

**TO: Mayor and Town Council**  
**THRU: Ryan Hyland, Town Manager**  
**FROM: Laura Kennedy, Director of Finance and Administrative Services**  
**DATE: June 28, 2018 for Work Session of July 11, 2018**  
**SUBJECT: Short Term Rentals: Rules and Regulations**

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### **SUMMARY:**

In recent years, short-term rentals (STR's) have exploded in popularity in vacation destinations, including Summit County. The Town of Silverthorne pales in comparison to some nearby municipalities as far as the number of units, but policies to mitigate the impacts and controversy created by STR's should be considered.

### **BACKGROUND:**

There are a variety of factors to consider when developing an ordinance or updating existing regulations. A summary of the potential impacts of short term rentals on communities, including Silverthorne, is below:

- ***Neighborhood impacts:*** living next door to a short-term vacation rental can have life altering impacts. It is difficult to know your neighbor when new people are coming and going every few days. Trash, noise, and parking problems can be generated from visitors who do not practice "good neighbor" relations. A prevalence of short-term vacation rentals in a neighborhood can change the character of a neighborhood and transform the quality of life of the area.
- ***Increased Tax and Fee Revenues:*** short term vacation rentals can provide additional sales and lodging tax revenues. In addition, short-term vacation rental guests can further benefit the community through patronizing local restaurants, retail stores, etc. The Town has seen an increase in sales/lodging tax revenues directly related to short term rentals of \$98K from 2014 to 2017. Total tax revenues (both sales and lodging tax) increased 257% over this same time period: from \$62K in 2014 to \$159K in 2017. Business license revenue has also increased. The Town has approximately 100 licensed STR's which pay \$75 each for a business license (\$7,500/year). Spending at local restaurants and retail locations cannot be accurately estimated.
- ***Additional income for local residents:*** short term rentals have provided opportunities for people to rent out unused space on a short term basis to help make ends meet. In Summit County where housing costs are high and wages tend to be lower; this can greatly improve the lives of short term rental hosts.
- ***Fewer long term rentals available to local residents:*** STR's are mainly located in residential areas. By taking a long term rental out of the local housing market to rent as a short-term vacation accommodation, landlords are reducing the inventory of units available for local resident housing which can decrease the supply of workforce housing and lead to increased rents. The Town is participating financially in the Summit Combined Housing Authority master lease

program to motivate landlords to return units to the long term rental market.

- **Effects on hotels:** short-term vacation rentals are considered unfair competition by the traditional lodging industry. The business models of short-term vacation rental platforms offer economic advantages such as not having to pay for staff. Short-term rentals can offer lower rates compared to traditional tourist accommodations.

Many local governments are working to regulate short-term vacation rentals in such a way that they protect neighborhoods while balancing home-owners' property rights. Some practices that have been put into place in nearby municipalities are summarized below:

1. Requiring every lodging location to have an individual business license rather than allowing a property management co. to "hold" the business license for all the properties they manage.
2. Ordinances requiring that the business license number be included in advertisements. This helps with identifying properties which have not obtained a business license and are not filing or remitting sales/lodging taxes.
3. Requiring information to be posted within the unit listing the physical address, local agent's contact information, the owner's contact information, and the short term rental license number.
4. Requiring that STR's have a local contact within a specified response time to address complaints. Information on local contact could be distributed to neighbors within a certain radius upon issuance of STR license.
5. Complaint escalation process: initial complaint to the owner, if not addressed, formal complaint process with the Town.
6. Creating a separate accommodation license in place of a business license. The accommodation license fee is sometimes tiered, based on the number of bedrooms. The cost of enforcement such as locating and contacting owners regarding licensing and tax filing as well as "good neighbor" issues such as trash, noise complaints, and parking can easily justify a higher fee than \$75/year. Licensing fees in resort communities range from \$10 in Town Crested Butte to \$750 in Durango.
7. Voluntary Compliance Agreement (VCA) with AirBnb (attached). The State of Colorado and at least 12 municipalities have entered into an agreement with AirBnb which allows AirBnb to collect and remit sales and lodging taxes on behalf of their hosts. Right now, hosts located in Silverthorne are required to collect and remit sales and lodging taxes, but the AirBnb platform does not allow them to include those taxes in their listing price. Therefore, it is difficult for hosts to comply and when they do, they are typically paying the taxes out of their own pocket. Entering into this agreement will help the hosts collect the taxes and AirBnb will remit them to the Town on their behalf. This would increase compliance for Airbnb hosts.
8. Summit County is also working on Short Term Rental Regulations that would apply to properties in unincorporated areas. In addition to licensing and tax collection, the County is exploring regulating life and safety concerns such as: smoke and carbon monoxide detectors; operable toilet, sink, shower;

- sufficient number of trash receptacles; occupancy limits (2 per bedroom plus 2); electrical panels clearly labeled; requiring a land line or booster for cell service for 911 calls; liability insurance. The Town of Vail, as part of their short term rental license application, requires an affidavit that certifies that the STR property is in habitable condition and complies with health and safety standards outlined in their code.
9. In the Summit County workgroup on June 7, the possibility of assessing STR's at the commercial rate was discussed. The Town of Silverthorne does not currently assess a property tax, however, the one mixed use B&B property in Town has an assessment rate of 0.132 which indicates a mixed residential/commercial assessment rate.
  10. Penalties for violations, compliance monitoring, complaint management, and enforcement. The Town of Breckenridge (TOB) has added the following penalty to their town code: "a minimum fine of two hundred dollars (\$200.00) up to a maximum fine of one thousand dollars (\$1,000.00) for each day of a violation. The accommodation license can be suspended or revoked by determination of the municipal court judge. The fine amount will be set by the Town's municipal judge."
  11. Hiring an outside company to identify unlicensed STR's. Many municipalities have contracted with 3rd party contractors (for example, Harmari), to assist in Short Term Rental Compliance. Currently, in Silverthorne we have a part-time staff member work to identify and contact owners regarding business license and sales tax compliance (one of many job responsibilities). The County is issuing an RFP to find a 3rd party vendor for identification of STRs. By partnering with other municipalities and Summit County, we will benefit from a discounted rate. Each jurisdiction would pay based on volume or # of STR's located within their limits.
  12. Additionally, some communities have chosen to regulate what areas are eligible for STR's, how many can be licensed, and/or how often (for example, Crested Butte, Durango, Estes Valley, and Salida). More details are outlined in Attachment F which is the agenda packet from a panel discussion held in Frisco on October 12, 2017.

## **ATTACHMENTS:**

Attachment A: AirBnb Voluntary Compliance Agreement  
Attachment B: Breckenridge Town Code related to Accommodation Units  
Attachment C: Breckenridge Administrative Rules/Regulations Regarding Accommodation Unit Advertisements  
Attachment D: Town of Vail Short Term Lodging Guide  
Attachment E: Town of Silverthorne Supplemental Regulations for Short Term Rentals  
Attachment F: Agenda packet from Town of Frisco Panel Discussion "New Approaches to Short Term Rental Regulations"

**STAFF RECOMMENDATION:**

With the immense growth of short-term vacation rentals, we need to consider effective and enforceable regulations to protect residents, businesses, neighborhood character, and housing availability. Staff is looking to Council for direction on what steps to take as far as entering into agreements, and/or amending the Town code to make the community a safe and equitable place to live and/or operate a business.

**VOLUNTARY COLLECTION AGREEMENT  
FOR  
TOWN OF SILVERTHORNE SALES TAX AND LODGING TAX**

**THIS VOLUNTARY COLLECTION AGREEMENT** (the “**Agreement**”) is dated \_\_\_\_\_, 2018, and is between **AIRBNB, INC.**, a Delaware corporation (“**Airbnb**”) and the Finance Division of the Finance and Administrative Services Department of the **TOWN OF SILVERTHORNE, COLORADO, a home rule municipal corporation** (the “**Taxing Jurisdiction**”). Each party may be referred to individually as a “**Party**” and collectively as the “**Parties**.”

**RECITALS:**

WHEREAS, Airbnb represents that it provides an Internet-based platform (the “**Platform**”) through which third parties offering accommodations (“**Hosts**”) and third parties booking such accommodations (“**Guests**”) may communicate, negotiate and consummate a direct booking transaction for accommodations to which Airbnb is not a party (“**Booking Transaction**”);

WHEREAS, the Taxing Jurisdiction and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes including sales and lodging taxes (“**Tax**” or “**Taxes**”) imposed under applicable Town of Silverthorne law (the applicable “**Code**”), on behalf of Hosts for Booking Transactions completed by Hosts and Guests on the Platform for accommodations located in the Town of Silverthorne (the “**Taxable Booking Transactions**”);

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(A) Solely pursuant to the terms and conditions of this Agreement, including only for periods in which this Agreement is effective (defined below), and solely for Taxable Booking Transactions completed on the Platform, Airbnb agrees contractually to assume the duties of a collector of Taxes as described in the Code solely for the collection and remittance of Taxes (hereinafter referred to as a “**Collector**”). The assumption of such duties shall not trigger any other registration requirements to which Airbnb is not otherwise subject.

(B) Starting on \_\_\_\_\_ (the “**Effective Date**”), Airbnb agrees to commence collecting and remitting Taxes on behalf of Hosts, pursuant to the terms of this Agreement, at the applicable rate, on Taxable Booking Transactions. Except as set forth in Paragraph (L) below,

Airbnb shall not assume any obligation or liability to collect Taxes for any period or for any transaction prior to the Effective Date or termination of this Agreement.

### **REMITTANCE OF TAXES**

(C) Airbnb agrees reasonably to report aggregate information on the tax return form prescribed by the Taxing Jurisdiction, including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all Taxes that are subject to the provisions of this Agreement. Airbnb shall remit all Taxes collected from Guests in accordance with this Agreement and Airbnb's Terms of Service ([www.airbnb.com](http://www.airbnb.com)) (the "TOS") in the time and manner described in the Code or as otherwise agreed to in writing.

### **AIRBNB LIABILITY**

(D) Pursuant to the terms of this Agreement, Airbnb agrees contractually to assume liability for any failure to report, collect and/or remit the correct amount of Taxes, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with the Code. Nothing contained herein nor any action taken pursuant to this Agreement shall impair, restrict or prevent Airbnb from asserting that any Taxes and/or penalties, interest, fines or other amounts assessed against it were not due, are the subject of a claim for refund under applicable law or otherwise bar it from enforcing any rights accorded by law.

(E) During any period for which Airbnb is not in breach of its obligations under this Agreement, the Taxing Jurisdiction agrees to audit Airbnb on the basis of Tax returns and supporting documentation, and agrees not to directly or indirectly audit any individual Guest or Host relating to Taxable Booking Transactions unless and until an audit of Airbnb by the Taxing Jurisdiction has been exhausted with the matter unresolved. The Taxing Jurisdiction reserves the right to audit any individual Airbnb Host for activity that has been brought to the attention of the Taxing Jurisdiction in the form of a complaint or other means independent of this Agreement or independent of data or information provided pursuant to this Agreement.

(F) The Taxing Jurisdiction agrees to audit Airbnb on an anonymized transaction basis for Taxable Booking Transactions. Except as otherwise agreed herein, Airbnb shall not be required to produce any personally identifiable information relating to any Host or Guest or relating to any Booking Transaction without binding legal process served only after completion of an audit by the Taxing Jurisdiction of Airbnb with respect to such users. The Taxing Jurisdiction agrees that for Tax purposes, it will limit its audit of Airbnb to no more than a

consecutive twelve (12) month tax period within any consecutive thirty-six (36) month period. The Parties agree that any audit findings of the Taxing Jurisdiction in the selected twelve (12) month period may be projected against the remainder of any periods open under the applicable statute of limitations, unless Airbnb elects, at its sole discretion, to undergo further audit of such open periods by the Taxing Jurisdiction.

(G) Airbnb, Inc. agrees to register as a Collector for the sole purpose of reporting, collection and remittance of Taxes under this Agreement and will be the registered Collector on behalf of any affiliate or subsidiary collecting Taxes.

### **GUEST AND HOST LIABILITY**

(H) During any period in which this Agreement is effective relating to Taxable Booking Transactions, provided Airbnb is in compliance with its obligations herein, Hosts shall be relieved of any obligation to collect and remit Taxes on Taxable Booking Transactions, and shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report Taxes. Nothing in this Agreement shall relieve Guests or Hosts from any responsibilities with respect to Taxes for transactions completed other than on the Platform, or restrict the Taxing Jurisdiction from investigating or enforcing any provision of applicable law against such users for such transactions.

### **WAIVER OF LOOK-BACK**

(I) The Jurisdiction expressly releases, acquits, waives and forever discharges Airbnb, its current or past affiliated parent or subsidiary companies, directors, shareholders investors, employees and other agents, and/or Hosts or Guests from any and all actions, causes of action, indebtedness, suits, damages or claims arising out of or relating to payment of and/or collection of Taxes or other tax indebtedness, including but not limited to penalties, fines, interest or other payments relating to Taxes on any Taxable Booking Transactions prior to the Effective Date. Nothing contained in this Paragraph of this Agreement will constitute a release or waiver of any claim, cause of action or indebtedness that the Jurisdiction may have or claim to have against any Host or Guest unrelated to Taxable Booking Transactions under this Agreement.

### **NOTIFICATION TO GUESTS AND HOSTS**

(J) Airbnb agrees, for the purposes of facilitating this Agreement, and as required by its TOS, that it will notify (i) Hosts that Taxes will be collected and remitted to the Taxing

Jurisdiction as of the Effective Date pursuant to the terms of this Agreement; and (ii) Guests and Hosts of the amount of Taxes collected and remitted on each Taxable Booking Transaction.

### **LIMITATION OF APPLICATION**

(K) This Agreement is solely for the purpose of facilitating the administration and collection of the Taxes with respect to Taxable Booking Transactions and, except with respect to the rights and liabilities set forth herein, the execution of or actions taken under this Agreement shall not be considered an admission of law or fact or constitute evidence thereof under the Code or any other provisions of the laws of the United States of America, of any State or subdivision or municipality thereof. Neither Party waives, and expressly preserves, any and all arguments, contentions, claims, causes of action, defenses or assertions relating to the validity or interpretation or applicability of the Code, regulations or application of law.

### **DURATION/TERMINATION**

(L) This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30 day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the 30 day written notification to the other Party. Any termination under this Paragraph shall not affect the duty of Airbnb to remit to the Taxing Jurisdiction any Taxes collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by Airbnb to the Taxing Jurisdiction as of the date of termination.

### **MISCELLANEOUS**

(M) CHOICE OF LAW. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of Colorado without regard to its conflict of law principles.

(N) MODIFICATION. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by both Parties.

(O) MERGER AND INTEGRATION. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

(P) COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. The Agreement shall become effective when a



counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this Agreement, and further agree that electronic signatures to this Agreement shall be legally binding with the same force and effect as manually executed signatures.

(Q) RELATIONSHIP OF THE PARTIES. The Parties are entering into an arm's-length transaction and do not have any relationship, employment or otherwise. This Agreement does not create nor is it intended to create a partnership, franchise, joint venture, agency, or employment relationship between the Parties. There are no third-party beneficiaries to this Agreement.

(R) WAIVER AND CUMULATIVE REMEDIES. No failure or delay by either Party in exercising any right under this Agreement shall constitute a waiver of that right or any other right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a Party at law or in equity.

(S) FORCE MAJEURE. Neither Party shall be liable for any failure or delay in performance under this Agreement for causes beyond that Party's reasonable control and occurring without that Party's fault or negligence, including, but not limited to, acts of God, acts of government, flood, fire, civil unrest, acts of terror, strikes or other labor problems (other than those involving Airbnb employees), computer attacks or malicious acts, such as attacks on or through the Internet, any Internet service provider, telecommunications or hosting facility. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

(T) ASSIGNMENT. Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party (which consent shall not be unreasonably withheld). Notwithstanding the foregoing, Airbnb may assign this Agreement in its entirety without consent of the other Party in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

(U) MISCELLANEOUS. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

## NOTICES

(V) All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing postage prepaid; or (iii) the second business day after sending by overnight mail or by facsimile with telephonic confirmation of receipt. Notices shall be addressed to the attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To Airbnb:

Airbnb, Inc.  
Attn: General Counsel  
888 Brannan Street, 4<sup>th</sup> Fl.  
SF, CA 94103  
[legal@airbnb.com](mailto:legal@airbnb.com)

Airbnb, Inc.  
Attn: Global Head of Tax  
888 Brannan Street, 4<sup>th</sup> Fl.  
SF, CA 94103  
[tax@airbnb.com](mailto:tax@airbnb.com)

To the Taxing Jurisdiction:

Town of Silverthorne  
Attn: Finance Division, Dept. of Finance and Administrative Services  
601 Center Circle, P.O. Box 1309  
Silverthorne, CO 80498

***IN WITNESS WHEREOF***, Airbnb and the Taxing Jurisdiction have executed this Agreement effective on the date set forth in the introductory clause.

