



ORDINANCE NO. 468

Bed and Breakfast Establishments

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO; FACT FINDING; DEFINING BED AND BREAKFAST BUSINESSES; REGULATING ESTABLISHMENT OF BED AND BREAKFAST TYPE BUSINESSES WITHIN THE CITY OF MACKAY; REQUIRING A BUSINESS REGISTRATION OR LICENSE FOR THE OPERATION; GRANDFATHERING CLAUSE; AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND FOR SEVERABILITY; AND PROVIDING WHEN SAID ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the purposes of this Ordinance is to provide further definition of “short-term rental”, to include a Bed and Breakfast (BnB, B&B), AirB&B, or any short-term residential or commercial rental of less than 30 days; and,

WHEREAS, short-term rentals located in areas of the City of Mackay currently zoned “Residential” are prohibited in said zone as stipulated in City of Mackay Ordinance No. 424, Chapter 12, Item L.1; and,

WHEREAS, the City Council finds and determines there is a need to establish a set of regulations for the operation and management of short-term rental facilities

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

Section 1: “Short-Term Rental” shall be defined as:

- a. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multihousehold occupancy or of any other residential property for an effective term of thirty consecutive calendar days or less.
- b. The commercial use, by any person, of a residential property for hostel, hotel, inn, lodging, motel, resort, bed and breakfast, or other transient lodging uses where term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession or tenancy for a term of thirty consecutive days or less.
- c. For purposes of this section, “remuneration” means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or tenancy for a term of thirty consecutive days or less.

Section 2: A Short-term rentals is not a home business permitted under any other provision of the Mackay City Code; and,



ORDINANCE NO. 468

Bed and Breakfast Establishments

Section 3: Any short-term rental business established prior to March 3, 2015, in an area of the City of Mackay designated as "Residential" is considered a lawful non-conforming use, but must comply with all other requirements herein; and,

Section 4: Water and Sewer fees for short-term rental facilities shall be billed to the owner of the facility at the Commercial 1 rate as a minimum in accordance with City of Mackay Ordinances 452 and 453; and,

Section 5: Violation of this Ordinance including any referenced Ordinance(s) shall result in immediate revocation of the City Business License Certificate and the Sales Tax Permit. This shall result in the closing of the business and discontinuing of City services including Water and Sewer; and,

Section 6: Violation of this Ordinance shall result in a fine of one thousand dollars (\$1,000.00); and, any referenced Ordinance violation shall also result in the fines and penalties specified in each of those Ordinances; and,

Section 7: Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions; and,

Section 8: This Ordinance shall be in full force and effective upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three (3) different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 11th DAY OF JANUARY 2022.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO.

By: Wayne C. Olsen
Wayne C. Olsen, Mayor

ATTEST: Natalie Perez
Natalie Perez, City Clerk