact of a short-term rental who will respond to all
380 emergencies and problems that may arise during the rental period, whether from
381 renters, neighbors or municipal authorities.

382 H. Records.

383 1. Records. Accurate books and records must be maintained a
384 minimum of three years and must be made available upon request to the
385 City Planning, Finance, or Code Enforcement departments, including a
386 guest log that includes the name, address, and telephone number of all
387 overnight occupants.

388 2. Records shall be made available to the City within five working days
389 upon written request from the City.

390 I. Rental Agreement. A rental agreement shall be required for each rental of
391 an approved short-term rental unit prior to occupancy and must include the
392 following notifications and disclosures:

393 1. No more than one group may occupy a short-term rental per contract.

394 2. Renter must be minimum of 21 years of age.

395 3. Prior to occupancy, the owner shall obtain the name, address and
396 driver's license number or a copy of the passport of the primary responsible
397 adult occupant of the short-term rental.

398 4. Riding off-road vehicles is restricted to approved off-highway vehicle
399 areas only.

400 5. All animals under the renter's control shall be cared for in a manner
401 consistent with all City animal standards.

402 6. The maximum number of occupants that are permitted and
403 notification that failure to conform to the maximum occupancy is a violation
404 of this chapter.

405 7. The number of parking spaces provided, the location of assigned
406 parking, and the maximum number of vehicles that are permitted.

407 8. The trash pickup day(s) and applicable regulations pertaining to
408 leaving or storing trash on the exterior of the property.

409 9. Notification that the occupant may be subject to citation and fines for
410 violating applicable ordinances and laws.

411 10. The name and telephone number of the local contact that may be
412 reached at all times; and

413 11. 911 emergency information, including the complete physical address
414 of the short-term rental.

415 12. On-street parking is prohibited for short-term rental units.

416 J. Animals. Occupants are prohibited from allowing animals under their control
417 to roam freely outside of the short-term rental at any time. Animals may not be
418 restrained and left unattended outside at any time. All animals under the
419 occupant's control shall be restrained and cared for in a manner consistent with all
420 City animal control standards.

421 K. Property Maintenance.

422 1. The owner/agent shall keep, or cause to be kept, the short-term
423 rental property and landscaping in a neat, clean, and orderly manner at all
424 times. Where a property is not maintained as specified herein, the property
425 owner shall be required to restore the property to its required neat and clean
426 manner upon receipt of a written notice of violation. A failure to return the
427 property to a neat, clean, and orderly manner within 10 days of a notice to
428 do so shall be grounds for revocation of the short-term rental permit.

429 2. Trash and refuse shall not be stored within public view, except in
430 proper containers for the purpose of collection by the responsible trash
431 hauler. The owner of the short-term rental shall provide sufficient trash
432 collection containers and service to meet the demand of the occupants.

433 3. All pools and/or spas on-site shall be maintained in a safe, neat,
434 clean, and healthy manner at all times. Each pool and/or spa shall conform
435 to all applicable codes and standards for the City, Borough, and State.

Strikethrough indicates deleted language and **Underline** indicates new language

436 4. The property owner of each short-term rental shall ensure that all
437 required accesses, driveways and parking spaces remain clear and
438 unobstructed, and are available and ready for the occupants' use at all
439 times.

440 L. Miscellaneous Conditions.

441 1. Advertisement of the short-term rental (in any media format) shall not
442 identify the street address of the short-term rental but must include the
443 short-term rental permit number and occupancy limits.

444 2. The City Planner and/or Planning Commission shall have the
445 authority to place reasonable conditions on the permit to ensure that the
446 use will comply with this chapter and the general approval criteria in Section
447 16.16.050.

448 16.26.070 Prohibitions.

449 A. Functions such as meetings, luncheons, banquets, reunions, bachelor or
450 bachelorette parties, receptions, weddings, fund raising events, commercial or
451 advertising activities, and/or any other gathering of persons other than the
452 authorized lodgers, whether for direct or indirect compensation are prohibited in
453 any buildings or anywhere on the site approved for a short-term rental permit.