**AIRBNB, INC.**, a Delaware corporation

By: \_\_\_\_\_  
Signature of Authorized Representative

**Mike Liberatore, Acting Global Tax Director**  
\_\_\_\_\_

**TOWN OF SILVERTHORNE**

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

## Town of Breckenridge; Town Code related to Accommodations

### 4-1-8-1: SPECIAL CONDITIONS OF LICENSE; SINGLE-FAMILY

#### ACCOMMODATION UNITS:

- A. Special Conditions: In addition to the other requirements of this chapter, the owner of a single-family accommodation unit licensed pursuant to this chapter shall, as a condition of such license, be subject to the following requirements:
1. The motor vehicles of all occupants of the single-family accommodation unit shall be parked only on the site of the single-family accommodation unit, or in a town designated parking area located off of the site of the single-family accommodation unit. No motor vehicles shall be parked on the lawn or landscaped areas of a single-family accommodation unit, or in the public street or right of way adjacent to the single-family accommodation unit. No person shall be permitted to stay overnight in any motor vehicle which is parked at a single-family accommodation unit. Further, all motor vehicles parked at a single-family accommodation unit shall comply with the requirements and be subject to the limitations of section [9-3-11](#) of this code.
  2. No privately owned, nongovernmental vehicle with a passenger capacity of sixteen (16) persons or more shall be used to transport persons to or from a single-family accommodation unit, or parked upon the premises of a single-family accommodation unit.
  3. The storage and disposal of all trash and garbage from a single-family accommodation unit shall comply with the requirements of [title 5, chapter 2](#) of this code.
  4. While occupying a single-family accommodation unit, no person shall: a) make, cause or control unreasonable noise upon the single-family accommodation unit which is audible upon a private premises that such occupant has no right to occupy in violation of subsection [6-3C-1A2](#) of this code, or b) violate [title 5, chapter 8](#) of this code.
  5. No single-family accommodation unit shall be operated in such a manner as to constitute a nuisance pursuant to [title 5, chapter 1](#) of this code.
  6. The licensee shall provide to the finance director the name, address and telephone number of any current management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the single-family accommodation unit. It shall be the duty of the licensee to update such information throughout the term of the license so that the finance director always has the correct and current information.
  7. At the time of the issuance of the license the licensee shall provide to the finance director the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the town concerning the single-family accommodation unit. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent or supervise the single-family accommodation unit. The local contact person shall maintain a residence or permanent place of business within the town. The designated local contact person may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify the finance director of the change in writing and shall, at the same time, provide the finance

## Town of Breckenridge; Town Code related to Accommodations

director with the name, address and telephone number of the licensee's replacement contact person. Any replacement contact person shall meet the requirements of this subsection A7.

- B. Owner Liable: Compliance with the special conditions set forth in subsection A of this section shall be the nondelegable responsibility of the owner of a single-family accommodation unit; and each owner of a single-family accommodation unit shall be strictly liable for complying with the conditions set forth in subsection A of this section.
- C. Licensee To Receive Special Conditions: At the time of the issuance of a license, the finance director shall provide the licensee with a copy of the special conditions set forth in subsection A of this section.
- D. Licensee To Post License And Special Conditions: The licensee shall post a copy of the license and the special conditions set forth in subsection A of this section in a conspicuous location in the single-family accommodation unit. The license and the special conditions shall remain continuously posted in the single-family accommodation unit throughout the term of the license.
- E. Licensee To Provide Management Company With Special Conditions: The licensee shall provide any management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the single-family accommodation unit with a copy of the special conditions set forth in subsection A of this section.
- F. Revocation Or Suspension Of License: The failure of the licensee of a single-family accommodation unit to comply with the special conditions set forth in subsection A of this section shall constitute grounds for the suspension or revocation of the license. Any action to suspend or revoke the license shall be conducted by the finance director in accordance with section [4-1-10-1](#) of this chapter.

Before an action is commenced to suspend or revoke a license for a single-family accommodation unit, the finance director shall first provide the licensee with a written warning that an apparent violation of the special conditions of subsection A of this section has occurred, and the licensee shall be given a reasonable opportunity to cure such apparent violation. A copy of such warning notice shall also be sent to any management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the licensed premises who has been properly identified by the licensee pursuant to subsection A6 of this section and to the local contact person identified by the licensee pursuant to subsection A7 of this section. Not more than one written warning shall be required to be sent during the term of each license. (Ord. 4, Series 2017)

### 4-1-8-3: SPECIAL CONDITIONS OF A LICENSE; ADVERTISEMENT OF AN ACCOMMODATION UNIT:

- A. In addition to the other requirements of this chapter, the owner of an accommodation unit licensed pursuant to this chapter shall, as a condition of such license, be subject to the following requirements:

## Town of Breckenridge; Town Code related to Accommodations

1. The owner of the accommodation unit shall list in the initial license application filed pursuant to this chapter all means, methods, and locations of advertisement for the rental of the accommodation unit that the owner intends to use, including, but not limited to, print publications advertisement and website advertisements.
  2. After a license has been issued, a licensee shall update the list of advertising information that was provided to the Town with the initial license application within thirty (30) days of utilizing a means, method, or location of advertising the accommodation unit for rental.
  3. An advertisement offering to rent an accommodation unit must prominently display the Town's business and occupational license number in the advertisement as, "Breckenridge Business License No. [insert number]". The failure to prominently display the required information in any advertisement of accommodation shall be a violation of this section.
- B. The licensee and owner of the accommodation unit shall each be liable for compliance with the requirements of this section. The licensee and owner of an accommodation unit shall be given written notice of a violation of this section and fifteen (15) days within which to comply with the requirements of this section. It shall be an infraction for a licensee and owner of an accommodation unit to fail to comply with the requirements of this section. A person found to be in violation of this section, or against whom a default judgment has been entered, shall be subject to a minimum fine of two hundred dollars (\$200.00) up to a maximum fine of one thousand dollars (\$1,000.00) for each day of a violation of this section. (Ord. 19, Series 2017)

### 4-1-9: EXEMPTIONS:

Persons exempt from the provisions of this chapter are as follows:

Accommodation units held for long term rental only

## Attachment C

### ADMINISTRATIVE RULES AND REGULATIONS CONCERNING ACCOMMODATION UNIT ADVERTISEMENTS UNDER THE TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSES ORDINANCE

1. **Effective Date.** These regulations are effective July 20, 2017.
2. **Authority.** These regulations are issued by the Finance Director of the Town of Breckenridge pursuant to the authority granted by Section 4-1-10-A3 of the Breckenridge Town Code.
3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these regulations. Notice of the adoption of these regulations was given in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
4. **Where can I find the Town's requirements for advertising an accommodation unit?**

The Town of Breckenridge ordinance requirements for the advertising of accommodation units for rent are primarily found in Section 4-1-8-3 of the Breckenridge Town Code, which is a part of the Town's "Business and Occupational Licenses and Tax Ordinance (BOLT)." This ordinance is referred in these regulations as the "BOLT Ordinance." As explained in the BOLT Ordinance and these regulations, responsible persons are required to list their Town-issued BOLT license number in any advertisement for the rental of the accommodation unit that is associated with that BOLT license number. The BOLT license number for an accommodation unit is referred to in these regulations as the "license number."

5. **What is an advertisement?**

The BOLT Ordinance defines an "advertisement" as:

A form of marketing communication that employs a non-personal message to promote the rental of an accommodation unit. This includes, without limitation, mailing, brochures, print, internet listing, e-mail publication, social media, other electronic means, or other means or methods regardless of the medium used.

6. **What is an accommodation unit under the BOLT ordinance?**

The BOLT Ordinance defines an "accommodation unit" as:

Any person engaged in the business of accommodations rentals within the Town. Specifically short-term rentals, defined as 'Accommodation Unit' in Section 4-1-2

of the Breckenridge Town Code as, ‘separate and distinct living units including condominium, townhome, house, trailer, studio unit, condo-hotel units, or any such other similar unit which is rented to any person, who, for consideration, uses, possesses or has the right to use or possess such accommodation unit **for a period of 30 consecutive days or less**, regardless of the number of days during a license year such unit is rented.’

7. **What are the conditions of the license with respect to advertisements of an accommodation unit?**

A. Owners of accommodations units must list all means, methods, and locations of advertisement for the rental of the accommodation unit that the owner intends to use on the initial license application. All means, methods, and locations include all print and website advertisements.

B. After issuance of license, the licensee must update all advertising listings within 30 days of any changes in advertising means.

8. **When is the license number required to be shown in an advertisement for the rental of an accommodation unit?**

There are three advertising scenarios that would be applicable for requiring advertisements to have a Town license number listed. Multiple scenarios may apply, listed below:

A. An owner advertises their accommodation unit for rent utilizing any means of advertising. The owner would need to include their Town license number in the advertisement.

B. A property management company lists an accommodation unit for rent utilizing any means of advertising. The property management company would need to include their Town business license number in the advertisement. Upon request by the Finance Director, the property management company would need to provide the individual accommodation license numbers of the units advertised.

C. A property management company or other party “feeds” an advertisement through varying distribution channels resulting in third party advertisements that the property management or other party do not manage or control. The individual unit license number is not required to be displayed. However, the advertising company may have requirements to post their own license number.

9. **What if I own a timeshare and advertise it on my own to rent?**

Each timeshare unit should be licensed in the Town and the associated license

number must be displayed in advertisements for a specific unit. An owner that advertises their timeshare unit to rent may either contact their homeowner association or the finance department to obtain the timeshare unit's individual license number. The license number the owner should use is the Town license assigned to the unit on the deed that assigns the current ownership.

10. **How should a BOLT license number be displayed in an advertisement?**

A valid license number should be listed as "Breckenridge Business License No. [Insert number]." The license number listed should be the license number of the party maintaining the advertisement.

The license number is recommended to be prominently displayed somewhere in the listing, with no specific placement requirement.

11. **Where should the license number be displayed within the accommodations unit?**

The physical address of the licensed premise must be displayed within 5 feet of a main entrance of the licensed premises at all times. It is recommended to accomplish this by posting the BOLT license. Displaying the physical address by the main entrance is a safety protocol the Town implemented so that in the case of an emergency, guests staying in the accommodation unit may readily identify their physical location to emergency responders.

**Question:** I don't like the way the paper license looks, can I display my license number and physical address in a decorative way in my unit?

**Answer:** Yes, as long as the property address is legibly displayed within 5 feet of the main entrance in the accommodation unit, the paper copy of the license may be available elsewhere in the unit for guests to see, such as in a "guest binder."

12. **How do I apply for my license and pay the license fee?**

The **Accommodation Unit License Information Sheet** is submitted to the Finance Department, 150 Ski Hill Road, PO Box 8629, Breckenridge, CO 80424 or emailed to [websitefinance@townofbreckenridge.com](mailto:websitefinance@townofbreckenridge.com). The Finance Department will process the form and then send an invoice for the amount due for the license. Payments can be made via [xpressbillpay.com](http://xpressbillpay.com) or send to PO Box 8629, Breckenridge, CO 80424.

The annual fee for an accommodation unit license is based on the number of bedrooms in the unit or house as follows:



|                           |          |
|---------------------------|----------|
| Studio Unit               | \$75.00  |
| One-Bedroom Unit          | \$100.00 |
| Two-Bedroom Unit          | \$125.00 |
| Three-Bedroom Unit        | \$150.00 |
| Four or more Bedroom Unit | \$175.00 |

1       13.    **Who is responsible for paying the license?**  
2

3           The accommodation unit owner must ensure the BOLT license for the unit has  
4           been paid. Property management companies and those that rent the  
5           accommodation unit for a profit must maintain a valid separate business license to  
6           cover all of the accommodations units that they rent.  
7

8       14.    **What if I recently purchased my unit and plan to rent it out?**

9           The Finance Department receives information about an accommodation unit's  
10          sale from the deed by which the unit owner acquired the unit, and will mail the  
11          new owner(s) an introductory letter and application form, explaining the licensing  
12          program. If the unit was previously licensed as a short-term rental unit, an initial  
13          fee may not be required. If the unit was not previously licensed and the new  
14          owner wishes to rent the accommodation unit on a short-term basis, a license fee  
15          will be pro-rated based on the date of sale.

16       15.    **Do I need to place my BOLT license number on my business card or business**  
17               **sign?**

18          No, listing the BOLT license number is only required when you are advertising a  
19          specific accommodation unit to rent or advertising multiple listings in an  
20          advertisement.  
21

22       16.    **How will the Town contact a party who is advertising an accommodation**  
23               **unit in violation of the Section 4-1-8-3 of the BOLT Ordinance”?**

24          The Town will give the responsible party written notice of a suspected violation  
25          of the advertising requirements of the BOLT ordinance in the form of a warning  
26          letter. The responsible party will then have 15 days to comply with the  
27          requirements of Section 4-1-8-3 of the BOLT Ordinance.

28       17.    **Are there penalties for noncompliance with the accommodation units**  
29               **advertising requirements of Section 4-1-8-3 of the BOLT Ordinance?**

1  
2 Yes. The Town Code provides for a minimum fine of two hundred dollars  
3 (\$200.00) up to a maximum fine of one thousand dollars (\$1,000.00) for **each day**  
4 of a violation. The accommodation license can be suspended or revoked by  
5 determination of the municipal court judge. The fine amount will be set by the  
6 Town's municipal judge.  
7

8 **18. What else can happen if I don't list my license number in advertisements?**  
9

10 It is a violation of the BOLT Ordinance for a person to fail to comply with the  
11 applicable accommodation unit advertising rules set forth in Section 4-1-8-3. The  
12 possible fine for noncompliance with Section 4-1-8-3 are described in Section 16  
13 of these regulations. An unpaid fine can be collected by the municipal court in the  
14 manner provided by law. The BOLT license for the affected accommodation unit  
15 may also be suspended or revoked.  
16

17 **19. How do I find out if my property is located with the Town?**  
18

19 Visit the **Summit County Assessor's website**  
20 ([http://www.co.summit.co.us/Assessor/assessor\\_home.htm](http://www.co.summit.co.us/Assessor/assessor_home.htm))  
21

22 **20. Disclaimer.**  
23

24 The Town's enforcement of the Business and Occupational Licenses and Tax  
25 Ordinance always involves applying the ordinance to the facts of a particular  
26 transaction. Not all possible factual scenarios involving the application of the  
27 Business and Occupational Licenses and Tax Ordinance are described in these  
28 regulations. Nothing in these regulations limits the Town's authority to apply the  
29 Business and Occupational Licenses and Tax Ordinance to factual situations not  
30 specifically described in these regulations.  
31

32 **21. Whom can I contact if I have any other questions concerning the Business**  
33 **and Occupational Licenses and Tax Ordinance?**  
34

35 The Town of Breckenridge, Revenue Services Administrator, 150 Ski Hill Road,  
36 PO Box 8629, Breckenridge, CO 80424, 970-547-3193  
37

38 Dated: \_\_\_\_\_, 2017  
39  
40  
41  
42  
43

\_\_\_\_\_  
Brian Waldes, Finance Director



**2018**

## **Short-Term Rental Licensing Guide**

If you are interested in renting your home for periods of less than 30 consecutive days, you qualify as operating short-term rental lodging within the Town of Vail.

As an owner of a short-term rental property, you are required to obtain a short-term rental license and remit taxes on the gross sales received from your short term rental.

- Read the attached Ordinance regarding the regulations of short-term rentals
- Obtain a Short-Term Rental License from The Town of Vail
  - Complete the Application for a Short-Term Rental License Form
  - Complete and Notarize the Short-Term Rental Self-Compliance Affidavit
  - Complete the Short-Term Rental Local Agent & Owner Authorization Form and provide a copy of the designated agent's driver license
  - Read and Sign the Good Neighbor Guidelines
  - Submit application documents and application fee of \$150 to the Town of Vail
- Be Aware of the Tax Rate to Collect:
  - Town of Vail – 4%
  - State of Colorado – 2.9%
  - Eagle County – 1.5%
  - Vail Local Marketing District – 1.4%
  - Total of 9.8%**
- Post your Short-Term Rental License Number on all advertising (print, online, etc.)
- Verify that all of the life-safety requirements required are in place at your property.
- Submit your monthly or quarterly taxes to the following agencies:
  - Town of Vail
  - State of Colorado (State Sales Tax & Vail Local Marketing District & Eagle County)

**Questions? Contact: [shorttermrentals@vailgov.com](mailto:shorttermrentals@vailgov.com)**

**ORDINANCE NO. 15  
SERIES 2017**

**AN ORDINANCE AMENDING TITLE 4 OF THE VAIL TOWN CODE BY  
THE ADDITION OF A NEW CHAPTER 14, ENTITLED SHORT-TERM  
RENTAL PROPERTIES, AND REPEALING SECTIONS IN CONFLICT  
THEREWITH**

**NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL,  
COLORADO:**

Section 1. Title 4 of the Vail Town Code is hereby amended by the addition of a new Chapter 14 to read as follows:

**CHAPTER 14  
SHORT-TERM RENTAL PROPERTIES**

**4-14-1: PURPOSE AND APPLICABILITY:**

A. The purpose of this Chapter is to establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term rental properties in the Town.

B. This Chapter shall apply to short-term rental property only, as defined herein. This Chapter shall not apply to the furnishing of lodging services in hotels, motels, lodges or bed and breakfast establishments, or to properties with long-term leases.

C. This Chapter shall not supersede or affect any private conditions, covenants or restrictions applicable to a short-term rental property.

**4-14-2: DEFINITIONS:**

For purposes of this Chapter, the following terms shall have the following meanings:

**OWNER:** The record owner of a residential dwelling unit in the Town who intends to lease or leases the unit as a short-term rental property.

**LEASE:** An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

**RESIDENTIAL DWELLING UNIT:** A building or group of rooms with kitchen facilities designed or used as a dwelling by a family as an independent housekeeping unit, excluding the following, as defined in Title

12 of this Code, if serviced by a full-time on-site property manager: accommodation unit, bed and breakfast, employee housing unit, fractional fee club unit, lodge dwelling unit, limited service lodge unit, or timeshare unit.

**SHORT-TERM RENTAL PROPERTY:** A residential dwelling unit, or any room therein, available for lease for a term of less than thirty (30) consecutive days.

**4-14-3: LICENSE REQUIRED:**

A valid license is required for each short-term rental property in the Town.

**4-14-4: APPLICATION:**

A. At least thirty (30) days prior to any advertising for or lease of a short-term rental property, the owner shall file a written application for a short-term rental license with the Finance Director or designee, on forms supplied by the Town. The application shall not be deemed complete until all required information is submitted.

B. The application fee shall be set by resolution of the Town Council.

C. If the proposed short-term rental property is located within a duplex, the application shall include a copy of a written notice provided by the owner to the last known address of the record owner of the adjoining residential dwelling unit. The written notice shall include a copy of the completed application, and shall be sent by first-class United States mail at least seven (7) days prior to the filing of the application.

D. No license shall be issued without an affidavit, signed by the owner under penalty of perjury, certifying that the short-term rental property is in habitable condition and complies with the health and safety standards set forth in Section 4-14-7.

