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5 **WASILLA PLANNING COMMISSION**  
6 **RESOLUTION SERIAL NO. 20-08**  
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8 **A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING**  
9 **THAT THE CITY COUNCIL AMEND TITLE 16 OF THE WASILLA MUNICIPAL CODE**  
10 **BY ADOPTING CHAPTER 16.26, SHORT-TERM RENTALS, THAT INCLUDES**  
11 **SECTIONS TO ADDRESS PURPOSE AND INTENT, DEFINITIONS, APPLICABILITY,**  
12 **APPLICATION AND FEE, APPROVAL CRITERIA–NEW AND RENEWAL,**  
13 **STANDARDS, PROHIBITIONS, ISSUANCE–TERM, RENEWAL–TRANSFERABILITY,**  
14 **DENIAL, VIOLATIONS–ENFORCEMENT, APPEALS, AND SEVERABILITY;**  
15 **AMENDING SECTION 16.20.020, DISTRICT USE CHART, TO ADD THE PERMIT**  
16 **APPROVAL REQUIRED FOR A SHORT-TERM RENTAL AND AMENDING THE**  
17 **PERMIT APPROVAL REQUIRED FOR BED AND BREAKFAST, HOTEL, HOME**  
18 **OCCUPATION, AND MOTEL; AND AMENDING SECTION 1.20.030, DISPOSITION OF**  
19 **SCHEDULED OFFENSES – FINE SCHEDULE, TO ADD FINES FOR SHORT-TERM**  
20 **RENTAL VIOLATIONS.**

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22 WHEREAS, the Wasilla City Council adopted the Wasilla Comprehensive Plan in  
23 2011 that contains goals, objectives, and actions to promote and encourage development  
24 while protecting residential neighborhoods; and

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

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

28 WHEREAS, the Wasilla Planning Commission approved Resolution Serial No. 19-  
29 17(AM) on October 8, 2019 recommending that the City Council adopt the proposed  
30 short-term rental regulations; and

31 WHEREAS, the City Council held a public meeting on December 9, 2019 regarding  
32 the proposed short-term regulations; and

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34 WHEREAS, after considering written and oral testimony provided by property  
35 owners and staff, the City Council voted unanimously to send the proposed short-term  
36 rental regulations back to the Planning Commission for further review and consideration  
37 of the issues raised by the City Council;

38 WHEREAS, the Planning Commission considered the concerns raised by the City  
39 Council during the Committee of the Whole on the January 14, 2020 meeting; and

40 WHEREAS, the public hearing date and time was publicly advertised in the  
41 Frontiersman and information posted on the City website; and

42 WHEREAS, the Planning Commission conducted a public hearing on February 11,  
43 2020 to consider proposed amendments to the short-term rental regulations and to  
44 provide an opportunity for additional public input; and

45 WHEREAS, the Planning Commission deliberated on this amendment taking into  
46 account the concerns and recommendations from the Wasilla City Council, staff, and the  
47 public – both written and verbal, the applicable provisions of the Wasilla Comprehensive  
48 Plan; and

49 WHEREAS, after due consideration, the Wasilla Planning Commission determines  
50 that the proposed short-term rental amendment, as amended, is appropriate and is  
51 consistent with the goals and objectives of the Wasilla Municipal Code and the 2011 City  
52 of Wasilla Comprehensive Plan;

53 NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission  
54 hereby approves this resolution recommending that the City Council adopt the following  
55 amended short-term rental regulations:

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

58           16.26.010 Purpose and Intent

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

63                   1. Ensure the safety, welfare and convenience of occupants,  
64 owners, and neighboring property owners;

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

67                   3. Recognize the need to limit short-term rental options within  
68 neighborhoods to ensure compatibility, while recognizing the  
69 benefits of short-term rentals in providing recreation and income  
70 opportunities, as well as transitional housing and business or  
71 hospital-related short stays;

72                   4. Help maintain the city's needed housing supply for long-term  
73 residential use; and

74                   5. Protect the character and stability of the city's neighborhoods  
75 by limiting the number, concentration, and maximum occupancy of  
76 full-time short-term rentals in residential zones. In the adoption of  
77 these regulations, the city finds that the transient rental of dwelling  
78 units can be incompatible with surrounding residential uses.

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79 Therefore, special regulation of residential dwelling units listed for  
80 transient rental is necessary to ensure that these uses will be  
81 compatible with surrounding residential uses and will not materially  
82 alter the neighborhoods in which they are located.

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

89 C. The regulations of this chapter are not intended to permit any  
90 violation of the provisions of any other law or regulation.

