

ORDINANCE 266

Whereas, tourist rentals, workforce housing, and persons living in recreational vehicles in residential neighborhoods bring transients, traffic, create potential safety issues and could negatively impact surrounding property values in the Madison Addition; and

Whereas, short-term tourist rentals are occurring in West Yellowstone as the result of internet-based brokerages or other agencies listing available dwellings and facilitating rental reservations; and

Whereas, these arrangements are typically not rentals or leases that convey a real property interest and the exclusive right to possession but instead are permission to use a home (or a portion of it) for a short time, without the exclusive right to possession for a minimum of thirty (30) days occupancy, which makes them in essence a transient occupancy hotel or motel booking; and

Whereas, the demand for short-term tourist rental units has resulted in long-term rental units being withdrawn from the market; and

Whereas, long-term single-family residential units are being converted to workforce housing units; and

Whereas, the Town Council of the Town of West Yellowstone finds it is necessary for the health, safety and welfare of the citizens of the Town of West Yellowstone that the Town should regulate tourist rentals, workforce housing, and living in recreational vehicles within the residential neighborhood known as the Madison Addition, and

Whereas this Ordinance will provide the necessary regulations and restrictions until the Town completes the revision of its Zoning Ordinance.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Brad Schmier, Mayor/Councilman

\_\_\_\_\_  
Greg Forsythe, Deputy Mayor/Councilman

\_\_\_\_\_  
Pierre Martineau, Councilman

\_\_\_\_\_  
Jerry Johnson, Councilman

\_\_\_\_\_  
Chris Burke, Councilman

ATTEST:

\_\_\_\_\_  
Elizabeth Roos  
Town Clerk

## **SECTION 1:**

### **PURPOSE:**

This Section regulates tourist homes, living in recreational vehicles, and workforce housing within the Madison Addition to minimize the potential negative impacts on this residential neighborhood.

## **SECTION 2:**

### **DEFINITIONS:**

These definitions are for this particular Ordinance only.

**Apartment:** a habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for residential purposes in non-residential buildings located within non-residential districts. Efficiency units shall qualify as an apartment under this definition.

**Bed and Breakfast:** means a private, owner or manager occupied residence that is used as a private residence but in which: 1) breakfast is served and is included in the charge for a guest room; and 2) the number of daily guests served does not exceed 18. MCA 50-51-102 (1).

**Guest House:** An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. Any guest house containing separate cooking facilities shall be considered a separate dwelling unit.

**Hotel/Motel:** includes 1) a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, or public lodging house; and 2) a place where sleeping accommodations are furnished for a fee to transient guests, with or without meals. MCA 50-51-102 (6).

**Household:** a person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: 1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; 2) not more than four unrelated people; or 3) two unrelated people and any children related to either of them; 4) Household does not include: a) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, cooperative housing or like organization; b) any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

**Municipal Infraction - Civil Offense:** a municipal infraction is a civil offense punishable by a civil penalty of not more than \$300 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$500 for each repeat violation. MCA 7-1-4150.

Person: means one individual.

Recreational Vehicle: a vehicular-type portable structure without permanent foundation, which is built on a single chassis; which is designed to be self-propelled or permanently towable by another motor vehicle; primarily designed as temporary living accommodations for recreational, camping, and travel use including, but not limited to, boats, travel trailers, truck campers, camping trailers and self-propelled motor homes. (Eliminated width and length and reworded a section “towed by another motor vehicle.”)

Rooming-house or boardinghouse: means buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility.

Tourist Home: means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. MCA 50-51-102 (12). Also, for Town proposes, known as a short-term, vacation, or nightly rentals.

“Transient guest” means a guest for only a brief stay, such as the traveling public. MCA 50-51-102 (13). Any stay under thirty (30) days shall be considered a transient guest.

### **SECTION 3:**

#### **MADISON ADDITION AREA:**

These regulations will focus on tourist rentals, workforce housing, and living in recreational vehicles ONLY within the residential neighborhood known as the Madison Addition. See attached map.

### **SECTION 4:**

#### **TOURIST HOME RENTALS:**

Tourist home rentals (also known as short-term, nightly, or vacation rentals) are strictly prohibited within the area defined as the Madison Addition. The Town will periodically monitor various websites and other media that specialize in these types of rental properties. Any property owner or their authorized agent advertising properties for tourist home rentals, within the Madison Addition, on these sites is in violation of this Ordinance of conducting a tourist home rental.

## **SECTION 5:**

### **WORKFORCE HOUSING:**

Workforce housing is permitted in the Madison Addition if it conforms to the definition of household listed above in Section 2, under the following conditions:

- 1) The dwelling unit must contain at least two bedrooms.
- 2) It must meet all Health and Fire Department regulations.
- 3) Must meet the Town's parking regulations.
- 4) The Owner of the residence shall apply to the Town for a permit to allow the residence to be used as workforce housing. The fee for the permit shall be set by resolution **and the permit must be renewed annually**. Any permits for workforce housing granted by the Town may be revoked upon notice to the Owner of written complaints being filed regarding the residence.
- 5) If such a complaint is received, the Town Manager will investigate the complaint and report its findings to the Town Council. The Town Council shall set the matter for a hearing, if one is requested by the property owner. The Town Council shall hear evidence and make a decision on whether the complaint is accurate and of sufficient grounds to revoke the permit.

## **SECTION 6:**

### **RECREATIONAL VEHICLES:**

Living in recreational vehicles is strictly prohibited in the Madison Addition. **(Deleted old language regarding electric connections). Sewer connections are prohibited. Water connections are allowed to refill freshwater tanks and then must be disconnected. Electricity can be connected to maintain batteries, provide for refrigeration during loading while preparing for departure, or unloading upon return, and heat only during below freezing temperatures not to exceed five days in any fourteen (14) consecutive day period.**

## **SECTION 7:**

### **RESIDENTIAL USES:**

Only single-family residential dwellings are permitted in the Madison Addition except in R-3 and R4 Zoning Districts. Prohibited uses in Madison Addition's R-1 and R-2 Districts include rooming or boarding houses, apartments, duplexes, bed and breakfasts, guest houses, tourist homes, and other like uses are strictly prohibited.

In R-3 Districts, besides single-family dwellings, two to four family residential dwelling units are also permitted. Besides the uses in R-3, R-4 allows efficiency units and apartments. Uses including rooming or boarding houses, bed and breakfasts, guest houses, tourist homes, and other like uses are strictly prohibited in the Madison Addition R-3 and R-4 Zoning Districts.

**SECTION 8:**

**VIOLATION & PENALTY:**

Any violation(s) of this Ordinance will be considered a municipal infraction by the Town of West Yellowstone, in accordance with Section 1.12.020 WYMC.