E. Within thirty (30) days of receipt of a complete application for a short-term rental license, if the Finance Director or designee finds that the application complies with this Chapter, the Finance Director or designee shall issue a short-term rental license. The license shall be issued in the name of the owner, and shall not be transferable.

**4-14-5: LICENSE TERM:**

A. A short-term rental license shall expire on December 31 of each calendar year, or when title of the short-term rental property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term rental property shall require a new license.

B. An application for renewal of a short-term rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.

#### **4-14-6: LOCAL AGENT REQUIRED:**

Each owner shall appoint a natural person who remains within a sixty (60) minute distance of the short-term rental property and is available 24 hours per day, 7 days per week, to serve as the local agent for the short-term rental property. The owner shall notify the Finance Director or designee in writing of the appointment of a local agent within five (5) days of such appointment or modification of any such appointment.

#### **4-14-7: HEALTH AND SAFETY STANDARDS:**

Each short-term rental property shall comply with all of the following standards, at a minimum, at all times while the property is being leased:

1. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.

2. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

3. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.

4. An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficiency privacy.

5. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the short-term rental property, and all receptacles shall comply with Chapter 9 of Title 5 of this Code.

6. Occupancy of a short-term rental property shall comply with Chapter 2 of Title 12 of this Code.

7. The use of portable outdoor fireplaces is prohibited.

8. Electrical panels shall be clearly labeled.

9. All pets shall be subject to Title 6, Chapter 4 of this Code.

#### **4-14-8: PARKING:**

Parking shall comply with all applicable provisions of this Code. All vehicles shall be parked in designated parking areas, and parking is prohibited in any landscaped area.

#### **4-14-9: SIGNAGE:**

An owner shall post a sign conspicuously inside the short-term rental property. The sign shall include the local agent's current contact information, the owner's current contact information, the street address of the short-term rental property and the short-term rental license number.

#### **4-14-10: ADVERTISING:**

All advertising for a short-term rental property shall include the short-term rental license number, immediately following the description of the short-term rental property.

#### **4-14-11: TAXES:**

The owner shall collect and remit Town sales and lodging taxes on each short-term rental property.

#### **4-14-12: NOTICE:**

Any notice required by this Chapter to be given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent license or renewal application. Notice given to the local agent, by first-class mail to the address provided by the owner, shall also be sufficient to satisfy any required notice to the owner under this Chapter.

#### **4-14-13: INITIAL COMPLAINTS:**

Initial complaints concerning a short-term rental property shall be directed to the local agent. The local agent shall resolve the issue that was the subject of the complaint within sixty (60) minutes, or within thirty (30) minutes if the problem occurs between 11:00 p.m. to 7:00 a.m., including visiting the site if necessary.

#### **4-14-14: FORMAL COMPLAINTS AND REVOCATION:**

A. If an initial complaint is not resolved, a formal complaint may be filed with the Town Manager or designee, on forms provided by the Town. The formal complaint shall describe in detail the violation(s) of this Chapter alleged to have occurred on the short-term rental property. Within three (3) days of receipt of such a complaint, the Town shall provide a copy of the formal complaint to the owner. Formal complaints

shall be signed by an individual and subject to public inspection; no anonymous formal complaints shall be accepted.

B. If there are three (3) or more formal complaints issued for the same short-term rental property within any consecutive twelve-month period, the Town Manager or designee may revoke the license for that short-term rental property upon written notice to the owner. The Town Manager or designee may also revoke any short-term rental license that was issued in error. The Town shall notify an owner, in writing, of any revocation and the reasons therefor.

C. The owner may appeal any revocation by filing a written appeal with the Town Manager or designee within ten (10) days of the date of the revocation notice. In the written appeal, the owner shall describe the reason for the appeal, and may request a hearing before the Town Manager or designee. The hearing shall be informal, and may be conducted in person or by telephone, at the discretion of the Town Manager or designee. At the hearing, the owner shall have the opportunity to be heard on the revocation. Within ten (10) days of the hearing, the Town Manager or designee shall either uphold or reverse the revocation, in writing. The decision of the Town Manager or designee shall be final, subject only to review under C.R.C.P. 106(a)(4) by a court of competent jurisdiction.

D. For a minimum of two (2) years following revocation of a short-term rental license, the Town shall not accept an application for a new license for the same short-term rental property, unless the ownership of the short-term rental property has transferred and a real estate transfer tax has been paid for such transfer pursuant to Chapter 6 of Title 2 of this Code. Following such two-year period, a new short-term rental license shall only be issued for a short-term rental property within a duplex if the record owner of the adjoining residential dwelling unit consents in writing to the issuance of such license.

#### **4-14-15: VIOLATION AND PENALTY:**

A. It is unlawful for any owner, local agent or occupant of a short-term rental property to violate any provision of this Chapter or any other applicable provision of this Code.

B. In addition to any revocation proceedings pursuant to Section 4-14-13, violations of this Chapter shall be subject to the penalties set forth in Section 1-4-1 of this Code. Each separate act in violation of this Chapter, and each and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued, or permitted, shall be deemed a separate offense. Any remedies provided for in this Chapter



shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Section 2. The definition of "short term rental" contained in Section 4-1-2 of the Vail Town Code and Section 4-1-4.B. of the Vail Town Code are hereby repealed in their entirety.

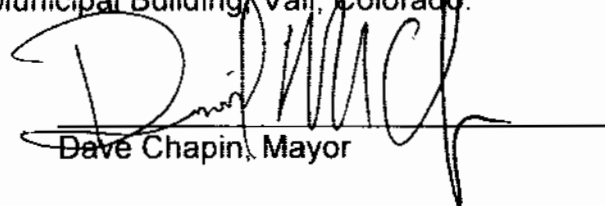
Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Vail Town Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

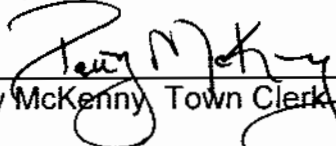
Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 6. Effective Date. This ordinance shall take effect on March 1, 2018.

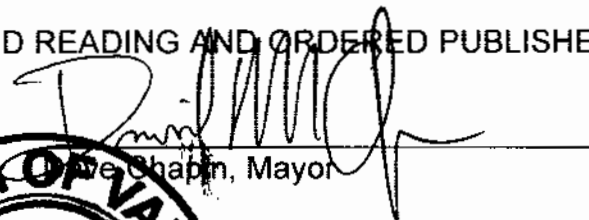
INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 21<sup>st</sup> day of November, 2017 and a public hearing for second reading of this Ordinance is set for the 5<sup>th</sup> day of December, 2017, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

  
Dave Chapin, Mayor

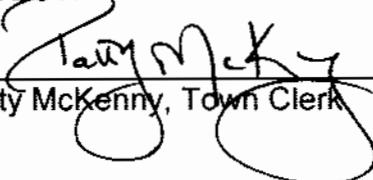
ATTEST:

  
Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 5<sup>th</sup> day of December, 2017.

  
Dave Chapin, Mayor

ATTEST:

  
Patty McKenny, Town Clerk



Ordinance No. 15, Series of 2017



## Short-Term Rental (STR) License Application

Short-Term Rental License  
Application Fee - \$150

STR Property Address: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Check One: ☐ Existing STR – TOV License Number: \_\_\_\_\_ ☐ New STR

Is this property a deed restricted employee housing unit (EHU)? ☐ Yes ☐ No

Is the property subject to a homeowners association or private covenant? ☐ Yes ☐ No

If Yes, please select a statement below that applies to the property:

- ☐ The property is subject to a homeowners association or private covenant and the operation of a short-term rental does not require approval by the homeowners association or covenant beneficiary.
- ☐ The property is subject to a homeowners association or private covenant and the operation of a short-term rental has been approved by the homeowners association or covenant beneficiary.

Is this property a duplex unit? ☐ Yes ☐ No

If Yes, has written notification been provided to the owner of the adjoining residential unit? ☐ Yes ☐ No

(Attach copy of notice sent with proof of mailing to the owner of adjoining residential unit)

Type of Ownership: ☐ Sole Proprietor ☐ Partnership ☐ Corporation ☐ Other \_\_\_\_\_

Owner's Name(s) or Name of Ownership: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State/Zip: \_\_\_\_\_

Preferred Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

If Corporation - Registered Agent: \_\_\_\_\_

Name of Person or Entity Preparing Tax Return: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

If a property manager will be remitting taxes on your behalf, provide their TOV business license number: \_\_\_\_\_

Select the hosting platform(s) or website(s) that the property is advertised on:

- ☐ Air B&B ☐ VRBO ☐ HomeAway ☐ TripAdvisor ☐ FlipKey ☐ Vacasa ☐ Evolve
- ☐ Other \_\_\_\_\_ ☐ Other \_\_\_\_\_ ☐ Other \_\_\_\_\_ ☐ Other \_\_\_\_\_

Select the type of rental that this property is offered as:

- ☐ Entire Home (Host Absent) ☐ Entire Home – Detached Residence (Host Present)
- ☐ Private Room (Host Present) ☐ Shared Room (Host Present)

# Self-Compliance Affidavit

*Please Note: All statements listed below must be initialed.  
Failure to initial any question will delay your license issuance.*

Occupancy: Occupancy limits of 2 per bedroom, plus 2 will be adhered to and appropriately listed in rental advertisements

Number of Bedrooms: \_\_\_\_\_ Total Overnight Occupancy Advertised: \_\_\_\_\_

## Health & Life Safety Standards:

- \_\_\_\_\_ Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.
- \_\_\_\_\_ Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair
- \_\_\_\_\_ The street address, license number, local agent and property owner contact information is posted conspicuously in the interior of the property.
- \_\_\_\_\_ The operation of the short-term rental will comply with all town ordinances that apply to a residential dwelling.
- \_\_\_\_\_ Smoke detectors are installed outside of each sleeping area, in each room used for sleeping purposes, and on each level of a living area, including basements.
- \_\_\_\_\_ Carbon monoxide detectors are installed within twenty feet of sleeping areas, within twenty feet of fuel fired appliances (including wood/ gas fireplaces), and within 10 feet of the doorway of an attached garage.
- \_\_\_\_\_ Fire extinguishers are located within thirty feet of the kitchen, on each level of a living area, and in the garage; and they are readily available for immediate use.
- \_\_\_\_\_ Wood Burning Fireplaces / Stoves - Fireplaces and flues are maintained in accordance with recognized standards and have been inspected and cleaned on an annual basis. Proof of inspection and cleaning for the current year is required to be available upon request.
- \_\_\_\_\_ An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- \_\_\_\_\_ Electrical panels shall be accessible at all times with 36 inches of clearance maintained in front of the panels, and shall be clearly labeled.
- \_\_\_\_\_ Outdoor Fires – portable outdoor fireplaces are prohibited.
- \_\_\_\_\_ Portable electric space heaters shall not be operated within 3 feet of combustible materials and shall not be plugged into extension cords. Space heaters must be plugged directly into outlets.
- \_\_\_\_\_ The use of outdoor heating appliances is prohibited on balconies. Outdoor heating appliances shall not be operated beneath or closer than 5 feet to buildings, overhangs, awnings, sunshades or similar combustible attachments.
- \_\_\_\_\_ Property Address - Property address is required to be visible from the street. Minimum 4 inches in height, 1/2" width numbers permanently affixed on a contrasting background.
- \_\_\_\_\_ Emergency Exits - The property must have a map or floor plan showing two ways out of the building to a designated meeting place.

**Community Impacts:**

- \_\_\_\_\_ Renters will be informed that on-street parking is not allowed.
- \_\_\_\_\_ Adequate parking spaces will be provided for renter's use.
- \_\_\_\_\_ Renters will be informed of the noise ordinance. No excessive or unreasonable noise will be permitted at any time.
- \_\_\_\_\_ Renters will be informed of trash / recycling regulations and scheduled trash pickup times.
- \_\_\_\_\_ A sufficient number of trash and recycling receptacles to accommodate all trash generated by those occupying the short-term rental property and all receptacles shall comply with Town Code.
- \_\_\_\_\_ Night lighting ordinances will be complied with to reduce exterior light usage after dark.
- \_\_\_\_\_ If pets are allowed, renters will be informed of leash laws, pet waste disposal, and barking/noise considerations.
- \_\_\_\_\_ The operation of the short-term rental will comply with the "Good Neighbor Guidelines" and a copy of the guidelines will be provided to the renters in the rental agreement or by posting it in a prominent location within the property.

**Advertising:**

- \_\_\_\_\_ All advertising for this short-term rental shall include the short-term rental license number, immediately following the description of the property.

By completing and signing this affidavit I (we) affirm that, under pains and penalties of perjury, that I have inspected this property and that it complies with all applicable laws, and codes.

\_\_\_\_\_  
Owner Signature Printed Name Date

\_\_\_\_\_  
Owner Signature Printed Name Date

Subscribed and affirmed before me in the county of \_\_\_\_\_,

State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Notary's official signature)

Notary Seal

\_\_\_\_\_  
(Commission Expiration)



## Short-Term Rental (STR) Local Agent Responsibility and Owner Authorization

**Check One:** ☐ New STR  
☐ Existing STR – Change of Property Contact – TOV License Number \_\_\_\_\_

STR Street Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

**Designated Local Agent:**

Name: \_\_\_\_\_

Address of Physical Residence: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**A copy of designated local agent's drivers license must be attached for address verification.**

**Owner Declaration:**

Each owner of a short-term rental property shall designate a local person whose physical address of residence is **within** an hour's travel time to the licensed STR's street address to serve as the local agent. The local agent shall have access and authority to assume management of the unit and take remedial measures. The agent shall be available 24 hours a day, 7 days a week to respond to tenant and neighborhood questions or concerns and must have a text-enabled phone. An owner of a short-term rental may designate himself/herself as the agent, as long as their physical address of primary residence is **within** an hour's travel time to the licensed STR's street address.

**If you have listed yourself as the designated local agent and will be renting out your entire primary residence, you certify that you will remain within an hour's travel time to the licensed STR throughout the duration of the rental.**

I am the owner(s) of the subject property and hereby authorize the designated person listed above to assume responsibility as the local agent.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**Agent Responsibility:**

As the local agent, and due to the language "assume management of the unit and take remedial measures", you are responsible for contacting the renters when you have been notified of a complaint. You may be contacted by the Town of Vail Police Department to secure the property as needed. Therefore, your phone number will be available to police staff, and will be listed under the short term rental license and posted for renters within the interior of the unit.

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**Any change of the agent or modification of contact information must be furnished to the town within five (5) days of effective date of change.**



## Good Neighbor Guidelines

The Good Neighbor Guidelines were created to educate Short Term Rental (STR) owners and tenants/guests on the importance of being a good neighbor.

- **24-Hour Local Agent Contact Information** - If at any time you have concerns about your stay or in regards to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the property. In the event of an emergency, please call 911.
- **General Respect for Neighbors** - Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their property.
- **Noise and Outdoor Lighting**- Be considerate of the neighborhood and your neighbor's right to the quiet and peaceful enjoyment of their home and property, especially after 11 p.m.
- **Maintenance of Property** - Be sure to pick up after yourself and keep the property clean, presentable, and free of trash.
- **Garbage Disposal** - Place trash and recycling containers at the appropriate place no earlier than 6:00 am for pickup. Return trash and recycling containers to the designated location by 7:00 pm on the day of pickup. Cigarette butts should be properly extinguished and disposed of.
- **Parking & Traffic Safety** - Do not park on roadways, lawns, or in a manner which blocks driveways, sidewalks, alleys or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing.
- **Pets** - Promptly clean-up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
- **Tenant/Guest Responsibility** - Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

---

Owner Signature

Printed Name

Date

---

Owner Signature

Printed Name

Date



**Short-Term Rental License # \_\_\_\_\_**

**STR Property Address (include unit number)**

**Property Contact:**

**Name:**

**Phone Number:**

Owner:

Name:

Phone Number:



**Community Development Department – Supplementary Regulations  
Supplemental Business License Regulations for Short Term Rentals**

Short Term Rentals or Vacation Home Rentals are generally defined as residential units that are listed for rent on a short-term basis through one or more online hosting sites, or through a property management agency. In the Town of Silverthorne, such activity is considered to be a 'Business', as defined in Section 1-7-1, and therefore requires a Business License.

Other Code Sections that apply to short-term rentals are summarized below.

- **Noise** – Section 2-4-34 of the Town Code states that is unlawful for any person to make or cause any unnecessary or unusual noise which either annoys, injures or endangers the comfort, repose, health, or safety of others. In addition, outdoor speakers or loud speakers, which can be heard beyond the property lines, are prohibited.
- **Parking** – Per Section 2-7-8, the parking of vehicles, trailers, or RVs on any street, or in the Town Right-of-way is prohibited. Parking of vehicles should be contained to garages or driveways on the private property that is being rented.
- **Pets** – Section 2-2-2 defines continuously barking or howling dogs, potentially dangerous dogs, and dog or cat excrement to be a Public Nuisance. In addition, all animals are required to be physically controlled by means of a leash or proper enclosure. It is unlawful for pet animals to cause damages to property or persons, or for any pet animal to be left in circumstances that constitute mistreatment or abandonment.
- **Fireworks & Explosives** – It is unlawful for any person to sell, possess, discharge or explode any fireworks within the Town at any time a fire ban is in effect.

***Other 'Good Neighbor' Policies to Consider:***

- **Physical Address** – Prominently display your physical address, so that renters can convey that information to emergency services personnel in the event of an emergency.
- **Neighbors** may wish to contact the owner in case there is a problem with a short term renter. It is beneficial to provide surrounding neighbors with your contact information.
- **Garbage** – If trash receptacles are placed curbside on designated pick up days, it is important to inform the renters the days of trash pick-up, and appropriate times for receptacles to be placed outside.
- **HOA Rules** – Verify that all HOA rules are followed. Although HOA rules are not enforced by the Town of Silverthorne, their violation may result in neighborhood disruption.
- **Hot Tubs** – Renters should be encouraged to use hot tubs between 7 a.m. and 10 p.m., and in a manner that does not disturb surrounding residents.