91 D. Exemption of a use from the provisions of this chapter shall not  
92 exempt the use from other applicable provisions of WMC Title 16.

93 E. Prior to the adoption of the provisions contained in this chapter, there  
94 were no provisions in WMC Title 16 that identified or allowed the  
95 establishment of a “short-term rental” as a legally permitted land use.  
96 Accordingly, nothing in this chapter shall be construed to identify or allow  
97 an existing use to be classified or considered a legal nonconforming short-  
98 term rental subject to the provisions and allowances of WMC Chapter 16.28.

99 16.26.020 Definitions.

100 When used in this chapter, the following words and phrases shall have the  
101 meanings set forth in this section:

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102           “Applicant” means an individual submitting an application to the city  
103           for a short-term rental permit. The applicant may be the owner or agent for  
104           the owner.

105           “Agent” means a property management company or other entity or  
106           person who has been designated by the applicant, in writing, to act on their  
107           behalf. The authorized agent may or may not be the designated  
108           representative for purposes of contact for complaints (see “Local Contact”).  
109           The agent is responsible for advertising and operating a short-term rental  
110           and ensuring compliance with short-term rental regulations. Any agent  
111           other than the property owner must be a properly licensed broker or  
112           licensee with the State of Alaska. Note: This term does not include listing  
113           services or online platforms for short-term rental listings.

114           “Daytime” means between the hours of 7:00 AM to 10:00 PM.

115           “Hosting platform” means any electronic or other operating system,  
116           functioning in the nature of a marketplace by which an operator markets,  
117           advertises, offers, solicits customers for, or makes available for commercial  
118           use a residential dwelling unit as a short-term rental.

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

123           “Occupant” means any person who occupies or is entitled to occupy  
124           by reason of concession, permit, right of access, license or other agreement

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125 a short-term rental for a period of 30 consecutive calendar days or less,  
126 counting portions of calendar days as full days.

127 “Overnight” means between the hours of 10:00 PM to 7:00 AM the  
128 following day.

129 “Owner” means the person or entity that has the right to possess,  
130 use, and convey title to the property for which the short-term rental permit  
131 is sought and is responsible for compliance with these provisions,  
132 regardless of whether an agent or property manager is used to manage the  
133 short-term rental.

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

136 “Permanent resident” means a person who is eligible for a permanent  
137 fund dividend under A.S. 43.23.005 for the same year or for the immediately  
138 preceding year. If the applicant has not applied or does not apply for the  
139 permanent fund dividend, the applicant must show that they would have  
140 been eligible for the permanent fund dividend.

141 “Primary residence” means an owner’s permanent residence or  
142 usual place of return for housing as documented by at least two forms of  
143 identification (e.g. State of Alaska Driver’s License, utility bills, Matanuska-  
144 Susitna property tax bill). A person may have only one primary residence.

145 “Short-term rental” means the commercial use, or the making  
146 available for commercial use, of an entire residential dwelling unit for  
147 transient rental, dwelling, overnight lodging or sleeping purposes, wherein

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148 any individual occupant rents or occupies the entire dwelling unit for a  
149 period of thirty days or less, with or without financial compensation for a  
150 minimum of one night, but no more than 30 consecutive calendar days in  
151 duration. May also be referred to as VRBO, AirBnB, etc. Note: This term  
152 does not include bed and breakfast, hotel, motel, dormitory, public or private  
153 club, recreational vehicle park, hospital and medical clinic, nursing home,  
154 convalescent home, foster home, halfway house, transitional housing  
155 facility, any housing operated or used exclusively for religious, charitable or  
156 educational purposes, group living facility, or any housing owned by a  
157 governmental agency and used to house its employees for governmental  
158 purposes.

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

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

165 16.26.030 Applicability.

166 A. No owner of a property within the city limits may advertise, offer,  
167 operate, manage, rent, offer to rent, or otherwise make available or allow  
168 another person to make available for occupancy or use as a short-term  
169 rental to another person without a valid short-term rental permit approved  
170 and issued in the manner provided for by this chapter. Advertise or offer

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171 includes utilizing any media, whether written, electronic, web-based, digital,  
172 mobile or otherwise.

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

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

179 D. The owner is responsible for ensuring that short-term rentals  
180 permitted under this chapter comply with applicable local, borough, state,  
181 and federal regulations, including, but not limited to, building codes,  
182 business license, and private covenants and restrictions.

183 16.26.040 Application and fee.

184 A. Application fee.

185 1. An application for a short-term rental permit must be  
186 accompanied by a non-refundable fee established by resolution of  
187 the planning commission, provided, however, the purpose of the fee  
188 is to defer the cost incurred by the city in administering the provisions  
189 of this chapter.

