

AGENDA for a PUBLIC WORK SESSION
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, January 10, 2022 at 4:00 p.m.
at the Fairplay Town Hall Meeting Room, 901 Front Street, Fairplay, Colorado 80440

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. WORK SESSION**
 - A. Discussion Regarding Regulation of Short-term Rental (STR) Units within the corporate limits of the Town of Fairplay, Colorado.**
- IV. OTHER DISCUSSION ITEMS**
- V. ADJOURNMENT**

This Agenda May Be Amended.

*Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office,
And on the Town of Fairplay Website (www.fairplayco.us) on Wednesday, January 5, 2022.*



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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator
 Nina Williams, Town Attorney

RE: Regulation of Short-Term Rentals; Policy Options

DATE: January 10, 2022

BACKGROUND:

At the Board's regular meeting on October 4, 2021, there was an initial discussion about moving forward to regulate, and potentially restrict, Short-Term Rental (STR) units within the Town's boundary. Staff brought the item back to the Board for clarification and additional direction on November 1, 2021, and on November 15, 2021, the Board approved an Emergency Ordinance placing a Temporary Moratorium on the processing of all new STR license applications. Below are various policy options for the Board to consider, and further direct staff for a potential future Ordinance.

REGULATORY OPTIONS:

- Ban all short-term rentals within Town limits
- Imposition of a "Cap" – or maximum amount of STR licenses:
 - Town-wide cap, or
 - Capping STRs only in certain zoning districts,
 - Or different caps for each zoning district
 - ie: higher cap in commercial zones? Lower cap in residential zones?
- Prohibit STRs in residential zoning districts
- Limit amount of nights per year an owner can rent out an STR (90, 180, etc)
- Require at least 500' separation between each STRs, to eliminate the concentration of STRs in any one area of the Town

"Where History Meets the High Country"

- Limit STR concentration to 1 license per block
- Require owner of STR to hold their primary residence within the unit/home rented
- Restrict STR licenses to primary residents of the Town of Fairplay
- Restrict STR licenses to primary residents of Park County
- Prohibit STRs in Accessory Dwelling Units (ADUs) or RVs
- Require a local property manager, who can respond to issues/complaints within one hour, who lives in the Town/County
- Permit single room rentals only when owners are present
- Impose occupancy limits or prohibit large parties

LICENSING OPTIONS:

- Strict license Suspension, Revocation and Renewal provisions
 - This practically enforces all codes, regulations and tax requirements
- Require property inspection prior to issuance of the permit
 - Inspections ensure compliance with building, fire, safety and health and STR permit specifications (such as number of bedrooms, parking, etc)
 - Life safety inspection to confirm: adequate fire extinguishers are installed and maintained; smoke alarms and carbon monoxide alarms are installed; wood burning stoves are safe; maximum occupancy notices are clearly posted based on square footage; and emergency egress pathways are in compliance
 - Change in ownership, unit status, receipt of complaints or notification of a potential inconsistency or problem may trigger another inspection
- Require proof of adequate property insurance coverage
- Impose potential conditions of issuance of the permit, including the following:
 - Require on-site or off-street parking
 - Require a clearly defined trash and recycling storage area and an adequate number of trash and recycling containers provided
 - Require a posting within the premises or on the door with:
 - Emergency and local property manager contact information
 - Parking requirements
 - Trash, noise and nuisance information
 - Town contact information
 - Other

“Where History Meets the High Country”

- Establish license fee to cover administrative, inspection and enforcement costs
- Require annual renewal of licenses
 - Withhold annual renewal if STR regulations have been violated, too many complaints have been received, applicable taxes have not been paid, or if there are health and safety issues on the property
- Require license numbers to be prominently displayed on all hosting sites and advertising listings
- Require notice be sent to neighbors upon license issuance with information such as:
 - Address of STR
 - Terms of rental use or permit
 - Contact information for a property manager, owner or emergency contact in the event of problems
 - Process for reporting violations or complaints to the Town
- Require a yearly affidavit, signed by the owner attesting to the duration and frequency of the prior year's short term rental history and payment of appropriate taxes/fees