Name and Address: \_\_\_\_\_

Owner Signature: \_\_\_\_\_





MEMORANDUM

P.O. BOX 4100 ♦ FRISCO, COLORADO 80443

**Panel Discussion**  
**New Approaches to Short-Term Rental Regulations**  
**October 12, 2017**  
**11am-1:30pm**  
**Frisco Town Hall**

Welcome and thank you for your interest in the Panel Discussion on New Approaches to Short-Term Rental Regulations.

The purpose of today's event is to have a Panel Discussion with representatives of communities that are taking steps ***beyond fees and licensing*** to regulate Short-Term Rentals (STRs). So, our focus will be on learning about the limitations on the number and location of STRs (not on licensing or the financials).

|            |   |
|------------|---|
| 11:00      | Lunch Available   |
| 11:30-1:30 | Panel Discussion: New Approaches to Short-Term Rental Regulations |

We are inviting members of our Housing Task Force, along with Council Members and housing/policy representatives of the other jurisdictions in the County. We're glad you can join us!

We really appreciate the participation of the following communities with STR regulation/limitation ordinances that go beyond licensing and fees:

|               |   |
|---------------|---|
| Georgetown    | Jennifer Yobski, Town Clerk                         |
| Crested Butte | Michael Yerman, Community Development Director      |
| Estes Park    | Frank Lancaster, Town Administrator                 |
| Durango       | Scott Shine, Planning Manager (via conference call) |
| Minturn       | Jay Brunvard, Treasurer                             |
| Salida        | Monica Wehner, Court Clerk                          |

We look forward to hearing from each of the panelists. This is a "lunch and learn" opportunity—not an endorsement by the task force, Town Council or staff of any particular approach. We'd like to use this as an opportunity to get up to speed and to

hear directly from other communities around the state who are trying new regulation approaches. Among the questions that we have for panel participants are:

- Describe the particular nature and extent of the STR-related problems that you decided to address.
- What approach to regulations/limitations did you take and how/why did you decide on that approach beyond licensing and fees?
- How did you evaluate the costs and benefits of limiting STRs?
- What have the results and community response been since you implemented your new regulations?
- What are the “lessons learned” so far?
- Are you contemplating future changes or refinements to your approach?

We will save time at the end for general Q and A with the audience, as well.

Thanks again to all the panelists and participants!

Randy Ready  
Town Manager

**Town of Frisco Short-term Rental Business License/Sales Tax/Lodging Tax Statistics – 9/29/2017**

- I. Business/Sales Tax Licenses
  - a. Currently active licenses – 242
    - i. Does not represent the total amount of units currently in compliance
    - ii. Property management firms and individual owners are currently allowed to hold one license (an “umbrella” license) on behalf of multiple owners and/or units
    - iii. Staff estimates an additional 100 – 200 units under these umbrella licenses
  - b. Estimates provided to staff from third-party service providers indicate approximately 950 unique units advertised online as of 9/16. That number has surely increased.
- II. Revenues Generated (full-year 2016)
  - a. 242 licenses at \$75/per - \$18,150
  - b. Sales tax (2.0% city, 2.0% county) - \$292,607
    - i. As opposed to \$524,154 generated by Hotels/Inns/B&Bs
    - ii. This accounts for 36% of sales tax revenues generated by ALL lodgers within Frisco.
    - iii. This accounts for 3.4% of ALL sales tax revenues generated within Frisco.
  - c. Lodging tax (2.35%) - \$167,636
    - i. As opposed to \$303,405 generated by Hotels/Inns/B&Bs
    - ii. This accounts for 36% of lodging tax generated within Frisco.
- III. Preliminary Revenue/Expense Impacts of Requiring a License For Each Unit (based on current \$75 fee and the addition of 750 new licenses)
  - a. Licensing Fees - \$56,250 – plus \$18,140 current – Total of \$74,390
  - b. Sales tax (assuming 50 nights of rental at \$200/nt for 600 newly compliant accounts) - \$240,000
  - c. Lodging tax (assuming 50 nights of rental at \$200/nt for 600 newly compliant accounts) – \$141,000
  - d. Cost of third-party services for identifying owners of non-compliant units - \$10,000 – 25,000/yr depending on level of service

**ORDINANCE NO. 6**

**SERIES 2017**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING THE DEFINITION OF VACATION RENTAL IN SECTION 16-1-20 OF THE CRESTED BUTTE MUNICIPAL CODE; AMENDING SECTION 16-14-90 OF THE CODE TO INCLUDE REGULATIONS FOR VACATION RENTALS; AND MAKING SUCH OTHER CONFORMING CHANGES TO THE CODE IN CONNECTION THEREWITH**

WHEREAS, the Town of Crested Butte, Colorado ("Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado;

WHEREAS, on September 26, 2016, the Chairperson of the Crested Butte Short-Term Rental Committee (the "Committee") presented to the Town Council during a Special Meeting a Town Staff Report regarding the Committee's findings and recommendations respecting the impacts of vacation rentals and the regulation of the same in Crested Butte;

WHEREAS, during such Special Meeting, after presenting the Committee's findings as detailed in the Town Staff Report, the Committee and Town Staff made 14 recommendations regarding the Town's regulation of vacation rentals;

WHEREAS, the Committee's recommendations addressed, among other things, neighborhood and community impacts respecting vacation rentals;

WHEREAS, the Committee's recommendations addressed the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods;

WHEREAS, the Town Council, after hearing the presentation by the Committee, and receiving public comment from the community at the September 26 Special Meeting, held public meetings on October 17, November 14, December 5, and December 19, 2016 and January 3 and January 17, 2017, culminating in the adoption of Ordinance Number 12, Series 2016 during a public hearing on February 6, 2017 which adopted regulations for licensing vacation rentals;

WHEREAS, during a Special and Regular Meetings of the Town Council on February 15, March 6, March 20, May 15, and June 5, 2017 respectively, the Town Council considered options for the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods;

WHEREAS, following receipt of public comment on the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods, the Town Council instructed Town Staff to prepare an ordinance that, among other things, limits the number of vacation rentals in certain zone districts; and

WHEREAS, the Town Council hereby finds that limiting the number of vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods as reflected in this ordinance is in the best interest of the general health, safety and welfare of Crested Butte, its residents and visitors alike.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1. Amending Section 16-1-20.** The definition of vacation rental in Section 16-1-90 is hereby deleted in its entirety and replaced with the following new definition thereof and a new definition of primary residence is hereby added which read as follows:

*“Primary residence* means a residence which is the usual place of return for housing as documented by the vested title property owner of record signing an affidavit to that effect and providing at least two of the following: motor vehicle registration, driver’s license, Colorado state identification card, voter registration, or tax documents. A person can have only one primary residence.

*Vacation rental* means (i) the rental or lease of a property for a period of 29 or less consecutive nights or less; or (ii) the rental or lease of no more than two sleeping units within a property for a period of 29 or less consecutive nights where the owner or agent is present during occupancy. Vacation rental use is not a residential use.”

**Section 2. Amending Section 16-14-90.** Section 16-14-90 is hereby deleted in its entirety and replaced with the following new Section that shall read as follows:

**“Sec. 16-14-90. Limitation on Vacation Rentals.**

(a) *Intent.* The use of property as a vacation rental has impacts on the neighborhoods not unlike that of bed and breakfasts, hotel or lodges and motels. The impacts of vacation rentals on neighboring uses can be significant when the vacation rental property is occupied by multiple tenants in consecutive tenancies throughout the year. The commercial aspects of vacation rentals can have detrimental effects on the quiet, dignity and neighborliness of adjacent residential uses and therefore should be regulated to protect the health, safety and welfare of Crested Butte.

(b) *Limitations.* There shall be imposed limitations on vacation rentals as follows:

- (1) Vacation rentals are not allowed in bed and breakfasts, condo hotels, hotels or lodges, motels or short-term residential accommodations uses as defined in the Code, as amended.
- (2) Vacation rentals are not allowed in any property that is subject to a deed restriction, covenant or other Town restriction or requirement regarding occupancy where the use as a vacation rental is inconsistent with the intent of such deed restriction, covenant or other Town restriction or requirement.
- (3) Vacation rentals are permitted in the “R1,” “R1A,” “R1C,” “R1D,”

"R1E," "R2," "R2C," "R3C," "B3," and "B4" Districts, provided that the number of vacation rentals shall at all times be limited to 30% of the total free market residential units in such Districts cumulatively.

Vacation rentals beyond the 30% limit will be issued if the vacation rental also serves as a primary residence of the vested title property owner. Vacation rentals that are licensed in primary residences shall be limited to no more than 60 nights of use per year. Primary residences may apply for a non-primary residence license in which case they will be subject to the 30% of free market residential unit limitation.

- (4) Vacation rentals are not permitted in the "R1B," "R4," "R2A," "B1," "B2," "M," "T," "C," "AO," and "P" Districts unless the vacation rental also serves as a primary residence of the vested title property owner in which case they will be limited to no more than 60 nights of use per year.
- (5) Any property for which a Business Occupation License for a Short Term Rental as of June 14, 2017 has been approved in 2017 in any zone may continue to operate as a vacation rental where such property owner has and maintains a vacation rental license as required by Chapter 6, Article 6, until such time as the property is no longer licensed and used as a vacation rental for a period of one year or the title to the property has been transferred to a new entity and the transfer is subject to the "Land Transfer Excise Tax."

**Section 3. Amending Section 6-6-70.** Section 6-6-70 of the Code is hereby amended by adding a new subsection (a) thereto that shall read as follows, and renumbering all the subsections thereafter starting with existing subsection (a) which shall be renumbered subsection (b), and so forth:

"(a) Vacation rental licenses shall be issued on a first come first serve basis. If needed a waiting list of applications shall be maintained and reviewed as licenses become available."

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5<sup>th</sup> DAY OF  
May, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC  
HEARING THIS 5<sup>th</sup> DAY OF June, 2017.

TOWN OF CRESTED BUTTE, COLORADO

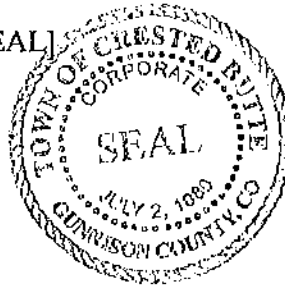
By: [Signature]

Roland Mason, Mayor Pro Tem

ATTEST:

[Signature]  
Lynelle Stanford, Town Clerk

[SEAL]



## CHAPTER 2 ZONES, USES, AND DEVELOPMENT YIELD

### ARTICLE 2-2 SPECIAL, LIMITED, AND CONDITIONAL USE STANDARDS

#### Sec. 2-2-3-4 Standards for Transient Residential Land Uses and Overnight Accommodations

- A. **Generally.** The standards of this Section apply to transient residential uses and overnight accommodations which are enumerated in Table 2-1-3-3, *Residential, Transient Residential, and Overnight Accommodations*, under the subheading "Transient Residential Land Uses and Overnight Accommodations," in instances where the use is shown as a special use ("S"), a limited use ("L"), or a conditional use ("C") in a particular zone. Note that other standards may also apply. See Section 2-2-1-2, *Application of Article*.
- B. **Bed and Breakfasts and Bed and Breakfast Inns.** Bed and breakfasts and bed and breakfast inns may be allowed as conditional uses in the EN-1, EN-2, EN-MF, and RM zones, and as limited uses in the RA zone, and are allowed as special uses in the RH zone, if it is demonstrated that the standards for location, context, and operation that are set out in Table 2-2-3-4A, *Bed and Breakfast / Bed and Breakfast Inn Standards*, are met.

| Table 2-2-3-4A<br>Bed and Breakfast / Bed and Breakfast Inn Standards |  |  |
|---|--|--|
| Zone  | Location or Context Standard   | Operational Requirements               |
| EN-1  | Lot is located on a corner at which one of the intersecting streets is College Drive, 8th Street, or 8th Avenue; or lot fronts on 3rd Avenue.  | Use is limited to a bed and breakfast. |
| EN-2  | Lot abuts East 2nd Avenue, North of 28th Street; or lot abuts Animas River, except lots that take access from Alamo Drive.   | Use is limited to a bed and breakfast. |
| EN-MF   | Must be an adaptive re-use of an existing residential building.  | NA                                     |
| RM  | Allowed within 150 feet of the neighborhood center of a TND.<br>(see Section 4-1-3-7, <i>Traditional Neighborhood Development</i> )  | NA                                     |
| RH  | Allowed within 150 feet of the neighborhood center of a TND.<br>(see Section 4-1-3-7, <i>Traditional Neighborhood Development</i> )  | NA                                     |
| RA  | Allowed on parcels that are at least 10 acres in area; or on parcels that are at least 12,000 sf. in area which front on an arterial or collector street and are developed with an existing single-family detached building. | NA                                     |
| <b>TABLE NOTES:</b><br>NA = Not Applicable                            |  |  |

- C. **Guest Ranch.** Guest ranches may be allowed as a conditional use in the RA zone if it is demonstrated that:
1. The parcel proposed for development is a working ranch with a minimum area of 40 acres.
  2. Guest rooms are located:
    - a. In the farmhouse; or



- b. In buildings that have the character of barns or other agricultural buildings; or
  - c. In cabins that are completely screened from view from public rights-of-way and abutting properties by landscaping and topography.
- 3. Areas used for campfires and organized outdoor activities are set back at least 100 feet from all property lines.
- 4. If the capacity of the guest ranch is more than 30 persons, then:
  - a. All meals will be offered on-site; and
  - b. Group transportation to off-site recreational activities will be provided.
- D. **Hostel.** Hostels may be allowed as a conditional use in the RH and RA zones if it is demonstrated that:
  - 1. *RH Zone.* Hostels may be allowed in the neighborhood center of a TND. (see Section 4-1-3-7, *Traditional Neighborhood Development*).
  - 2. *RA Zone.* Hostels may be allowed in locations that are within one-quarter mile of major regional outdoor recreational areas, measured along the centerline of the street or a hard-surfaced trail.
- E. **Hotels and Motels, Convention.** Convention hotels and motels are allowed as a special use in the CB zone if it is demonstrated that they are separated from residential zones by at least 200 feet, measured as the shortest distance between the property line of the hotel or motel and the residential zone boundary.
- F. **Timeshare / Fractional Ownership.** Timeshare and fractional ownership uses may be allowed as a conditional use in the CB zone and may be allowed as a limited use in the MU-A zone if it is demonstrated that:
  - 1. The parcel proposed for development is not located within 100 feet of a residential zone boundary;
  - 2. The use is located on the upper floor(s) of one or more mixed-use buildings, or is located in the same building as a hotel or motel use; and
  - 3. Parking is provided on-site.
- G. **Vacation Rental Homes.** Vacation rental homes may be allowed as limited uses in the EN-1, EN-2, EN-MF, RM, RH, CB, MU-N, MU-A, and PD zones.
  - 1. *Purpose.* The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Durango's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.
  - 2. *Density.* The maximum density for vacation rental homes shall be as follows:
    - a. EN-1. A total of 22 vacation rental home permits are allowed in EN-1.
    - b. EN-2. A total of 17 vacation rental home permits are allowed in EN-2.
  - 3. *Spacing.*
    - a. In the EN-1, EN-2, EN-MF, RM, and RH zones, not more than one vacation rental home shall be located on all properties or lots that abut any street segment. For corner lots, this standard applies to both street segments that abut that corner lot and only one vacation rental is permitted on the corner lots that abut the intersection. Vacation rental homes that were legally established and have been legally maintained prior to the effective date of this LUDC, shall be considered as the allowed unit for that applicable street segment.
    - b. A second vacation rental home may be allowed on a street segment with a conditional use permit if, in addition to the other applicable standards of this LUDC, it is demonstrated that:
      - 1. The second vacation rental home must be the primary residence for the property owner and the vacation rental home use is part-time, the limits of which will be established as part of the conditional use permit process.

2. The second vacation rental home is located on a street segment with more than five separate residential parcels fronting on the street segment; in no case shall a second vacation rental home be allowed on a street segment with 5 or fewer residential parcels fronting on it.
4. *Occupancy.*
    - a. A dwelling unit for which a vacation rental home use is approved may alternatively be used as a full-time residence for the owner or a lessee. However, during vacation rental tenancies, the building shall not be used for any other purpose (e.g., home occupation or temporary event).
    - b. The Administrator shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of:
      1. Three persons per parking space; or
      2. Two persons, plus two persons per bedroom.
5. *Appearance and Visibility.*
    - a. Except in the CB Zone, the vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.
6. *Parking.*
    - a. All parking associated with a vacation rental home in EN-1, EN-2, EN-MF, RM, RH, and PD zones, see Section 4-5-2-2, *Required Off-Street Parking Spaces (Parking Tables)*, shall be entirely on the same lot as the vacation rental home (e.g., in the garage or driveway).
    - b. All parking associated with a vacation rental home in CB, MU-N, and MU-A zones, see Section 4-5-2-2, *Required Off-Street Parking Spaces (Parking Tables)*, shall be entirely on the same lot as the vacation rental home (e.g., in the garage or parking lot) or parking may be leased in compliance with the provisions of Section 4-5-3-2, *Remote Parking*.
    - c. Vacation rental homes in the CB zone with three or more bedrooms may reduce the required parking by one space as long as the following conditions are met:
      1. The number of vehicles allowed by the occupants of the vacation rental home is restricted to the number of spaces provided.
      2. All advertising for the vacation rental home will clearly display the restriction in the number of vehicles allowed.
7. *Local Contact Person / Property Manager.*
    - a. A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Durango or La Plata County.
    - b. The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this LUDC and the Durango Municipal Code, including but not limited to:
      1. Ensuring that the number of tenants does not exceed the limitations of subsection G.3., above.
      2. Ensuring that the number of vehicles parked by tenants does not exceed the number of parking spaces on the lot; and
      3. Ensuring that tenants do not violate noise restrictions.
    - c. The name, address, and telephone number(s) of the property manager shall be submitted to the Community Development Department, the Durango Police Department, and the Durango Fire Protection District. Any change in the local contact person's address or telephone number(s) shall be promptly furnished to said agencies.