190 2. Increased Permit Fee for Non-compliance (after the fact fee).

191 A penalty of five times the regular permit fee shall be charged for a  
192 short-term rental permit application for a short-term rental that was  
193 advertised without first obtaining the necessary permit.

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194 B. Application. An application must be submitted for each short-term  
195 rental and must be on forms provided by the city, demonstrating the  
196 application meets the standards required by this chapter and must contain  
197 the following information, at a minimum. The applicant or authorized agent  
198 shall certify the following information to be true and correct.

199 1. Owner/Applicant Information. The name, address, mailing  
200 address, email address, and telephone number of the applicant and  
201 owner of the short-term rental property. If the applicant or owner is  
202 a partnership, a corporation, or limited liability company, the  
203 application must list all of the owners.

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

211 3. Site Plan. A scaled site plan that meets all site development  
212 requirements of WMC 16.08.015, except that the site plan may be  
213 prepared by the owner or applicant provided that it is to scale. The  
214 site plan must include property lines, any existing structures,  
215 proposed signage, proposed and existing site improvements such

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216 as, but not limited to, parking, fences, hot tubs, pools, docks,  
217 gazebos, etc.

218 4. Insurance. Proof of either a rider on a homeowner's policy or  
219 a commercial policy that expressly covers short-term rentals and  
220 provides a minimum of one-million-dollar liability and personal injury  
221 coverage per short-term rental unit. Insurance required above shall  
222 be without prejudice to coverage otherwise existing and shall name,  
223 as an additional interested party, the city, its officers and employees,  
224 and shall provide that the policy shall not terminate or be cancelled  
225 prior to the completion of the short-term rental permit period without  
226 45 days written notice to the city at the address shown in the short-  
227 term rental permit. A copy must be submitted with permit application  
228 and with subsequent renewal applications.

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

232 6. Septic. Certification, dated within one year of application for  
233 the permit, from a state-licensed and certified septic inspector or  
234 inspection service that each septic system located upon the site of  
235 the short-term rental is functioning properly and conforms to all  
236 applicable city, borough, and state health and safety regulations and  
237 requirements.

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238 7. Acknowledgement. Notarized acknowledgement by the  
239 owner of receipt and inspection of a copy of city regulations  
240 pertaining to the operation of a short-term rental within the city limits.

241 8. Business license. Evidence of a valid business license issued  
242 by the city for the short-term rental.

243 9. Such other information as the city planner may deem  
244 reasonably necessary to administer this chapter.

245 16.26.050 Approval Criteria – New and Renewal.

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

251 B. To receive approval, an applicant must demonstrate that all approval  
252 criteria listed below have been satisfied:

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

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

257 3. The residential character of the neighborhood in which the  
258 use is located will be maintained and preserved and that the  
259 issuance of the permit will not be detrimental to the public health,  
260 safety, and welfare of the residents in the neighborhood or



261 detrimental to the community within the vicinity in which the short-  
262 term rental is located.

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

265 5. Local Contact Information. The applicant has provided  
266 information sufficient to verify that a local contact will be available for  
267 questions and/or concerns regarding the short-term rental. The local  
268 contact shall be available to be contacted by telephone, text, or email  
269 to ensure a response to complaints regarding the short-term rental  
270 address at all hours (24 hours a day, seven days a week) while the  
271 dwelling unit is occupied for rent. Response must be within one hour.  
272 The local contact may be changed from time to time throughout the  
273 term of the short-term rental. To do so, the revised contact  
274 information shall be submitted to the Planning Department at least  
275 30 days prior to the date the change takes effect to allow notification  
276 of property owners within a minimum of 1,200 feet of the lot lines of  
277 the short-term rental, except when the failure to do so is beyond the  
278 owner's control. In an emergency or absence, the local contact may  
279 forward information to a qualified person to act in their stead.