454 B. Commercial meetings and uses are prohibited in short-term rentals.

455 C. Overnight Camping. No RVs, travel trailers, tents, yurts, or other temporary
456 shelters may be used as a short-term rental or occupied in addition to a short-term
457 rental. Recreational vehicles are permitted if they are the primary transportation

Strikethrough indicates deleted language and **Underline** indicates new language

458 for the renter or visitor but may not be used for overnight accommodations during
459 the stay and must be located in a designated parking space.

460 16.26.080 Issuance – Term.

461 A. The short-term rental permit shall only be issued to the owner of the
462 property.

463 B. The City Planner (and Planning Commission, when required) shall have the
464 authority to place reasonable conditions on the permit to ensure that the use will
465 comply with the general approval criteria in Section 16.16.050.

466 16.26.090 Renewal - Transferability.

467 A. Renewal.

468 1. The owner(s) must renew a short-term rental permit annually prior to
469 the permit issuance anniversary date.

470 2. The renewal permit must include the renewal fee, any changes to the
471 information requirements set for in Section 16.26.040, copy of a current
472 inspection by a commercial or home inspector licensed in the State of
473 Alaska or a notarized affidavit that the required fire and safety protection
474 measures are still in place and operational, and current proof of the required
475 liability insurance. If affidavit is used, the applicant must include a note that
476 the City's failure to inspect short-term rentals does not constitute a waiver
477 of its right to perform future inspections.

478 3. The City Planner and/or the Planning Commission shall have the
479 authority to impose additional conditions on the renewal of any permit in the
480 event of any violation of the conditions to the permit or the provisions of this

~~Strikethrough~~ indicates deleted language and Underline indicates new language

481 chapter subject to compliance with the procedures specified in Section
482 16.26.110.

483 B. Transferability. No short-term rental permit issued under this chapter shall
484 be transferred or assigned or used by any person other than the owner to whom it
485 is issued, or at any location other than the one for which it is issued. If multiple
486 owners exist on a short-term rental permit, individual owners may be removed from
487 the license without constituting a transfer.

488 16.26.100 Denial. No application for a short-term rental permit may be denied if it
489 meets the conditions of permit issuance pursuant to this chapter unless one of the
490 following conditions applies:

491 A. A short-term rental permit issued to the same owner has been revoked
492 within one year of the application date, or is in the process of being revoked
493 pursuant to Section 16.26.100 of this chapter; or

494 B. The owner has violated any federal, state, local, or city law or regulations
495 pertaining to the use of the property as a short-term rental; or

496 C. The Alaska State Troopers or any other law enforcement agency with
497 jurisdiction in the city limits or Matanuska-Susitna Borough Fire Code Official has
498 determined that the short-term rental poses a serious threat to public health,
499 safety, or welfare; or

500 D. The owner/applicant has made a false statement of material fact on an
501 application for a short-term rental.

502

Strikethrough indicates deleted language and **Underline** indicates new language

503 16.27.110 Violations – Enforcement.

504 A. The owner of the short-term rental is responsible for compliance with the
505 provisions of this chapter and the failure of an agent and/or local contact to comply
506 with this chapter will be deemed noncompliance by the owner. The approval
507 authority may revoke or void any permit for a short-term rental for non-compliance
508 with the conditions and standards set forth in this chapter and pursuant to the
509 procedures established in this subsection.

510 B. Violations. The following conduct shall constitute a violation for which the
511 penalties specified in this subsection may be imposed, or the permit revoked:

512 1. Noncompliance with the any of the requirements in this chapter.

513 2. Noncompliance with conditions imposed by the City Planner and/or
514 Planning Commission.

515 3. The owner/agent commences or continues to advertise and/or
516 operate a short-term rental without first procuring the required permit.

517 4. Failure to comply with a notice of violation/citation and/or pay any
518 finest imposed pursuant to this subsection.

519 5. Failure to remit City sales tax or submit a report as required by
520 Chapter 5.16 of the City code.