- d. If the local contact person is unavailable or fails to respond to a call from a tenant or the Administrator, then the police department will be contacted. The police will attempt to contact the property manager at the phone numbers on file. If the police are unable to contact the property manager, the owner shall be subject to the applicable penalties set out in Article 6-4, *Enforcement and Remedies*.
8. *Facilities*. All bedrooms must have a floor area of at least 70 sf.
9. *Outdoor Storage*. Storage of recreational vehicles, motorcycles, snowmobiles, boats, jet skis, vehicles such as modified jeeps that may not be legally operated on public streets, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the vacation rental home, in the same manner as allowed for other dwelling units in the same zone. These items may not be stored within the public right-of-way. If there is not enough legal on-site parking for the storage or parking of recreational vehicles / devices, the rental tenants or owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the Administrator.
10. *Trash and Recycling*. All vacation rental homes must have bear-proof trash containers and curbside recycling containers on site in a convenient and discrete location.
11. *Fire Extinguishers*. A fire extinguisher that is in good working order shall be maintained at all times on the premises of all vacation rental homes.
12. *Required Notices*.
  - a. The following notices shall be posted in a conspicuous location inside the rental unit:
    1. A copy of the vacation rental home permit;
    2. The name, address, and telephone number(s) of the property manager;
    3. The location of the fire extinguisher; and
    4. Information on the trash and curbside recycling programs including:
      - a. Pickup schedules;
      - b. Instructions for operating wildlife containers; and
      - c. A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the alley), except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup.
  - b. The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements. For those vacation rental homes in existence on the effective date of this LUDC, the permit number will be distributed and must be displayed prior to any renewal of the unit's business license.
13. *Non-Transferability*. Vacation rental home permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The vacation rental home permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.
14. *Relationship to Other Ordinances*.
  - a. Each vacation rental home, including those in existence on the effective date of this LUDC, is subject to a lodger's tax license, a sales tax license, and a current business license, and all stipulations of this subsection regarding location.
  - b. If an existing vacation rental home is not licensed, then the owner of the vacation rental home shall apply for a license within 120 days of the effective date of this LUDC.
  - c. If the business license and transient occupancy tax registration have not been requested within the time frames set forth in this subsection, the penalties listed Article 6-4, *Enforcement and Remedies*, apply. This registration may be filed concurrently with the application for a permit under this Section.
  - d. Vacation rental homes must meet the standards of the City's adopted residential building codes, as amended from time to time.

- e. Vacation rental homes are subject to the same safety and health inspections that apply to other licensed places of accommodation.
- f. Vacation rental homes in mixed-use buildings are not required to comply with the standards in Section 2-2-3-9(l)(3) provided the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.

15. *Special Rule for PD Zones.*

- a. Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement which governs the PD zone.
- b. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended as set out in Section 6-3-10-7 *Modification of Planned Development Approvals*. Changing a PD zone to allow vacation home rentals shall constitute a major amendment to the PD zone. Prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental.
- c. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.

Effective on: 7/1/2014

## VACATION RENTALS (LIMITED USE PERMIT)

### Summary

A Vacation Rental (VR) is a dwelling unit, including either a single-family home, townhome, condominium or apartment that is rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 30 days. The first step in obtaining approval to operate a VR is to obtain a Limited Use Permit (LUP) for the property. This summary sheet is an overview of the requirements and process for obtaining an LUP.

VRs are a commercial use of a residential property and VR operators must maintain compliance with all the applicable standards in the City of Durango's Land Use and Development Code and other applicable municipal code provisions.

VRs are allowed as a limited use in certain zones in the City of Durango. They are allowed in the EN-1, EN-2, EN-MF, RM, RH, CB, MU-N, MU-A, and some PD zones. VRs cannot operate outside of the zones listed above. You can find the zoning district for the property you are interested in by viewing the City's online zoning map.

In the residential zones, an LUP can be granted to only one VR per street segment. If a permit is issued for a corner lot, both street segments that abut that corner lot and all the lots that abut the intersection become ineligible for a vacation rental LUP. A second VR may be allowed on a street segment with a Conditional Use Permit if it meets certain, specific criteria.

A total of 22 VR permits are allowed in EN-1 and a total of 17 VR permits are allowed in EN-2. There is no density cap in the other zones.

### Applicable Sections of Code

Division 2-1-3: Use/Zone Matrices

Sec. 2-2-3-4 Standards for Transient Residential Land Uses and Overnight Accommodations

Division 6-3-3: Standard Development Approval Procedures

*Note: A proposed limited use such as a vacation rental must meet all the requirements of the LUDC. The sections of the LUDC listed above are the most relevant sections, but the list is not exhaustive.*

### Fee & Required Materials

The application fee for a Vacation Rental LUP is \$750.

The following materials are required as part of a complete application for a Vacation Rental LUP.

1. A completed Land Use Application.
2. Fee.
3. A list of all property owners and mailing addresses within a 300-foot radius of the subject property.
4. A written Narrative describing the proposal and how it meets the VR requirements. The narrative must include: local contact person/property manager details, occupancy limits, and the number and location of parking spaces provided.
5. A scaled site plan showing parking spaces, access to the unit, trash/recycling bin locations, and other relevant information.
6. A scaled floor plan showing the layout of the unit, dimensions of all bedrooms, the location of the fire extinguisher, and other relevant information.
7. Any additional materials, which in the opinion of the Administrator, are necessary to adequately review the application as determined by the Staff within five (5) working days of application.

# VACATION RENTALS *(LIMITED USE PERMIT)*

## **Procedural Summary**

Within five (5) days of receiving a complete Vacation Rental LUP application, City staff will post a notice on the property for fourteen (14) days containing information about the proposed use. Staff will also send letters to property owners within 300 feet of the lot for which application is being made. During this posting and public comment time, City staff will conduct a site visit and building inspection of the property. City staff will review the proposal according to the requirements of the LUDC. City staff will approve, approve with conditions, refer to the Planning Commission, or deny the application, within thirty (30) calendar days of the date that the application is filed, unless a longer period is agreed to by the applicant.

If the application is denied by City staff, the applicant may appeal the denial to the City's Planning Commission. If the application is referred to the Planning Commission, and the Planning Commission denies the application, the applicant may appeal the Planning Commission's denial to City Council.

## **Additional Information**

Vacation Rental LUPs require additional licensing from the City Clerk, such as a sales tax licensing, business licensing, etc. It is the responsibility of the applicant to secure all necessary licenses and keep them current. Other uses, besides a residence, are not allowed concurrently with a VR.

In order to enhance enforcement of illegal vacation rentals, all advertisements for an approved vacation rental unit must clearly display the permit number issued for that unit. Failure to display the permit number is grounds for revocation of the permit.

VR permits are not transferable to any other person or legal entity. The VR permit shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

In most cases, one (1) off-street parking space must be provided for each bedroom in a VR. In commercial zones, off-site parking can be leased and in the CB zone the number of off-street spaces required is reduced by one (1) for units that have three (3) or more bedrooms.

VRs in mixed-use buildings are not required to comply with the requirement that physical separation be provided between residential and commercial uses provided that the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.

Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended, but prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.

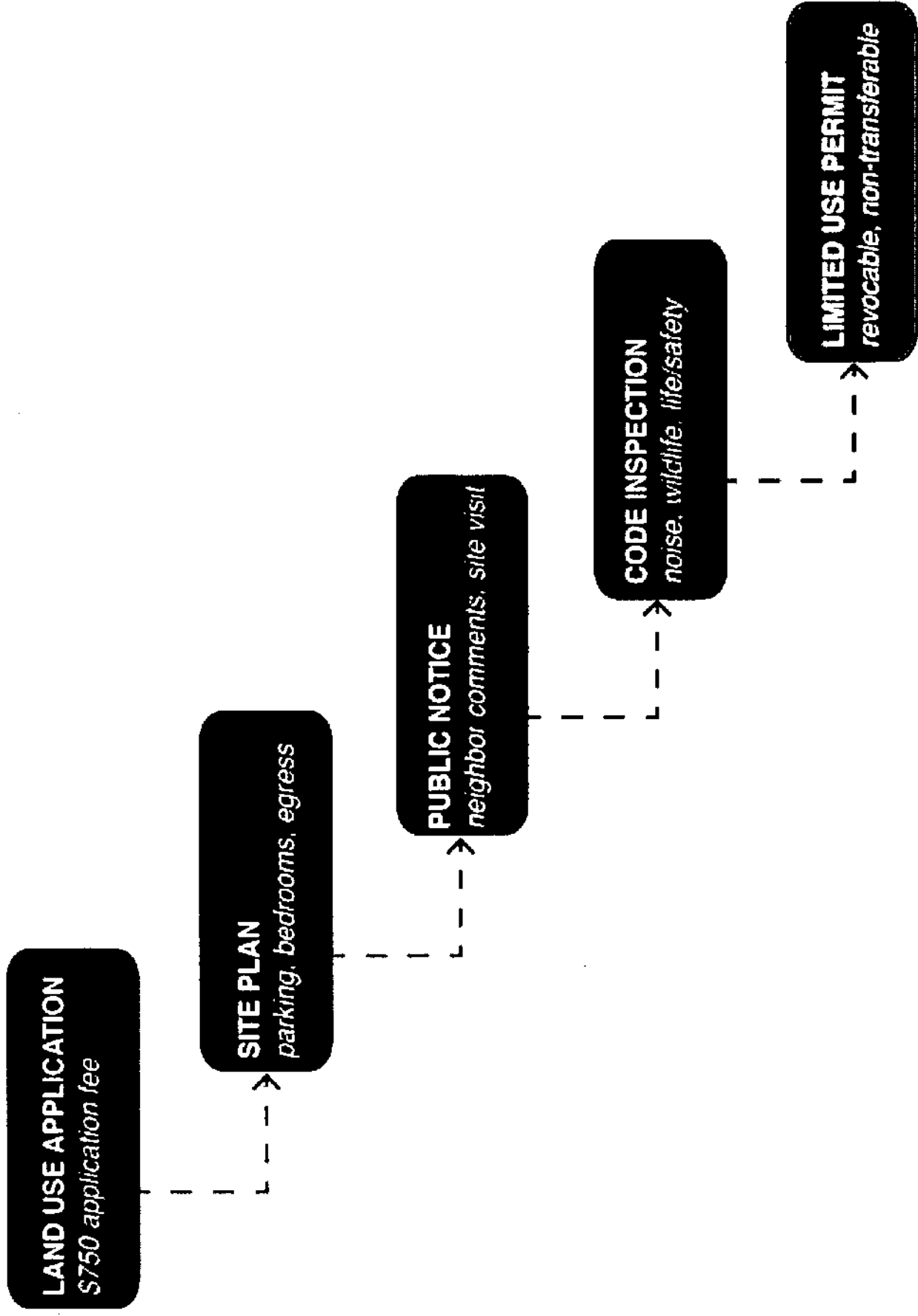
## **Contact Information**

Questions and other inquiries can be directed to the City of Durango Community Development Department—Planning Division at (970) 375-4850 or by visiting River City Hall at 1235 Camino del Rio (Durango, CO) during normal business hours.

# **WHY REGULATE VACATION RENTALS?**

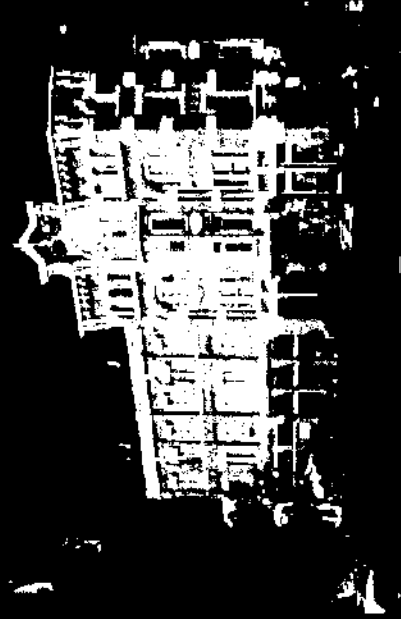
- **Preserve residential character**
- **Collect sales and lodging tax**
- **Create a “level playing field” between RBOs and property management companies**
- **Ensure adequate lodging options for tourists**
- **Ensure adequate housing options for residents**
- **Ensure vacation rentals meet existing health and life safety regulations**

# REVIEW & PERMITTING





# COMMUNITY CONCERNS



## Housing Impacts

*loss of long-term rentals  
reduced owner occupancy  
increased housing cost  
speculative investments*

## Neighborhood Impacts

## Lodging Impacts

**Estes Valley Development Code**  
**Text Amendment: Sec. 5.1.B (Vacation Home) & related sections**  
**FINAL**

**Adopted 03-21-2017 (County); 03-28-2017 (Town)**

**§5.1 SPECIFIC USE STANDARDS**

**B. Vacation Home.**

1. All vacation homes shall be subject to the following:
  - a. Annual Operating Registration.
    - (1) All vacation homes shall obtain an operating registration on an annual basis, according to an application period as specified in this Code. An operating registration shall be effective on and following the date of issuance for all of the remaining calendar year in which it is issued, unless suspended or revoked for cause, provided that registered vacation homes may continue operation during January 1 and March 31 of any calendar year following a year in which the vacation home was duly registered.
    - (2) If the property is located within Town limits, the business license shall be considered the operating registration. If the property is within the unincorporated Estes Valley, an operating registration shall be obtained from the Town of Estes Park Town Clerk's Office.
    - (3) Beginning January 1, 2017, the annual period for filing operating registration applications shall begin January 1 of each year and end on March 31 of each year, in accordance with subsection (1). Issuance of an operating registration between April 1 and December 31 in any given calendar year shall take place on a schedule determined by the Town Clerk's office and such schedule shall be at the sole discretion of the Town.
    - (4) Pro-ration and partial reduction in any required registration fees for an operating registration issued after January 1 in any given year shall not be authorized.
    - (5) No more than one (1) operating registration shall be issued and effective in any given calendar year for each vacation home. An active registration for a specific vacation home shall be transferable to a different owner in accordance with procedures in this Code and as established by the Town Clerk's Office.
    - (6) Effective December 16, 2016, vacation home operating registrations in residential zoning districts (designated herein as zoning districts E, E-1, R, R-1, R-2, RE, RE-1, and RM) shall be held at a maximum total ("cap") of 588 registrations in effect at any given time. This cap shall be reviewed annually by the Planning Commission and governing Boards, in or near the month of April beginning in or near April 2017. Applications received at any time such that their approval would cause the cap to be exceeded shall be held and kept on file in the order they are received and deemed complete by the Town Clerk's Office. Registrations held on such list shall be issued during the calendar year as operating registrations may become available.
    - (7) Vacation homes in non-residential zoning districts (designated as all zoning districts except those enumerated in the preceding subsection) shall not be

included in or subject to this cap.

- (8) Beginning December 16, 2016, every vacation home for which an operating application is made shall require that the vacation home undergo and pass an initial inspection in accordance with this Code prior to issuance of the operating registration.
- (9) [Reserved]
- (10) Issuance of an operating registration for a vacation home shall not constitute a zoning entitlement for a property's use as a vacation home, nor shall absence of an operating registration for a vacation home constitute removal or abrogation of a property's zoning permissibility for use as a vacation home. However, both appropriate zoning permission and compliance and a valid current operating registration shall be necessary elements in order for operation as a vacation home to occur.
- (11) Operating registrations that are deemed active as of December 31 in any given year shall have priority for renewal in the following calendar year over any new operating registration applications, provided a re-application for said active registration is received and deemed complete, all required inspections passed, and fees paid by March 31 of the renewal calendar year.
- (12) Local Representative. The registration shall designate a local resident or local property manager in the Estes Valley who can be contacted by telephone and is available when the vacation home is rented, regarding any violation of the provisions of this Section. The person set forth on the application shall be the representative of the owner for immediate violation resolution purposes with regard to the operation of the vacation home. The local representative may be the same person as the property owner. An annual operating registration shall not be valid unless the property owner, and the designated local representative (if different), sign the operating registration application acknowledging all vacation home regulations. If the local representative changes during the calendar year, it shall be the responsibility of the property owner to notify the Town Clerk within fifteen (15) days of change, and to insure the new local representative is knowledgeable of all vacation home regulations. If the property owner changes during the calendar year, it shall be the responsibility of the new property owner of record to transfer the operating registration into his/her name and to ensure all other regulations in this Section are in compliance.
- (13) State Sales Tax License. A condition of issuance of the annual operating registration shall be proof of a current sales tax license, provided by the applicant.
- (14) Violations. The relevant Decision-Making Entity may deny or withhold the renewal of an annual operating registration until a violation related to such property, use or development is corrected, in accordance with §12.4.A.1. The relevant Decision-Making Entity may revoke or suspend the annual operating registration at any time in accordance with §12.4.A.2. Operating the vacation home during any such period of suspension or revocation shall be a violation of this Code. Appeals to this section shall be made in accordance with the appeals process in the Estes Valley Development Code.
- (15) Nothing described herein shall limit the Town or County, within their respective jurisdictions, from exercising other remedies and enforcement powers pursuant to Chapter 12 of this Code or other penalties and enforcement powers as may be available at law.

b. Estes Park Municipal Code. Properties located within the Town of Estes Park

shall comply with all the conditions and requirements set forth in the Town of Estes Park Municipal Code, Chapter 5.20 (Business Licenses). In case of conflict between Chapter 5.20 and provisions of §5.1.B of this Code, the provisions of §5.1.B of this Code shall control.