280 6. Notice. Prior to approval of a short-term rental permit, the city  
281 planner must notify all owners of property within a minimum of 1,200  
282 feet of the lot lines of the short-term rental by first-class mail that a  
283 permit application has been received and is pending approval by

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284 either the city planner or planning commission, as appropriate. The  
285 applicant will be responsible for the postage fees for the mailing. The  
286 notice shall be mailed at least 10 business days prior to making a  
287 final determination on the application. The notice must provide a  
288 brief description of the use requested by the applicant, the  
289 anticipated date the permit will be issued, and where information  
290 regarding the application may be obtained. For permits that require  
291 conditional use approval from the planning commission, the notice  
292 will also indicate the date, time, and location of the public hearing.  
293 7. Parking. The short-term rental must have a minimum of two  
294 on-site parking spaces. When the unit consists of more than four  
295 bedrooms, each additional bedroom or sleeping area beyond the first  
296 four requires one additional dedicated parking space. No portion of  
297 any such required parking stall shall be located within either a  
298 required front or street side yard setback area, except on a  
299 designated driveway or parking area. Grassed or landscaped areas  
300 of the yard may not be utilized for required parking spaces. All  
301 required parking spaces shall comply with the parking standards in  
302 WMC 16.24.040 , except for the minimum number of required  
303 parking spaces. On-street parking is prohibited for short-term rental  
304 units.  
305 8. Inspection. Prior to issuance of the short-term rental permit,  
306 the owner(s) shall request and pay the applicable fee for an

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307 inspection from a licensed commercial or home inspector to confirm  
308 that the required fire and safety protection measures required in this  
309 chapter are in place and functioning, including but not limited to  
310 smoke detectors, carbon monoxide detectors, fire extinguishers,  
311 operable egress windows in each bedroom, an evacuation plan  
312 posted conspicuously in each sleeping area, repair of any exposed  
313 wiring, water heater inspection, required safety measures for pools  
314 (if applicable), and exterior stairwells (if applicable). By accepting a  
315 short-term rental permit, the owner agrees to allow on-site  
316 inspections by the city at reasonable times with reasonable notice.

317 9. The city planner (or planning commission when required) shall  
318 have the authority to place reasonable conditions on the permit to  
319 ensure that the use will comply with the general approval criteria in  
320 WMC 16.16.050.

321 16.26.060 Standards.

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

323 A. Density. A maximum of 75 short-term rental permits may be issued  
324 by the city planner, provided that the dwelling complies with the following  
325 additional limitations:

326 1. Multifamily buildings. No more than 25 percent of the lawfully  
327 permitted residential dwelling units in a multifamily building may be  
328 rented as a short-term rental. For a triplex, only one of the lawfully  
329 permitted units may rented as a short-term rental.

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

332 3. Rentals per unit. No more than one short-term rental is  
333 allowed within any single-family residential dwelling unit.

334 B. Occupancy. The maximum overnight occupancy of the short-term  
335 rental shall be limited to two persons per bedroom, plus two additional  
336 persons, up to a maximum of 10 occupants, excluding persons two years  
337 of age or younger.

338 C. Rental period. A minimum of a one-night stay is required.

339 D. Signage.

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

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

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

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351 b. The number of parking spaces provided, and the  
352 location of assigned parking and the maximum number of  
353 vehicles that are permitted.

354 c. The trash pickup day(s) and applicable regulations  
355 pertaining to leaving or storing trash on the exterior of the  
356 property.

357 d. Notification that the occupant may be subject to citation  
358 and fines for violating applicable ordinances and laws.

359 e. The name and telephone number of the local contact  
360 that may be reached at all times;

361 f. 911 emergency information, including the complete  
362 physical address of the short-term rental must be posted in  
363 each sleeping area and must be in a front size 36 or greater;

364 g. Emergency exit information must be posted in each  
365 sleeping area and must be in a front size 36 or greater; and

366 h. Short-term rental permit number.

367 E. Advertising. All advertising for the short-term rental shall include the  
368 city-issued short-term rental permit number.

369 F. Structural and Design Features.

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

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- 374 2. Kitchens. The residential dwelling unit used for a short-term  
375 rental shall not be modified to allow or contain more than one indoor  
376 kitchen/cooking facility. However, the addition of an indoor wet bar,  
377 microwave, and/or refrigerator may be allowed within the short-term  
378 rental.
- 379 3. Each dwelling used as a short-term rental shall maintain an  
380 operational fire extinguisher, smoke detectors (one per bedroom plus  
381 one in each hallway) and carbon monoxide detectors (a minimum of  
382 one per floor.
- 383 4. Exit/egress and an emergency evacuation map must be  
384 displayed in a prominent location in each room used for sleeping  
385 purposes.
- 386 5. Operable egress windows must be in each bedroom.
- 387 6. Safety measures must be in place for pools and exterior  
388 stairwells.
- 389 7. Alterations or modifications. No alteration may be made that  
390 would identify a residential dwelling unit as a short-term rental and  
391 that would not preserve and protect the residential character of the  
392 residential dwelling unit or existing neighborhood. This includes the  
393 usage of lighting, signage, color, materials, construction type, etc.  
394 Alterations and modifications must also comply with all applicable  
395 provisions, requirements and standards of WMC Title 16. Short-term  
396 rental permits will not be issued to structures that have been

397 previously altered or modified without obtaining the appropriate  
398 permit for the alteration or modification.