521 6. The occupants of the short-term rental have created noise,
522 disturbances, or nuisances, in violation of this code or state law pertaining
523 to consumption of alcohol or the use of illegal drugs.

524 7. Failure to provide and maintain a valid 24-hour contact telephone
525 number for the local contact responsible for a short-term rental.

~~Strikethrough~~ indicates deleted language and **Underline** indicates new language

526 8. Failure to preserve patronage records or failure to present patronage
527 records when requested by the City to do so.

528 C. Evidence of violation.

529 1. Advertising of any kind by an owner or agent that offers a residential
530 dwelling as a short-term rental, as defined and regulated in this chapter,
531 shall constitute prima facie evidence of the operation of a residential short-
532 term rental. The burden of proof shall be on the owner, operator, or lessee
533 of record to establish that the subject property is being used as a legal
534 residential short-term rental or is not in operation.

535 2. Other evidence of the operation of a residential short-term rental
536 without a valid permit number may include, but is not limited to, guest
537 testimony, rental agreements, advertisements, and receipts or bank
538 statements showing payments to the owner by a guest.

539 D. Penalties. The penalties for violations specified in this chapter shall be the
540 responsibility of the owner as follows:

541 1. For the first violation within any 12-month period, the penalty shall
542 range from a notice of violation to a fine of \$500.00.

543 2. For a second violation within any 12-month period, the penalty shall
544 be \$1,000.00 and may also include revocation of the permit.

545 3. For a third violation within any 12-month period, the penalty shall be
546 \$2,000.00 and may also include revocation of the permit.

547 4. A separate offense shall be deemed committed on each day during
548 or on which a violation occurs or continues.

Strikethrough indicates deleted language and **Underline** indicates new language

549 5. Revocation of the short-term rental permit may occur if the
550 owner/agent fails to preserve patronage records or present patronage
551 records when requested by the City to do so.

552 6. In addition to the penalties above, a notice to cease and desist
553 operation of the short-term rental of a residential dwelling shall be issued
554 for any short-term rental that is determined to be advertised for use as a
555 short-term rental without first obtaining the necessary permit required under
556 this chapter.

557 E. Written notice. The City shall provide the permit holder with a written notice
558 of any violation of this chapter. If applicable, a copy of the warning notice shall be
559 sent to the local contact.

560 1. Correctable violation. The written notice will set forth the type of
561 violation, the remedy, and the time period allowed to correct the violation.

562 2. Revocation. If the violation results in revocation of the short-term
563 rental permit, the written notice will set for the grounds upon which the
564 permit was revoked, the date and time when the revocation is effective, and
565 the appeals procedure. These provisions do not preclude the City Planner's
566 use of any other remedy prescribed by law with respect to violations of this
567 chapter.

568 F. Application for Permit after revocation. A person who has had a short-term
569 rental permit revoked shall not be permitted to apply for a subsequent short-term
570 rental permit for a period of two years from the date of revocation.

571

Strikethrough indicates deleted language and **Underline** indicates new language

572 16.27.120 Appeals.

573 Appeal of an action made pursuant to this chapter must be filed in accordance with
574 Chapter 16.34.

575 16.27.130 Severability.

576 The terms and provisions of this chapter shall be deemed to be severable and that
577 if any section, subsection, sentence, clause, or phrase shall be declared to be invalid or
578 unconstitutional, the same shall not affect the validity of any other section, subsection,
579 sentence, clause, or phrase of this section and the remainder shall continue in full force
580 and effect the same as if such invalid or unconstitutional provision had never been a part
581 hereof.

582 **Amendment of section.** WMC 16.20.020, District use chart, is hereby amended
583 as follows:

584 **16.20.020 District use chart.**

585 A. The following chart summarizes the uses allowed and the standard of
586 review for each use. In the commercial and industrial districts, more than one
587 building housing a permissible principal use may be erected on a single lot;
588 provided, that each building and use shall comply with all applicable requirements
589 of this chapter and other borough, state or federal regulations.

590

Strikethrough indicates deleted language and **Underline** indicates new language