- c. Residential Character in Residential Zoning Districts. Vacation homes in residential zoning districts as designated in this Section shall not be designed or operated in a manner that is out of character with residential use of a dwelling unit by one household. This includes, but is not limited to, the following:
  - (1) Design shall be compatible, in terms of building scale, mass and character, with low-intensity, low-scale residential use.
  - (2) For purposes of §5.1.B of this Code, "bedroom" and "sleeping room" are deemed equivalent terms to each other, and equivalent to a sleeping space pursuant to the currently adopted and applicable International Building Codes. Kitchen facilities shall be limited to be consistent with single-family residential use. No kitchen facilities or cooking shall be allowed in guest rooms, sleeping rooms or bedrooms.
- d. Postings.
  - (1) Vacation homes in all zoning districts shall have a clearly legible notice posted on-site. The posted notice shall be provided by the Town Clerk's Office at the time the operating-registration is initially applied for, shall be posted in a prominent location inside the vacation home prior to or during the initial inspection, and shall remain posted in the same location for the duration of its use as a vacation home. The posted notice shall include standard contents as determined and approved by the Community Development Department.
  - (2) Property Line Boundaries: The property owner or local representative shall inform all occupants of property boundaries.
  - (3) Property owner or local representative shall include in all print or online advertising the operating registration number in the first line of the property description.
  - (4) Advertising shall accurately represent the allowed use of the property, including the maximum number of allowed occupants.
  - (5) Neighbor Notification. Prior to issuance of the initial annual operating registration, the owner or local contact shall be responsible for mailing a written notice.
    - (a) Notice shall be mailed, with certificate of mailing or other method as approved by staff, to the owners of properties within one hundred (100) feet of the boundary of the subject property.
    - (b) Notices shall provide a name and telephone number of the local representative and property owner. Any change in the local representative or property owner shall require that the name and telephone number of the new representative or owner be furnished to the Community Development Director and owners of properties with 15 days two (2) weeks of the change. Mailed notice of such changes shall follow the same procedure as the initial notification as specified herein.
    - (c) Proof of mailing shall be provided to the Community Development Director upon issuance of initial annual operating registration.
- e. Parking.
  - (1) Minimum Required Off-Street Parking. Except in the CD Downtown

Commercial zoning district, the number of off-street parking spaces available to a vacation home shall not be less than two (2).

(2) Maximum Off-Street Parking – Residential Zoning Districts. This Section applies to all vehicles that are not parked or stored in a fully enclosed garage. No more than a total of four (4) vehicles shall be parked or stored on a lot of two (2) acres or less. No more than a total of five (5) vehicles shall be parked or stored on a lot greater than two (2) acres in size, but less than five (5) acres. No more than a total of six (6) vehicles shall be parked or stored on a lot equal to, or greater than five (5) acres, but less than ten (10) acres. No more than a total of eight (8) vehicles shall be parked or stored on a lot equal to, or greater than ten (10) acres.

(3) Maximum Off-Street Parking – Nonresidential Zoning Districts. Maximum parking for vacation homes in nonresidential zoning districts shall be regulated according to the parking standards applicable to "Hotel, small"

- f. Employee Housing Units. Employee housing units as designated in §5.2.C.2 shall not be designated as vacation homes as defined and regulated herein.
  - g. Attainable Housing Units. Attainable housing units as designated in §11.4 shall not be designated as vacation homes as defined and regulated herein.
  - h. Accessory Dwelling Units. Vacation homes shall not be allowed on residential lots of record containing an accessory dwelling unit as defined and regulated herein.
  - i. Density. Only one (1) vacation home shall be allowed per residential dwelling unit. One (1) or more vacation homes may be allowed on an individual lot of record, subject to all regulations in this Code and other regulations as may be applicable.
2. All vacation homes shall also be subject to the following:
- a. Maximum Occupancy in Residential Zoning Districts: 8-and-Under occupants. Except for 9-and-over vacation homes that may be approved and registered under the provisions of this Code via Large Vacation Home Review (LVHR) application, the maximum allowable occupancy for an individual vacation home shall be eight (8) occupants. Occupancy shall be further limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home.
  - b. Maximum Occupancy in Residential Zoning Districts: 9-and-Over occupants. A residential structure with four (4) or more sleeping rooms may apply for Large Vacation Home Review (LVHR) approval as a "9-and-over vacation home", in accordance with the regulations in §5.1.B.3. The maximum occupancy in a 9-and-over vacation home shall be as specified in the LVHR terms of approval; provided that occupancy shall be limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home.
  - c. Maximum Occupancy in Non-Residential Zoning Districts. Occupancy shall be limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home. No overall maximum occupancy for a vacation home in a non-residential zoning district shall be applicable, provided that the vacation home is deemed to be in compliance with all Building, Fire, and Health Codes and that a valid operating registration is issued.
  - d. For purposes of this Code section, occupancy shall not be counted differentially on the basis of age or status.
  - e. Number of Parties: Vacation homes in residential zone districts as those districts are defined herein shall be rented, leased or furnished to no more than one (1) party, occupying the vacation home as a single group. Owners of the vacation home shall

not be allowed to occupy the vacation home while a party is present. All occupants shall be registered by name on or before the time of the party's initial occupancy. The name registry shall be maintained by the property owner or manager, and shall be made available to the appropriate regulatory entity(s) upon the regulatory entity's request.

- f. Home Occupations. Home occupations shall not be operated on the site of a vacation home, nor shall vacation homes offer ancillary services to guests.
  - g. Vacation homes shall be required to meet applicable Building, Health and Fire codes.
  - h. Except as specifically provided for elsewhere in this Code, general development standards (Chapter 7) as required by the underlying zoning district shall be applicable. In residential zoning districts, development standards shall be those for single-family detached dwellings in the zoning district. In non-residential zoning districts, development standards shall be those for "hotel, small" in the zoning district.
  - i. Vacation homes, whether new or existing structures, shall be subject to the requirements of Sec. 7.9 (Exterior Lighting) for new development.
  - j. Initial Time Frame for Compliance. Vacation home owners in any zoning district may apply at any time during 2017 for an operating registration, provided that in all cases: (a) the vacation home shall not be occupied by clients until the registration is approved and issued; and (b) the operating registration remains valid only until December 31, 2017.
  - k. Issuance of the operating registration by the Town shall have no fixed deadline; however, the Town shall make all reasonable effort to issue operating registration approvals in an orderly and expeditious manner, as may be determined by the Town.
3. Large Vacation Home Review (LVHR) for 9-and-Over Vacation Homes in Residential Zoning Districts.
- a. The owner of record of a vacation home in a residential zoning district that has filed a complete application for an 8-and-under vacation home operating registration on or before March 31, 2017, may make application for Large Vacation Home Review (LVHR) under the procedures of this Section and Code to allow nine (9) or more individuals to occupy the vacation home, provided that:
    - (1) The vacation home for which Large Vacation Home Review application is made has four (4) or more sleeping rooms; and
    - (2) The vacation home is in compliance with all applicable Building, Health, and Fire Codes, or is brought into compliance with said Codes by deadline dates as specified in accordance with the Codes.
  - b. The Large Vacation Home Review application shall be reviewed and may be approved by motion and affirmative vote of the Planning Commission. The Planning Commission's decision shall be final, except that an appeal by a party in interest of the Planning Commission's decision may be made to the Town of Estes Park Board of Trustees or the Board of Larimer County Commissioners, whichever has jurisdiction.
  - c. Large Vacation Home Review for a 9-and-over vacation home shall comply with the following policies and procedures:
    - (1) The procedure for application, review, and approval shall comply with the "Procedure Checklist for Large Vacation Home Review: 9-and-Over Vacation Homes", promulgated and maintained by the Community Development Department;

- (2) The required "Vacation Home Safety Inspection Report" and "Vacation Home Location Inspection Report" shall be provided to the Planning Commission prior to any Planning Commission approval of a Large Vacation Home Review;
  - (3) The minimum lot size for a 9-and-over vacation home shall be one (1) acre, unless the Planning Commission makes a specific finding that the vacation home has demonstrated adequate buffering or screening from adjacent and nearby properties, such that a lot size of less than one (1) acre is commensurate with Large Vacation Home use. Appropriate alternative standards for demonstrating adequate buffering or screening shall include, but not be limited to: orientation of the Large Vacation Home on the property away from nearby residential structures, linear separation from other residential structures, separation from other structures by an intervening right-of-way, topographic features such as rock formations or grade differences, and mature vegetation or fencing;
  - (4) The minimum front, side, and rear setback from any lot boundary shall be twenty-five (25) feet or the setback under the zoning district, whichever is greater, unless the Planning Commission makes a specific finding that the vacation home has demonstrated adequate buffering or screening from adjacent and nearby properties, such that a setback of less than twenty-five (25) feet or less than the setback under the zoning district, whichever may be applicable, is commensurate with Large Vacation Home use. Appropriate alternative standards for demonstrating adequate buffering or screening shall include, but not be limited to: orientation of the Large Vacation Home on the property away from nearby residential structures, linear separation from other residential structures, separation from other structures by an intervening right-of-way, topographic features such as rock formations or grade differences, and mature vegetation or fencing;
  - (5) An approved Large Vacation Home shall in no case be occupied by more than two (2) occupants per bedroom plus two (2) additional occupants.
- d. Denial of a Large Vacation Home Review zoning permission for use as a 9-and-over vacation home shall not void an existing operating license for an 8-and-under vacation home, nor shall such denial in itself void zoning permissibility for use as an 8-and-under vacation home; provided that 8-and-under vacation home zoning requirements in this Code and other applicable regulations remain applicable.

#### 4. Inspections

- a. Beginning December 16, 2016, inspections of all vacation homes per the requirements of this Code shall be completed prior to initial approval of any operating registration.
- b. All vacation homes with registrations approved during calendar year 2017 shall be inspected at least one (1) time during calendar year 2017.
- c. Inspection after a violation is cured or after a change in ownership shall be required.
- d. Inspections shall be completed by the Department in accordance with the applicable inspection checklist as promulgated and maintained by the Community Development Department. The checklist shall be either the "Procedure Checklist for 8-and-Under Vacation Homes" or the "Procedure Checklist for Large Vacation Home Review: 9-and-Over Vacation Homes", whichever may be applicable. These checklists are hereby adopted and incorporated by reference in this Code.

5. Transitional Regulations. In order to establish an equitable method of transitioning from pre-existing vacation-home regulations and those taking effect on December 16, 2016 and beyond, the following interim regulations shall be effective. In case of any conflict between regulations elsewhere in this Code and the transitional regulations, the transitional regulations shall control:
- a. All 2017 operating-registration applications for vacation homes that have active operating registrations as of December 15, 2016, shall have first priority in application processing and operating-registration approval for 2017.
  - b. Within such application first-priority queue as may result from applications filed under subsection a., sequencing of registration issuance shall be determined by the date/time received filing stamp by the Town Clerk's Office on the face of each application.
  - c. All 2017 operating-registration applications for vacation homes that do not have active operating registrations as of December 15, 2016, but for which either or both of the following is provided to the Town Clerk's office at the time of initial application, shall have second priority in application processing and operating-registration approval for 2017:
    - (1) a written signed contract for vacation-home occupancy during 2016 is provided to the Town Clerk's Office;
    - (2) an executed and signed sales tax return establishing that sales tax has been paid during Year 2016 to the State of Colorado for the vacation home.
  - d. Within such application second-priority queue as may result from applications filed under subsection c., sequencing of registration issuance shall be determined by the date/time received filing stamp by the Town Clerk's Office on the face of each application.
  - e. All 2017 operating-registration applications for vacation homes that do not satisfy the requisite conditions in subsection a. or c. shall have third priority in application processing and operating-registration approval for 2017.
  - f. Within such application third-priority queue as may result from applications filed under subsection e., sequencing of registration issuance shall be determined by the date/time filing stamp by the Town Clerk's Office on the face of each application.
  - g. In the event the cap for vacation homes in residential zoning districts in §5.1.B.2 is reached at any point in the 2017 queuing process, applications shall be maintained on a waiting list in the order established within priority queues as specified above.
  - h. All operating registrations approved pursuant to applications filed between December 16, 2016 and December 31, 2017 shall initially be for 8-and-under occupants only. The Large Vacation Home Review shall determine whether or not operating-registration-approved vacation homes in residential zoning districts with four (4) or more sleeping rooms may be approved as 9-and-over Large Vacation Homes; provided, however, that no 9-and-over Large Vacation Home shall be approved for any 8-and-under vacation home in a residential district whose registration is filed after March 31, 2017.
  - i. All vacation home permits in effect on December 15, 2016 shall be automatically extended and in effect through March 31, 2017. This extension shall be deemed a separate matter from the operating registration requirements beginning January 1, 2017. Either an approved 2017 operating registration or an extended 2016 permit shall allow operation of an 8-and-under vacation home at a given location, provided the vacation home remains in compliance with all other applicable regulations.



**Table 4-1: Permitted Uses: Residential Zoning Districts.**

Table 4-4

Permitted Uses: Residential Zoning Districts

|                              | Specific Use                         | Residential Zoning Districts<br>"P" = Permitted by Right<br>"S" = Permitted by Special Review<br>"LV" = Permitted by Large Vacation Home Review<br>"—" = Prohibited |    |     |    |    |     |     |    | Additional Regulations<br>(Apply in All Districts Unless Otherwise Stated)                                      |  |
|------------------------------|--------------------------------------|---|----|-----|----|----|-----|-----|----|---|--|
|                              |                                      | RE-1  | RE | E-1 | E  | R  | R-1 | R-2 | RM |   |  |
| Low-Intensity Accommodations | Bed and Breakfast Inn                | —   | —  | —   | —  | —  | —   | S   | P  | \$5.1B  |  |
|                              | Vacation Home: 8-and-under Occupants | P   | P  | P   | P  | P  | P   | P   | P  | \$5.1B  |  |
|                              | Vacation Home: 9-and-over Occupants  | LV  | LV | LV  | LV | LV | LV  | LV  | LV | \$5.1B (Large Vacation Home Reviews may be approved by Planning Commission only, subject to specified criteria) |  |

**Table 4-4: Permitted Uses: Nonresidential Zoning Districts.**

Table 4-4

Permitted Uses: Nonresidential Zoning Districts

| Use Classification           | Specific Use  | Nonresidential Zoning Districts<br>"P" = Permitted by Right<br>"S" = Permitted by Special Review<br>"—" = Prohibited |     |    |    |   |    |     | Additional Regulations<br>(Apply in All Districts Unless Otherwise Stated) |
|------------------------------|---------------|--|-----|----|----|---|----|-----|--|
|                              |               | A  | A-1 | CD | CO | O | CH | I-1 |  |
| Low-Intensity Accommodations | Vacation Home | P  | P   | P  | P  | — | —  | —   |  |

## § 5.2 ACCESSORY USES (INCLUDING HOME OCCUPATIONS) AND ACCESSORY STRUCTURES

Table 5-2

Accessory Uses Permitted in the Nonresidential Zoning Districts

| Accessory Use | Residential Zoning District<br>"Yes" = Permitted      "No" = Not Permitted<br>"CUP" = Conditional Use Permit |     |     |    |    |    |     | Additional Requirements  |
|---------------|--|-----|-----|----|----|----|-----|--|
|               | A  | A-1 | CD  | CO | O  | CH | I-1 |  |
| Vacation Home | No   | Yes | Yes | No | No | No | No  | §5.1.B<br>In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue. (Ord. 02-10 §1) |

## §7.9 EXTERIOR LIGHTING

- B. **Applicability.** All new development shall comply with the standards set forth in this Section. Vacation homes as designated and regulated in §5.1.B of this Code shall comply with the standards set forth in this Section, whether new or existing.

## § 12.7 - ENFORCEMENT PROCEDURES

### A. Nonemergency Matters.

In the case of a violation of this Code that does not constitute an emergency or require immediate attention, written notice of the nature of the violation shall be given to the property owner, agent, or the Applicant for any relevant permit or registration. Notice shall be given in person, or by certified U.S. Mail, or contact via website contact. The notice shall specify the Code provisions allegedly in violation, and—unless a shorter time frame is allowed by this Chapter—shall state that the individual has a period of fifteen (15) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

The Board of Trustees or Board of County Commissioners, as applicable, may grant an extension of the time to cure a violation, up to a total of ninety (90) days, if the Board finds that due to the nature of the violation, it reasonably appears that it cannot be corrected within fifteen (15) days. (Ord. 2-02 #3)

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**ORDINANCE NO. 6**  
**(Series 2016)**

**AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE  
CONCERNING SHORT TERM RENTAL OF RESIDENTIAL STRUCTURES**

**WHEREAS**, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

**WHEREAS**, the Georgetown Board of Selectmen ("the Board") is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare, including land use and zoning; and

**WHEREAS**, in the exercise of that authority, the Board has previously enacted Title 5 of the Georgetown Municipal Code (the "Code"), entitled "Business Licenses and Regulations;" and

**WHEREAS**, the Board hereby finds and determines that the renting or leasing of residential structures for periods of time less than 29 days has impacts upon adjacent properties, public services and the public health, safety and welfare generally; and

**WHEREAS**, in order to protect residential integrity within the Town, the Board finds and determines it is necessary to adopt licensing regulations and restrictions on the renting or leasing of real property for residential occupancy of less than 29 days, with appropriate exemptions for persons furnishing lodging services in hotels, motels, and bed and breakfast establishments; and

**WHEREAS**, the Board further finds that Title 5 of the Georgetown Municipal Code should be amended to accomplish these goals.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:**

**Section 1.** Title 5 of the Georgetown Municipal Code is amended by the addition of a new Chapter 5.28, to read:

**Chapter 5.28**

**Short-term rental of residential structures**

**5.28.010 Intent and Scope**

This chapter is intended to address the renting or leasing for residential occupation of residential structures for periods of time less than 29 days in duration. This chapter does not apply to the furnishing of lodging services in hotels, motels, or bed-and-breakfast inns.

**5.28.020 Definitions**

As used in this section, the following terms are defined:

*Bed and breakfast inn:* A commercial establishment other than a hotel or motel, where, for compensation, lodging and/or meals are provided for guests, as defined in Section 17.20.070(a).

*Permit year:* 365 days from the date of issuance or renewal of a short term rental permit.

*Short-term rental:* the renting or leasing of a residential structure, with or without provision of meals, for less than twenty-nine (29) days.

#### **5.28.030 Short-term rentals restricted**

Short term rentals are permitted in any zone district in the Town where residential occupancy is permitted, provided however, no commercial space shall be used for short term rental.