399 8. Lighting. Any lights used to illuminate a site used for a short-  
400 term rental purpose must be directed toward the short-term rental  
401 and shall not be directed toward adjoining properties and/or public  
402 rights-of-way.

403 9. Nuisance. The owner/agent shall ensure that the occupants  
404 of the short-term rental do not create unreasonable noise or  
405 disturbances, engage in disorderly conduct, or violate applicable  
406 provisions of the Wasilla Municipal Code or any state law pertaining  
407 to noise, disorderly conduct, overcrowding, the consumption of  
408 alcohol, or the use of illegal drugs. Owners are expected to take  
409 measures necessary to abate disturbances, including, but not limited  
410 to, directing the occupant, calling for law enforcement services or city  
411 code enforcement officer, evicting the occupant, or any other action  
412 necessary to immediately abate the disturbance.

413 10. The owner is responsible for ensuring that the short-term  
414 rental permitted under this chapter complies with applicable local,  
415 borough, state, and federal regulations, including, but not limited to,  
416 building codes, business license, and private covenants and  
417 restrictions.

418



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

423 H. Records.

424 1. Records. Accurate books and records must be maintained a  
425 minimum of three years and must be made available upon request  
426 to the city planning, finance, or code enforcement departments,  
427 including an occupant log that includes, at a minimum, the name,  
428 address, and telephone number of all overnight occupants, total  
429 occupancy, rates and sales tax collected, and dates of occupancy.

430 2. Records shall be made available to the city within five working  
431 days upon written request from the city. Personal information  
432 regarding guests may be redacted prior to providing records to city.

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

436 1. No more than 10 occupants (excluding persons two years of  
437 age or younger) may occupy a short-term rental per contract.

438 2. Individual renting the short-term rental must be a minimum of  
439 21 years of age.

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- 440 3. Prior to occupancy, the owner shall obtain the name, address  
441 and driver's license number or a copy of the passport of the primary  
442 responsible adult occupant of the short-term rental.
- 443 4. Riding off-road vehicles is restricted to approved off-highway  
444 vehicle areas only.
- 445 5. All animals under the renter's control shall be cared for in a  
446 manner consistent with all city animal standards.
- 447 6. The maximum number of occupants that are permitted and  
448 notification that failure to conform to the maximum occupancy is a  
449 violation of this chapter.
- 450 7. The number of parking spaces provided, the location of  
451 assigned parking, and the maximum number of vehicles that are  
452 permitted.
- 453 8. The trash pickup day(s) and applicable regulations pertaining  
454 to leaving or storing trash on the exterior of the property.
- 455 9. Notification that the occupant may be subject to citation and  
456 finest for violating applicable ordinances and laws.
- 457 10. The name and telephone number of the local contact that may  
458 be reached at all times; and
- 459 11. 911 emergency information, including the complete physical  
460 address of the short-term rental.
- 461 12. On-street parking is prohibited for short-term rental units.

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462 J. Animals. Occupants are prohibited from allowing animals under their  
463 control to roam freely outside of the short-term rental at any time. Animals  
464 may not be restrained and left unattended outside at any time. All animals  
465 under the occupant's control shall be restrained and cared for in a manner  
466 consistent with all city animal control standards.

467 K. Property Maintenance.

468 1. The owner shall keep, or cause to be kept, the short-term  
469 rental property and landscaping in a neat, clean, and orderly manner  
470 at all times. Where a property is not maintained as specified herein,  
471 the property owner shall be required to restore the property to its  
472 required neat and clean manner upon receipt of a written notice of  
473 violation. A failure to return the property to a neat, clean, and orderly  
474 manner within 10 days of a notice to do so shall be grounds for  
475 revocation of the short-term rental permit.

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

481 3. All pools and/or spas on-site shall be maintained in a safe,  
482 neat, clean, and healthy manner at all times. Each pool and/or spa  
483 shall conform to all applicable codes and standards for the city,  
484 borough, and state.

485           4. The owner of each short-term rental shall ensure that all  
486           required accesses, driveways and parking spaces remain clear and  
487           unobstructed, and are available and ready for the occupants' use at  
488           all times.

489           L. Miscellaneous Conditions.

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

493           2. The city planner (or planning commission when required) shall  
494           have the authority to place reasonable conditions on the permit to  
495           ensure that the use will comply with this chapter and the general  
496           approval criteria in WMC 16.16.050.