#### **5.28.040 Permit required; procedure; appeals**

- (a) Prior to January 31, 2017, all owners of short-term rentals must obtain a permit from the Town Administrator. Conducting a short term rental without a valid permit is a violation of this chapter. The permit application must include owner name and address, property address, maximum occupancy of rental guests, owner representative and contact information, a parking plan for guests, evidence of adequate property and liability insurance, and be accompanied with the application fee required by Appendix (Fees and Charges).
- (b) Permits are issued for one (1) year and, subject to the requirements of this Chapter, may be renewed.
- (c) Before issuing or renewing a short-term rental permit, the Town shall notify the Town Marshal and all owners of real property within 300 feet of the proposed short term rental property of their opportunity to make comment or objection on the application. The notice shall contain the property location, that the full application may be copied and reviewed at the Town Hall, and the date (at least 15 days from the date of the notice) by which comments must be received. The notice shall be posted on the property and at the Town Hall, and mailed at the applicant's expense.

- (d) The Town Administrator, after reviewing the permit application and any public comments or objection, shall have authority to approve, approve with conditions, renew, renew with conditions, deny or revoke the short term rental permit. The Town Administrator shall issue the decision within 15 days after receiving a complete application.
- (e) Upon issuing or renewing a short term rental permit, the Town Administrator shall post and notify adjacent property owners of the permit in the same manner as in subparagraph (c). The notice shall include the permit information and the time during which an appeal may be filed.
- (f) Either the applicant or a property owner within 300 feet of the proposed short term rental property as described in subsection (c) above may appeal the Town Administrator's decision to issue, issue with conditions, renew, renew with conditions, revoke or deny a short term rental permit. Such appeal shall be filed with the Town Clerk in writing within 15 days of the decision being appealed and shall be heard by the Board of Selectmen. The Board of Selectmen shall hear and decide upon all appeals, after 15 days public notice of the time, date and location of the appeal hearing being posted on the subject property and at the Town Hall. The decision of the Town Administrator (if not appealed) or of the Board of Selectmen (if appealed), is the final decision of the Town for purposes of judicial review.
- (g) All permitted short-term rental units are subject to annual inspection under Section 5.28.080(d). Permits may be revoked or not renewed by the Town Administrator if permit conditions and requirements are not met, or if more than 3 violations of permit conditions or the requirements of this chapter are found in any one permit year.
- (h) Short-term rental permits may be used only for the property for which they are issued and are not transferrable upon sale of the property.

#### **5.28.050 Limitations**

No more than the following percentages of the single-family residential units in each Ward of the Town (as estimated in the most recent DRCOG community profile) may be eligible for short term rental

permits without additional action by the Board of Selectmen to amend this Section:

- Ward I: 7%
- Ward II: 7%
- Ward III: 7%

When the Town Administrator determines the limit has been reached in any Ward, no further permits shall be issued in the Ward. This limitation shall not apply to short-term rental properties which are occupied year-round by the owner thereof.

#### **5.28.060 Lodging and sales tax**

All owners of short term rentals are required to collect and remit lodging tax and sales tax. Evidence of issuance of a state sales tax license number is required as a condition of the Town Administrator considering a short term rental property license application to be complete.

#### **5.28.070 Business license**

The owner of a short term rental property must possess a current Town business license for each such short term rental property. The business license must be renewed annually for every year the owner desires to let the premises as a short term rental. The business license may be denied or revoked if the owner is not in compliance with the terms and conditions of the short term rental permit, as well as other applicable laws.

#### **5.28.080 Safety and operations**

All short term rentals shall comply with the following safety and operational requirements:

- (a) There shall be an owner representative within Clear Creek County who is on call full time (24/7) to manage the property during any period within which the property is occupied as a short term rental. The name, address, and phone number of the owner representative shall be listed on the business license which is on file at Town Hall, and shall be prominently posted at the rental property. It is the responsibility of the owner representative to inform short term rental tenants regarding

Town ordinances including but not limited to pets, parking, trash, and noise.

- (b) No trash or garbage shall be left outside the unit.
- (c) The owner shall ensure compliance with the parking plan approved as part of the application.
- (d) A life safety inspection shall be ordered by the owner, at the owner's expense, and provided to the Town prior to issuance of the initial license, and prior to each annual renewal. The inspection may be conducted by a certified inspector approved by the Town or by the Town's Building Official, at the owner's option. Such inspection shall determine the following:
  - Adequate fire extinguishers shall be installed and maintained;
  - Commercial smoke alarms and CO alarms shall be installed as required by the International Residential Code or the International Building Code, as applicable;
  - Maximum occupancy notice(s) shall be clearly posted based on square footage; and
  - Emergency egress pathways are in compliance with the International Residential Code or the International Building Code, as applicable.

#### **5.28.090 Enforcement**

The Town may enforce the requirements of this chapter by any or all of the following:

- (a) The Town Administrator shall issue a warning letter to persons conducting a short term rental without a permit.
- (b) The Town Administrator may revoke or refuse to renew a short-term rental permit for any reason provided in this chapter.
- (c) A short term rental permit may be revoked if the property is not actually rented for that purpose for one (1) permit year. The owner may not re-apply for a license for one (1) year following this revocation.
- (d) Persons found by the Municipal Court to be in violation of the requirement to have a valid short term rental permit shall be punished by a fine only; such fine not to be less than \$999.00 for

the first conviction and \$2,650.00 for each subsequent conviction with respect to the same property. The Municipal Court may suspend a portion of the fine if the Court finds mitigating circumstances.

### **5.28.100 Implementation**

The permit requirements of this Chapter shall take effect on January 31, 2017. Prior to that date owners of all existing short term rental properties must make application for permits as described herein; any property operated as a short term rental after that date without a permit shall be in violation and may be prosecuted in the Municipal Court as described in Section 5.28.090(d).

**Section 2.** Appendix \_\_\_\_ to the Code, (Fees and Charges) is amended to add the following: *"Short term rental permit: \$500 for first permit; \$250 for annual renewal; Board of Selectmen appeal application and review: \$120."*

**Section 3. Effective Date.** This ordinance shall take effect upon adoption and posting as provided by Section 5.26 of the Territorial Charter.

**INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 23rd day of August, 2016.**

**INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

TOWN OF GEORGETOWN

By: \_\_\_\_\_  
Matthew D. Skeen, Police Judge

ATTEST:

\_\_\_\_\_  
Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

\_\_\_\_\_  
Jennifer Yobski, Town Clerk

Date: \_\_\_\_\_



ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, ADDING A NEW CHAPTER 18.89 CONCERNING VACATION RENTALS IN THE CITY OF MANITOU SPRINGS AND ADDING A NEW DEFINITION OF VACATION RENTALS.

WHEREAS, a variety of lodging types are available in the City, including residential dwellings, hotels, motels, bed and breakfasts, and vacation rentals;

WHEREAS, different types of lodging are suitable for different areas in the City; in particular, some areas in the City are more suited to short term lodging and other areas are more suited to long term lodging;

WHEREAS, the City Council finds that it is necessary to enable expanded opportunities for uses to support the tourism industry while ensuring neighborhood compatibility, protecting the existing housing stock and facilitating economic growth;

WHEREAS, the City Council therefore desires that vacation rentals within the City be regulated pursuant to regulations adopted by this Ordinance; and

WHEREAS, in the interest of the health, safety and welfare of the City's residents and the visiting public, the City Council desires to permit vacation rentals within the City, provided that such establishments comply with the regulations set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: A new Chapter 18.89 entitled "Vacation Rentals" is hereby added to Title 18 of the Manitou Springs Municipal Code, and shall provide as follows:

Chapter 18.89 – VACATION RENTALS

18.89.010 - Intent and Purpose.

The intent and purpose of this Chapter is to protect the health, safety and welfare of the general public, including the residents and visitors of the community. In addition, the regulations set forth herein establish standards for the operation of vacation rentals, which ensure that such rentals are compatible with and do not adversely impact surrounding uses within the City, and do not encroach upon traditional neighborhood characteristics.

#### **18.89.020 –Permits Required.**

A. To operate as a vacation rental, the owner of the property must obtain a minor conditional use permit from the City pursuant to the criteria in this Chapter and Chapter 18.30.

B. The owner must also obtain a business license from the City prior to listing the property as a vacation rental.

#### **18.89.030 –Submittal Requirements**

A. Complete Application signed by the owner.

B. Signed and notarized property checklist acknowledging the owner has read and agrees to comply with all regulations and requirements pertaining to the operation of a vacation rental.

C. Proof of ownership.

D. Site Plan, to scale, containing:

- i. North Arrow;
- ii. Existing Zone District and Surrounding properties District;
- iii. Adjoining property owner names;
- iv. Location of all improvements on the property;
- v. Location and dimensions for all parking areas and spaces;  
and
- vi. Proof of distance/density separation map.

E. Floor plan of the structure.

F. A parking plan providing details for achieving compliance with all City parking requirements. Parking for recreational vehicles, oversized SUV's, campers and trailers shall not encroach onto the public right of way and shall be provided a space 10' x 30' in size if parked on site and no other parking arrangements are made through the City. All other parking dimensions shall meet the requirements found in Section 18.64.030 of the Zoning Code.

G. The name, address and contact information including a 24-hour contact phone number for the owner or the owner's property manager or agent within El Paso County or a Manitou Springs resident who can be contacted in the event of an emergency and respond accordingly as required.

#### **18.89.040 – Conditions and Standards.**

In addition to complying with all laws, and all other requirements of this Code, every vacation rental unit shall meet, at a minimum, the following conditions and standards. Failure to comply with the conditions and standards in this Section may constitute ground for revocation of the minor conditional use permit under Sec. 18.30.070.

A. The maximum number of vacation rentals shall not exceed two percent (2%) of the City's residential structures based on the most recent numbers from the Colorado State Demography Office in existence at the beginning of each calendar year (2,800 in 2013). No applications for vacation rentals will be accepted if the maximum number has been met. Permitted vacation rentals in existence at the time of the adoption of this Chapter shall be considered in the calculation of the maximum number of vacation rentals allowed.

B. The vacation rental must be occupied by renters for a minimum of 21 days per calendar year.

C. Individual rooms in a dwelling unit shall not be available for rent unless the owner of the property resides at the property.

D. At least one fire extinguisher must be provided on each floor level unless more are required per the International Fire Code and the location clearly marked on each floor level of the dwelling unit. The vacation rental must be equipped with carbon monoxide alarms installed within 15 feet of the entrance to any bedroom or other room that is lawfully used for sleeping.

E. Occupancy of the vacation rental shall not exceed building capacity pursuant to the City's duly adopted Fire Code.

F. Standard quiet hours between 10:00 P.M. and 7:00 A.M shall be observed per Section 6.08.020 of the Code.

G. Each vacation rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door that includes the following. This information shall also be listed within the rental contract for the property:

1. A evacuation route and emergency instructions.
2. The maximum number of occupants permitted to stay in the vacation rental.
3. The maximum number of vehicles allowed for the occupants of the vacation rental and that all vehicles must be parked on the property of the vacation rental.
4. Trash pick up day and the notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out.

6. The name, address, and phone number of the owner and/or property manager.

7. The location of the fire extinguishers and carbon monoxide alarm.

H. The owner or manager shall ensure that the occupants and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation rentals and responding by telephone or in person when notified that occupants are violating law regarding their occupancy.

I. ~~Vacation rentals shall be separated by a minimum of 500 linear feet of street frontage to prevent clustering of rentals in a neighborhood. A vacation rental shall not share a property boundary with any other vacation rental, including property corners, even if the street frontage separation exceeds 500 linear feet.~~

J. The owner must provide the City with updated contact information for either the owner or property manager within 24 hours of the change.

#### **18.89.050 – Listing Requirements.**

At the time of listing the vacation rental with any lodging or booking agency or website designed to find customers, a copy of the listing ad must be provided to the City for each booking agency or website where the owner is advertising for renters. ~~Each listing must contain the minor conditional use permit number in the advertisement and a statement that unit is in compliance with all City of Manitou Springs Code requirements. The sole act of advertising a property for vacation rental requires approvals as outlined in this Code, failure to comply with this requirement is a violation of this Chapter. Failure to include this information in all advertised listings will constitute a violation of this Chapter.~~

#### **18.89.060 – Transferability**

Minor conditional use permits shall be granted solely to the owner of record on a deed and shall not be transferable to any other person or legal entity. The minor conditional use permit for vacation rental shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

#### **18.89.070 – Existing permitted vacation rentals**

Existing permitted vacation rentals may continue subject to the applicable conditional use permits previously issued until terminated or revoked in accordance with Chapter 18.30 of the Code.

**18.89.080 – Abandonment and revocation.**

- A. Use of property for vacation rental shall be deemed abandoned upon delivery to the City of written notice by the property owner, operator, or its representative that units previously approved for occupancy vacation rental will no longer be used for that purpose. Permitted owners must notify the City of the closure of the vacation rental within 30 days. Once the use of property for vacation rental occupancy is abandoned, approval of a new application under the provisions of this Chapter shall be required before the property may be used again for a vacation rental.
- B. In addition to the basis for revocation as described in Section 18.30.060, any violation of this Chapter may also be a basis for revocation subject to the procedure in Section 18.30.060.

**18.89.090 – Inspection.**

The owner shall permit the City to inspect the vacation rental dwelling unit or individual rooms at any time for compliance with the provisions of this Chapter and other provisions of this Code. The permittee shall maintain records of occupancy for each vacation rental unit, which shall be made available to the City, upon request, for review and inspection at any time.

**18.89.110 – Violation and Penalties.**

A violation of this Chapter is subject to the procedure in Chapter 18.48 of this Code and may subject the vacation rental to revocation subject to the procedure in Section 18.30.060. Any person or entity that fails, violates or refuses to comply with any requirement of this Chapter shall be punishable as provided in Section 1.01.100 of the Manitou Springs Municipal Code, as amended.

**Section 2:** Section 18.60.010 of the Manitou Springs Municipal Code is hereby amended by the addition of the following definition:

“Vacation rental” shall mean the rental of a dwelling unit, or a portion thereof, that is rented for purpose of lodging for terms of not less than one day and not more than 29 days.

**Section 3:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 5:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 17<sup>th</sup> day of May, 2016.

/s/ Donna Kast

City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the June 7, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: ~~May 19<sup>th</sup>, 2016 (in full)~~  
*City's Official Website and City Hall*

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 04 – SERIES 2017**

**AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO, AMENDING CHAPTERS 4 AND 6 OF THE  
MINTURN MUNICIPAL CODE BY THE ADOPTION OF  
NEW REGULATIONS FOR SHORT-TERM RENTALS**

**WHEREAS**, the Town of Minturn ("Minturn" or the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter; and

**WHEREAS**, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, C.R.S. §§ 29-20-108 and 31-23-301, to plan for and regulate the use of land within the Town's jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

**WHEREAS**, Minturn is authorized to regulate the construction of buildings and improvements within the Town, C.R.S. § 31-15-601, and to enact building codes and other regulations; and

**WHEREAS**, the Town is authorized to exercise reasonable financial and police powers to permit and regulate commercial activities and businesses within its boundaries; and

**WHEREAS**, after public hearings by and before the Minturn Town Council and Planning Commission, the Town Council finds and declares that it is in the interest of the public health, safety, and welfare to amend the Town Code to provide for the reasonable regulation of short-term rentals within the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:**

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Chapter 4 Amendments. Chapter 4 of the Minturn Municipal Code is amended as follows, with double underlined text added:

**Sec. 4-4-30. - Definitions.**

When not clearly otherwise indicated by the context, the following terms, words and phrases as used in this Article have the following meanings:

*Lodging accommodation* means any room in a hotel, apartment hotel, lodging house, short-term rental, fractional fee club, time share, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, trailer court and park or any such similar place.

*Lodging customer* means any person who, through a taxable lodging transaction, acquires lodging services from a lodging provider.

*Lodging price* means the gross price paid, exclusive of other taxes paid or value given, by the lodging customer for the lodging services.

*Lodging provider* means any person furnishing lodging services or such provider's authorized agent.

*Lodging services* means the furnishing of rooms or accommodations by any person, partnership, association, corporation, estate, representative capacity or any other combination of individuals by whatever name known to a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel, apartment hotel, lodging house, short-term rental, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp or trailer court and park, for a period of less than thirty (30) consecutive days under any concession, permit, right of access, license to use or other agreement, or otherwise.

*Lodging tax* means an excise tax payable by the purchaser of lodging services or the aggregate amount of taxes due from a lodging provider during the period for which such person is required to report the collections of lodging tax as herein specified.

*Lodging transaction* means the furnishing of lodging services to any person who, for consideration, uses, possesses or has the right to use or possess any lodging accommodation under any concession permit, right of access, license to use or other agreement, or otherwise

Short-Term Rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered Short-Term Rentals.

3. Chapter 6, Article 7 Adoption. Chapter 6 of the Minturn Municipal Code is hereby amended by the adoption of a new Article 7, "Short Term Rentals" consistent with the following double underlined text:

**Sec. 6-7-10. – Applicability and purpose.**

The purpose of this Article is to establish within the Town of Minturn reasonable regulations and procedures for the licensing of Short-Term Rentals. As a mountain community geographically limited in growth, the Town of Minturn is impacted by high costs of land and development, which adversely affect the stock of affordable, work-force housing and the residential, community-oriented nature of the Town. By reasonably regulating Short-Term Rentals, the negative impacts of transiency and added commercial activity and business enterprises in residential zone districts, including the impacts on long-term housing, community character, code compliance, and system and infrastructure deterioration can be addressed while protecting the rights of the Town's citizens and property owners.



**Sec. 6-7-20. -- Definitions.**

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this Article have the following meanings:

Building Code includes the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Performance Code, Uniform Code for the Abatement of Dangerous Buildings and the National Electrical Code, as adopted by the Town.

Building Official means the Building Official as defined in the Building Code as adopted by the Town, or his or her designee.

Short-Term Rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered Short-Term Rentals. Short-term rentals are considered lodging accommodations under Chapter 4, Article 4 of this Code.