497           16.26.070 Prohibitions.

498           A. Functions such as meetings, luncheons, banquets, reunions,  
499           bachelor or bachelorette parties, receptions, weddings, fundraising events,  
500           commercial or advertising activities, and/or any other gathering of persons  
501           other than the authorized lodgers, whether for direct or indirect  
502           compensation are prohibited in any buildings or anywhere on the site  
503           approved for a short-term rental permit.

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

505           C. Overnight Camping. No RVs, travel trailers, tents, yurts, or other  
506           temporary shelters may be used as a short-term rental or occupied in  
507           addition to a short-term rental. Recreational vehicles are permitted if they

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508 are the primary transportation for the renter or visitor but may not be used  
509 for overnight accommodations during the stay and must be located in a  
510 designated parking space.

511 16.26.080 Issuance – Term.

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

514 B. The short-term rental permit shall be valid for a period of one year  
515 from the date of issuance.

516 C. The city planner (or planning commission when required) shall have  
517 the authority to place reasonable conditions on the permit to ensure that the  
518 use will comply with the general approval criteria in Section 16.16.050.

519 16.26.090 Renewal - Transferability.

520 A. Renewal.

521 1. The owner must renew a short-term rental permit annually  
522 prior to the permit issuance anniversary date.

523 2. The renewal permit must include the renewal fee, any  
524 changes to the information requirements set forth in WMC  
525 16.26.040, copy of a current inspection by a commercial or home  
526 inspector licensed in the State of Alaska or a notarized affidavit that  
527 the required fire and safety protection measures are still in place and  
528 operational, and current proof of the required liability insurance. If  
529 an affidavit is used, the applicant must include a note that the city's

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530 failure to inspect short-term rentals does not constitute a waiver of  
531 its right to perform future inspections.

532 3. The city planner (or the planning commission when required)  
533 shall have the authority to impose additional conditions on the  
534 renewal of any permit in the event of any violation of the conditions  
535 to the permit or the provisions of this chapter subject to compliance  
536 with the procedures specified in WMC 16.26.110.

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

542 16.26.100 Denial. No application for a short-term rental permit may be  
543 denied if it meets the conditions of permit issuance pursuant to this chapter  
544 unless one of the following conditions applies:

545 A. A short-term rental permit issued to the same owner has been  
546 revoked within one year of the application date, or is in the process of being  
547 revoked pursuant to Section 16.26.110 of this chapter; or

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

550 C. The Alaska State Troopers or any other law enforcement agency with  
551 jurisdiction in the city limits or Matanuska-Susitna Borough Fire Code

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552 Official has determined that the short-term rental poses a serious threat to  
553 public health, safety, or welfare; or

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

556 16.26.110 Violations – Enforcement.

557 A. The owner of the short-term rental is responsible for compliance with  
558 the provisions of this chapter and the failure of an agent and/or local contact  
559 to comply with this chapter will be deemed noncompliance by the owner.

560 The city planner (or planning commission when required) may revoke or  
561 void any permit for a short-term rental for non-compliance with the  
562 conditions and standards set forth in this chapter and pursuant to the  
563 procedures established in this subsection.

564 B. Violations. Remedies and penalties for violations under this chapter  
565 are provided in WMC Chapter 1.20 and 16.26.110(D) below. The following  
566 conduct shall constitute a violation for which the referenced penalties may  
567 be imposed, or the permit revoked:

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

569 2. Noncompliance with conditions imposed by the city planner  
570 and/or planning commission.

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

573 4. Failure to comply with a notice of violation/citation and/or pay  
574 any fines imposed pursuant to this subsection.

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575 5. Failure to remit city sales tax or submit a report as required by  
576 WMC 5.16.

577 6. The occupants of the short-term rental have created noise,  
578 disturbances, or nuisances, in violation of the Wasilla Municipal  
579 Code or state law pertaining to consumption of alcohol or the use of  
580 illegal drugs.

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

584 8. Failure to preserve occupancy records or failure to present  
585 such records when requested by the city to do so.

586 C. Evidence of violation.

587 1. Advertising of any kind by an owner or agent that offers a  
588 residential dwelling unit as a short-term rental, as defined and  
589 regulated in this chapter, shall constitute prima facie evidence of the  
590 operation of a short-term rental. The burden of proof shall be on the  
591 owner, operator, or lessee of record to establish that the subject  
592 property is being used as a legal short-term rental or is not in  
593 operation.