Local Property Manager means any person or entity with a physical place of business located or residing within 50 road miles of the Town of Minturn, Colorado and identified on a Short-Term Rental License as the local property manager and who is a contract person responsible for the handling of maintenance of the short-term rental, snow removal, and complaints associated with the short-term rental property. If the Local Property Manager is a person or entity other than the owner of the property, the Local Property Manager shall be licensed as may be required under Colorado law.

License means a Short Term Rental License, as prescribed in this Article.

**Sec. 6-7-30. -- License Application.**

(a) License required. All Short-Term Rentals shall be registered and licensed under the terms and provisions of this Article prior to renting the property identified as a Short-Term Rental or listing the Short-Term Rental in any advertisement or with any brokerage or listing agency.

(b) Lodging and sales tax license. Prior to the issuance of a Short-Term Rental License, the owner of the property shall provide to the Town proof of an active lodging, local and state sales tax licenses. A separate Minturn business license is not required if a Short Term Rental License is issued.

(c) Proof of ownership. The property owner shall provide evidence ownership of the Short Term Rental property.

(d) Fee. In addition to any sales tax license, a fee of \$300.00 shall be paid to the Town for any Short-Term Rental License issued under this Article. The \$300.00 fee shall be inclusive of any inspection fees applicable under this Code. If the Short-Term Rental License is denied, the applicant shall be refunded the \$300.00 fee minus all fees attributable to inspections.

(e) Site plan. The owner shall provide to the Town a site plan for the property showing the number of on-site parking spaces and bedrooms. The number of bedrooms shall be determined according to the records of the Eagle County Assessor.

(f) If a property was constructed before the adoption of the 1982 Zoning Codes, and does not meet the parking requirements, it is at staff discretion to approve the Short Term Rental License without meeting on-site parking requirements.

(g) Management. Proof of a contract or agreement with a Local Property Manager that resides within 50 road miles of the Town of Minturn shall be provided to the Town.

(h) Initial Inspection. Upon filing a complete application for a Short-Term Rental License under the terms and provisions of this Article, the property owner shall schedule inspections of the property with the Building Official and Code Enforcement for fire and CO Inspection and with the Code Enforcement Officer for on-site parking compliance. No property shall be granted a Short-Term Rental License unless certified to be in compliance with all applicable provisions of the Minturn Municipal Code, including adopted codes and regulations.

(i) Annual Inspection. The owner shall schedule and permit the Town to inspect the property annually at least 60 days prior to the renewal date of a Short-Term Rental License. Such inspection shall include inspection of the property's fire and CO detectors as well as parking and Town building and zoning code compliance. The owner shall pay an inspection fee in the amount included with the license fee established by the Town.

(j) Each Short-Term Rental property shall post the local license number and any license conditions (i.e. maximum occupancy, parking limitations) within the residential unit; the same information shall be featured prominently on any advertisement for the Short-Term Rental, whether such advertisement is printed or in digital/online format.

(k) Each Short-Term rental property shall post the physical property address of the unit and maintain a working fire extinguisher within the unit for emergency purposes.

(l) In addition to the requirements of this Article, the Town Clerk may require such additional information as the Town Clerk deems reasonably necessary to effectuate the purpose and intent of this Article.

#### Sec. 6-7-40. – License restrictions.

(a) Zoning. A Short-Term Rental License may be issued in all zone districts.

(b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.

(c) Number of inhabitants. No more than three (3) people per bedroom, including children, shall be permitted to occupy a Short-Term Rental.

(d) Two-year ownership. No property shall be licensed as a Short-Term Rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two years of ownership. The short term rental license is non-transferable with the sale of the property

(e) Housing stock. No more than 10% or 50, whichever is fewer, of the residential housing units shall be licensed as Short-Term Rentals in the Town at any time.

**Sec. 6-7-50. – License Contents.**

The Town Clerk shall issue a license upon confirming compliance with the application requirements. The Short Term Rental License shall include: the name and contact information for the property manager, the maximum number of occupants of the property, conditions related to parking (if any) and the date of issuance and expiration of the license.

**Sec. 6-7-60. – Duration and renewal.**

(a) Short-Term Rental Licenses issued under this Article shall be valid until March 31 of the succeeding year. A license holder may submit an application for renewal of a Short-Term Rental License no more than thirty (30) days prior to expiration and may rely on the same application materials previously submitted when seeking renewal of an expired license, unless circumstances have materially changed. Short-Term Rental Licenses shall not represent or convey to License holders any property interest in the renewal thereof.

(b) Short-Term Rental Licenses are non-transferrable and non-assignable.

**Sec. 6-7-70. – Taxes.**

A Short-Term Rental License holder must collect and submit all applicable taxes in conformance with local, state, and federal law, including local sales and lodging taxes established under Chapter 4 of this Code.

**Sec. 6-7-80. – Enforcement and revocation.**

(a) Code Enforcement. The property owner of any property licensed as a Short-Term Rental shall be liable for any violation of Chapters 4, 6, 7, 11, 13, 16, and 18 of the Minturn Municipal Code upon the property, and shall abate any nuisance or other violation as required under the Code.

(b) Revocation. Three (3) or more violations of the Code or license upon the licensed property shall be grounds for revocation of a Short-Term Rental Licenses, and the licensed property shall not be eligible for a Short-Term Rental License for a period of two (2) years following revocation.

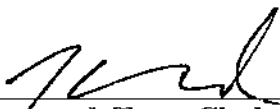
(c) Appeal. Appeal of an administrative decision to revoke a Short-Term Rental license shall be in accordance with Section 6-1-80 of this Code.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 7<sup>th</sup> DAY OF JUNE, 2017. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 21<sup>ST</sup> DAY OF JUNE, 2017 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

  
Matt Scherr, Mayor

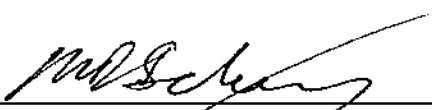
ATTEST:

By:   
Jay Brunvand, Town Clerk



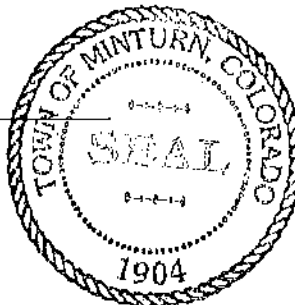
THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 21<sup>ST</sup> DAY OF JUNE, 2017.

TOWN OF MINTURN, COLORADO

  
Matt Scherr, Mayor

ATTEST:

By:   
Jay Brunvand, Town Clerk



Ad Number      Ad Type  
0000067812-01      CMN Legal Line

Production Method      Production Notes  
AdBooker

External Ad Number      Ad Attributes      Ad Released      Pick Up  
No

Ad Size      Color  
1 X 34 II

WYSIWYG Content

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 04 - SERIES 2017

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO, AMENDING CHAPTERS 4 AND 8 OF  
THE MINTURN MUNICIPAL CODE BY THE ADOPT-  
TION OF NEW REGULATIONS FOR SHORT-TERM  
RENTALS.

INTRODUCED, READ BY TITLE, APPROVED ON  
THE FIRST READING AND ORDERED PUBLISHED  
BY TITLE ONLY AND POSTED IN FULL ON  
THE OFFICIAL TOWN WEB SITE THE 21<sup>ST</sup> DAY OF  
JUNE, 2017. A PUBLIC HEARING ON THIS ORDINANCE  
SHALL BE HELD AT THE REGULAR  
MEETING OF THE TOWN COUNCIL OF THE TOWN  
OF MINTURN, COLORADO ON THE 21<sup>ST</sup> DAY OF  
JUNE, 2017 AT 6:30 P.M. AT THE MINTURN TOWN  
HALL 302 PINE STREET, MINTURN COLORADO  
81445.

TOWN OF MINTURN, COLORADO  
Matt Scherr, Mayor

ATTEST:

By: Jay Bruyand, Town Clerk

Published in the Val Daily June 12, 2017  
0000067812

| <u>Run Date</u> | <u>Product</u>        | <u>Placement</u> | <u>Rate</u>     | <u>Sched Cst</u> | <u>Disc/Prem</u> | <u>Color</u> | <u>Pickup</u> | <u>Tax</u> | <u>Subtotal</u> |
|-----------------|-----------------------|------------------|-----------------|------------------|------------------|--------------|---------------|------------|-----------------|
| 06/12/2017      | CMN Val Daily         | LEGALS CMN       | \$0.25 per Inch | \$17.68          | \$0.00           | \$0.00       | \$0.00        | \$0.00     | \$17.68         |
| 06/12/2017      | CMN Online Regional A | LEGALS CMN       | \$0.00 per Inch | \$0.00           | \$0.00           | \$0.00       | \$0.00        | \$0.00     | \$0.00          |

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 07**  
**(Series of 2017)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, CREATING A NEW SECTION, AMENDED DEFINITIONS, AND AMENDMENTS TO TABLE 16-D IN THE LAND USE AND DEVELOPMENT CODE OF THE SALIDA MUNICIPAL CODE IN ORDER TO ESTABLISH OPERATIONAL REGULATIONS FOR SHORT-TERM RENTAL BUSINESSES.**

WHEREAS, the number of short-term rental units within Salida has increased significantly in recent years and operational regulations currently do not exist in the Salida Municipal Code to ~~mitigate the adverse impacts to the quality of residential neighborhoods resulting from short-term rentals; and~~

WHEREAS, the City Council finds it in the best interest of citizens to have regulations for short-term rental businesses to ~~help ensure the health and safety of occupants and the peaceful enjoyment by citizens of their neighborhoods; and~~

WHEREAS, clarification is needed regarding which land use zones permit the use of property of as short-term rentals; and

WHEREAS, the Salida City Council wishes to add a new section to Chapter 16 of the Salida Municipal Code to establish operational regulations for short-term rentals; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO:

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. A new Section 16-4-190 q. of Chapter 16 of the Salida Municipal Code shall be created as stated below.

Section 16-4-190 q.

(1) Purpose

The purpose of this section is to protect the health, safety and welfare of the general public and to ensure that the rental of private dwelling units as short-term rentals does not result in adverse impacts to the quality of residential neighborhoods due to excessive noise, parking congestion, and overcrowding and the availability of dwelling units for long term rentals.

a. Registration and licensing requirements

1. ~~All~~ short-term rentals shall comply with Chapter 6 Article VI of the Salida Municipal Code, which establishes the conditions under which a property owner may apply for a short-term rental business license.

2. A separate short-term license is required for each short-term rental property. The permit shall be issued only to the owner of the short-term rental property. In

the residential zones (R-1, R-2, R-3, and R-4), no more than one short-term rental permit is permitted per property owner. All short-term rental permits shall be granted solely to the applicant at the address for which the permit is issued and shall not be transferable to any other person or legal entity. The owner of the short-term rental is responsible for compliance with the provisions of this Section and Chapter 6 Article VI pertaining to short-term rental licensing.

3. Properties that cannot comply with the criteria set forth in this Section and in Chapter 6 Article VI of the Salida Municipal Code may appeal the decision of the Administrator or his or her designee in conformance with Section 16-2-70 of the Land Use and Development Code.

5. Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:

- i. contact information for the property management
- ii. the City short-term rental business license number
- iii. contact information for emergencies
- iv. location of fire extinguishers and fire escape routes
- v. the maximum number of people in terms of permitted sleeping occupancy
- vi. the maximum number of persons permitted in the unit at any one time
- vii. the location for parking vehicles and the maximum number of parked vehicles permitted for the unit
- viii. alternative parking locations for extra vehicles, trailers and campers
- ix. requirements for smoking
- x. method and timing of trash disposal
- xi. snow removal instructions
- xii. notice to keep noise to a minimum between 10 pm. and 7 am.
- xiii. policy regarding pets

(2) Conditions and standards

- a. The maximum number of short-term rentals in the residential zones (R-1, R-2, R-3, and R-4) shall not exceed three and a half (3 1/2) percent of the total number of dwelling units eligible as short-term rentals (not including apartment units and accessory dwelling units) in those residential zones. This number shall be based on the survey of dwelling units in the residential zones completed in 2017 with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. Permitted short-term rentals in existence at the time of the adoption of this section shall be included in the calculation of the maximum number of units allowed. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.
- b. In the residential zones (R-1, R-2, R-3, and R-4), short-term rentals shall be rented as a short-term rental for no more than 185 calendar days a year.

- c. ~~At maximum of one short-term rental is permitted per street segment (which includes the dwelling units on both sides of the street) in the residential zones (R-1, R-2, R-3, and R-4).~~
- d. Short-term rentals are not permitted in an apartment building at any time in any zone district.
- e. Applicants wishing to rent an individual room (s) on a short-term basis in an owner-occupied dwelling unit shall comply with Table 16-D of the Land Use and Development Code listing for bed and breakfast inns.
- f. Quiet hours shall be observed between the hours of 10 pm and 7 am.
- g. No short-term rental shall be operated in such a way as to constitute a nuisance.
- h. ~~The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing. Events, such as concerts and wedding events are prohibited.~~
- i. The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage.

Section 3. The definitions in Section 16-1-80 of the Land Use and Development Code in the City of Salida are hereby amended to add the following new or revised definitions:

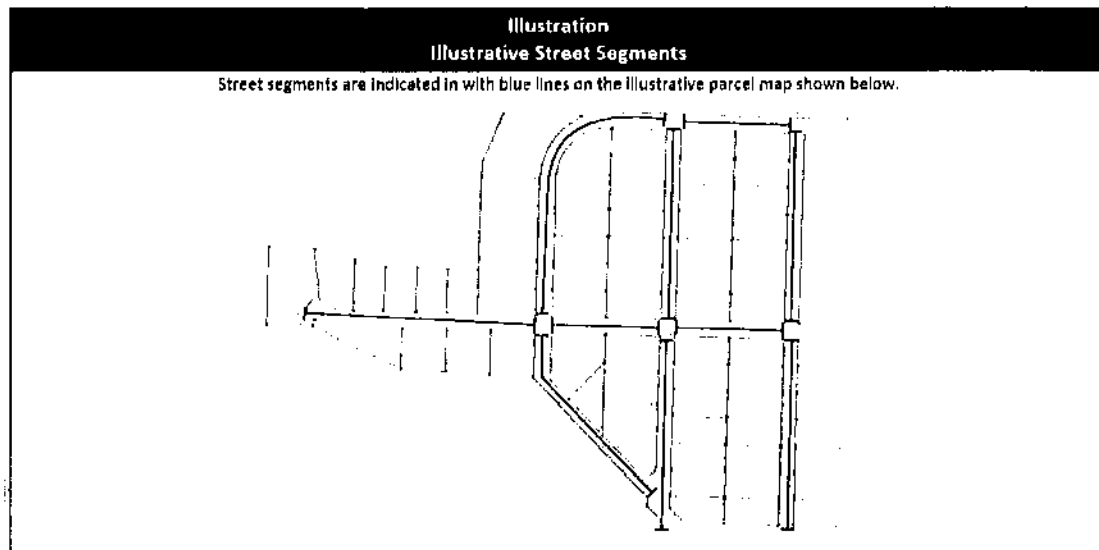
*Apartment building* means a building containing three (3) or more separate dwelling units for rent, which may be separated vertically or horizontally, but not including condominiums, commercial lodging, or bed and breakfast inns.

*Dwelling unit* means a building or portion thereof that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Short Term Rental Unit* means a privately owned residential dwelling unit, such as a single-family detached unit, duplex, condominium, or townhome that is rented for occupancy for the purpose of lodging for any period less than thirty (30) consecutive days, not to include accessory dwelling units, apartment buildings, Bed and Breakfast Inns, hotels, lodges, and hostels.

*Street segment* means a portion of a street that is located between two intersections or between an intersection and the end of a cul-de-sac or dead end.





*Vacation rental* means the rental of any dwelling for overnight or vacation lodging for periods of less than thirty (30) days (see short- term rental unit).

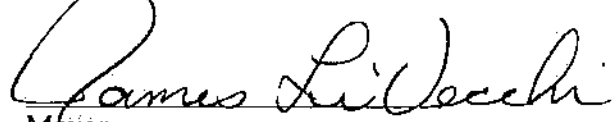
Section 4: Table 16-D Schedule of Uses in the Salida Land Use and Development Code is hereby amended under the Residential Business Uses to include the following two lines:

| <b>Residential Business Uses</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>RMU</b> | <b>C-2</b> | <b>C-1</b> | <b>I</b> | <b>Standards<sup>1</sup></b> |
|----------------------------------|------------|------------|------------|------------|------------|------------|------------|----------|------------------------------|
| Bed and breakfast inns           | AR         | AR         | AR         | AR         | P          | P          | P          | AR       |                              |
| Short-term Rental Units          | AR         | AR         | AR         | AR         | P          | P          | P          | AR       | Sec. 16-4-190(q)             |

INTRODUCED ON FIRST READING, on the 21st day of March 2017, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 24<sup>th</sup> day of March 2017 and set for second reading and public hearing on the 18<sup>th</sup> day of April 2017.

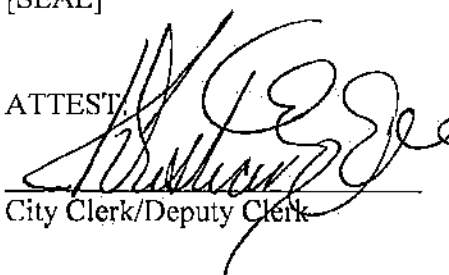
INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 18th of April 2017.

CITY OF SALIDA, COLORADO

  
Mayor

[SEAL]

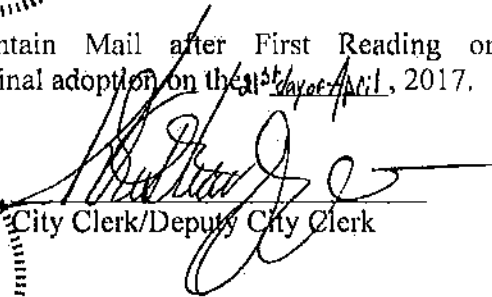
ATTEST

  
City Clerk/Deputy Clerk



24<sup>th</sup> day of March 2017, and BY TITLE ONLY, after final adoption on the 18<sup>th</sup> day of April, 2017.



  
City Clerk/Deputy City Clerk