594 2. Other evidence of the operation of a short-term rental without  
595 a valid permit number may include, but is not limited to, occupant  
596 testimony, rental agreements, advertisements, and receipts or bank  
597 statements showing payments to the owner by a occupant.

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

600 1. For the first violation within any 12-month period, the penalty  
601 shall range from a notice of violation to a fine of \$500.

602 2. For a second violation within any 12-month period, the penalty  
603 shall be \$1,000 and may also include revocation of the permit.

604 3. For a third violation within any 12-month period, the penalty  
605 shall be revocation of the permit.

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

608 5. Revocation of the short-term rental permit may occur at any  
609 time if the owner/agent fails to preserve occupancy records or  
610 present such records when requested by the city to do so.

611 6. In addition to the penalties above, a notice to cease and desist  
612 operation of the short-term rental of a residential dwelling unit shall  
613 be issued for any short-term rental that is determined to be  
614 advertised for use as a short-term rental without first obtaining the  
615 necessary permit required under this chapter.

616 E. Written notice. The city shall provide the owner with a written notice  
617 of any violation of this chapter. A copy of the warning notice shall be sent  
618 to the local contact.

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

622 2. Revocation. If the violation results in revocation of the short-  
623 term rental permit, the written notice will set for the grounds upon  
624 which the permit was revoked, the date and time when the revocation  
625 is effective, and the appeals procedure. These provisions do not  
626 preclude the city planner's use of any other remedy prescribed by  
627 law with respect to violations of this chapter.

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

632 16.26.120 Appeals.  
633 Appeal of an action made pursuant to this chapter must be filed in  
634 accordance with WMC 16.34.

635 16.26.130 Severability.  
636 The terms and provisions of this chapter shall be deemed to be severable  
637 and that if any section, subsection, sentence, clause, or phrase shall be  
638 declared to be invalid or unconstitutional, the same shall not affect the  
639 validity of any other section, subsection, sentence, clause, or phrase of this  
640 section and the remainder shall continue in full force and effect the same as  
641 if such invalid or unconstitutional provision had never been a part hereof.

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

644 16.20.020 District use chart.

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

| AA = Administrative approval    UP = Use permit    CU = Conditional use<br>EX = Excluded                                  Blank = No city approval necessary |               |                         |                   |                        |                             |                 |             |
|--|---------------|-------------------------|-------------------|------------------------|-----------------------------|-----------------|-------------|
| Districts  | RR<br>Rural   | R1<br>Single-<br>Family | R2<br>Residential | RM<br>Multi-<br>family | C<br>Commercial             | I<br>Industrial | P<br>Public |
| Uses   |               |                         |                   |                        |                             |                 |             |
| Assisted Living Home   | AA            | AA                      | AA                | AA                     | UP                          | EX              | EX          |
| Bed and Breakfast  | <del>AA</del> | UP                      | AA                | AA                     | <del>AA</del>               | EX              | EX          |
| Duplex   | AA            | EX                      | AA                | AA                     | UP                          | EX              | EX          |
| Group Home   | EX            | EX                      | EX                | UP                     | UP                          | EX              | UP          |
| Hotel  | EX            | EX                      | EX                | EX                     | <del>UP</del> <del>AA</del> | EX              | EX          |
| Institutional Home   | EX            | EX                      | EX                | CU                     | CU                          | EX              | CU          |
| Home Occupation  | <del>AA</del> | AA                      | AA                | AA                     | <del>AA</del>               | EX              | EX          |
| Motel  | EX            | EX                      | EX                | EX                     | <del>UP</del> <del>AA</del> | EX              | EX          |
| Multi-Family   | EX            | EX                      | UP                | AA                     | UP                          | EX              | EX          |
| <u>Short-term Rental<sup>2</sup></u>   | <u>UP</u>     | <u>CU</u>               | <u>UP</u>         | <u>UP</u>              | <u>AA</u>                   | <u>EX</u>       | <u>EX</u>   |
| Single-Family Dwelling   | AA            | AA                      | AA                | AA                     | UP                          | EX              | AA          |

650 <sup>1</sup>Must comply with specific approval criteria in Section 16.16.060.

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651 **Amendment of section.** WMC 1.20.030, Disposition of scheduled offenses –  
652 Fine schedule, is hereby amended as follows:

653 1.20.030 Disposition of scheduled offenses – Fine schedule.

654 A. A person cited for an offense for which a fine is established in subsection  
655 (C) of this section may mail or personally deliver to the clerk of court the amount  
656 of the fine indicated on the citation for the offense plus any surcharge required to  
657 be imposed by AS 29.25.074, together with a copy of the citation signed by the  
658 person indicating the person’s waiver of court appearance, entry of plea of no  
659 contest, and forfeiture of the fine. The citation with the fine shall be mailed or  
660 personally delivered on or before the thirtieth day after the date the citation was  
661 issued. The payment of a fine under this subsection shall be treated as a  
662 judgment of conviction. The fine paid is complete satisfaction for the offense.

663 B. If a person cited for an offense for which a fine amount is established in  
664 subsection (C) of this section appears in court to contest the citation and is found  
665 guilty, the maximum sentence which shall be imposed is the scheduled fine  
666 amount plus any surcharge required to be imposed by AS 29.25.074.

667 C. The following violations of this code are amenable to disposition without  
668 court appearance upon payment of a fine in the amount listed below.

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| CODE SECTION               | DESCRIPTION OF OFFENSE  | FINE           |
|----------------------------|---|----------------|
| <u>WMC 16.26.110(B)(1)</u> | <u>Noncompliance with any requirements in WMC 16.26 – 1st Offense</u>   | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(1)</u> | <u>Noncompliance with any requirements in WMC 16.26 – 2nd Offense</u>   | <u>\$1,000</u> |
| <u>WMC 16.26.110(B)(2)</u> | <u>Noncompliance with conditions imposed by the city planner and/or planning commission regarding WMC 16.26 – 1st Offense</u>                       | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(2)</u> | <u>Noncompliance with conditions imposed by the city planner and/or planning commission regarding WMC 16.26 – 2nd Offense</u>                       | <u>\$1,000</u> |
| <u>WMC 16.26.110(B)(3)</u> | <u>Owner/agent commences or continues to advertise and/or operate a short-term rental without first procuring the required permit – 1st Offense</u> | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(3)</u> | <u>Owner/agent commences or continues to advertise and/or operate a short-term rental without first procuring the required permit – 2nd Offense</u> | <u>\$1,000</u> |
| <u>WMC 16.26.110(B)(4)</u> | <u>Failure to comply with a notice of violation/citation and/or pay any fines imposed pursuant to WMC 16.26.110 – 1st Offense</u>                   | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(4)</u> | <u>Failure to comply with a notice of violation/citation and/or pay any fines imposed pursuant to WMC 16.26.110 – 2nd Offense</u>                   | <u>\$1,000</u> |

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| CODE SECTION               | DESCRIPTION OF OFFENSE  | FINE           |
|----------------------------|---|----------------|
| <u>WMC 16.26.110(B)(5)</u> | <u>Failure to remit city sales tax or submit a report as required by WMC 5.16 – 1st Offense</u>   | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(5)</u> | <u>Failure to remit city sales tax or submit a report as required by WMC 5.16 – 2nd Offense</u>   | <u>\$1,000</u> |
| <u>WMC 16.26.110(B)(6)</u> | <u>Occupants of short-term rental have created noise, disturbances, or nuisances, in violation of the WMC or state law pertaining to consumption of alcohol or the use of illegal drugs – 1st Offense</u> | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(6)</u> | <u>Occupants of short-term rental have created noise, disturbances, or nuisances, in violation of the WMC or state law pertaining to consumption of alcohol or the use of illegal drugs – 2nd Offense</u> | <u>\$1,000</u> |
| <u>WMC 16.26.110(B)(7)</u> | <u>Failure to provide and maintain a valid 24-hour contact telephone number for the local contact responsible for short-term rental – 1st Offense</u>   | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(7)</u> | <u>Failure to provide and maintain a valid 24-hour contact telephone number for the local contact responsible for short-term rental – 2nd Offense</u>   | <u>\$1,000</u> |

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| CODE SECTION               | DESCRIPTION OF OFFENSE  | FINE           |
|----------------------------|---|----------------|
| <u>WMC 16.26.110(B)(8)</u> | <u>Failure to preserve occupancy records or failure to present such records when requested by the city to do so – 1st Offense</u> | <u>\$500</u>   |
| <u>WMC 16.26.110(B)(8)</u> | <u>Failure to preserve occupancy records or failure to present such records when requested by the city to do so – 2nd Offense</u> | <u>\$1,000</u> |

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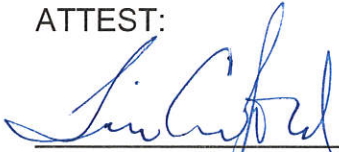
NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption to the Wasilla City Council and to take effect upon adoption by the Wasilla City Council.

APPROVED by the Wasilla Planning Commission on February 11, 2020.

APPROVED:

 2-14-2020  
Eric Bushnell, Chair Date

ATTEST:

  
Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