Attachments:

- Current Fairplay Lodging Occupation Code
- Map of Current STRs in Fairplay
- Park County Short-Term Rental Ordinance Adopted December, 2020
- City of Idaho Springs Short-Term Rental Code
- Custer County STR Application Form
- Buena Vista STR Application Form

ARTICLE III Lodging Occupation**Sec. 6-3-10. Purpose.**

The Board of Trustees hereby finds, determines and declares:

- (1) For the purposes of this Article, every person who furnishes a lodging room or accommodation for consideration in the Town is exercising a taxable privilege. The purpose of this Article is to impose a tax which will be paid by every vendor providing such lodging room or accommodation in the Town, which tax will provide revenues for basic Town services.
- (2) The classification of the provision of lodging as separate businesses and occupations is reasonable, proper, uniform and nondiscriminatory, and the taxable amount hereby levied is reasonable, proper, uniform, nondiscriminatory and necessary.

Sec. 6-3-20. Definitions.

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

Lodging means hotel rooms, motel rooms, lodging rooms, motor hotel rooms, guest house rooms, recreational vehicle pads or other similar accommodations that are rented to persons for a period of less than one (1) month or thirty (30) consecutive days, but shall not include rentals under a written agreement for occupancy for a period of at least one (1) month or every thirty (30) days.

Person means an individual, partnership, firm, joint enterprise, limited liability company, corporation, estate or trust or any group or combination acting as a unit, but shall not include the United States, the State and any political subdivision thereof.

Sale means the furnishing for consideration by any person of lodging within the Town.

Tax means the tax payable by the vendor or the aggregate amount of taxes due from the vendor during the period for which the vendor is required to pay the occupation tax on the provision of lodging under this Article.

Taxpayer means the vendor obligated to pay the tax under the terms of this Article.

Vendor means a person furnishing lodging for consideration within the Town.

Sec. 6-3-30. Levy of tax.

Effective January 1, 2009, there is hereby levied by the Town an occupation tax on the provision of lodging upon every person or business that furnishes any hotel room, motel room, lodging room, motor hotel room, guest house room, recreational vehicle pad or other similar accommodation for consideration for less than one (1) month or thirty (30) consecutive days within the Town in the amount of two dollars (\$2.00) per day, per occupied lodging room or accommodation.

Sec. 6-3-40. Exemptions.

The following transactions shall be exempt from the tax imposed by this Article:

- (1) Accommodations provided by the United States, the State, its departments and institutions and the political subdivisions of the State in their governmental capacities only.
- (2) Accommodations provided by those charitable, religious and eleemosynary organizations that have received from the Internal Revenue Service status under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities; and
- (3) Accommodations provided to a person who is a permanent resident of a hotel, motel, apartment hotel, lodging house, motor hotel, guest house or other similar business pursuant to a written agreement for a period of at least one (1) month or thirty (30) consecutive days.

Sec. 6-3-50. Collection of tax.

- (a) Every vendor providing lodging taxable under this Article shall remit such tax on or before the twentieth day of each month on account of lodging provided in the preceding month. Said payment shall be accompanied by a return which shall contain such information and be in such form as the Town Clerk may prescribe.
- (b) The burden of proving that any transaction is exempt from the tax shall be upon the vendor.
- (c) If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the returns aforesaid made on a calendar month basis will impose unnecessary hardship, the Town Clerk may, upon request of the vendor, accept returns at such intervals as will, in the Town Clerk's opinion, better suit the convenience of the vendor and will not jeopardize the collection of the tax; provided, however, that the Town Clerk may by rule permit a vendor whose monthly tax obligation is less than sixty dollars (\$60.00) to make returns and pay taxes at intervals no greater than three (3) months.
- (d) It shall be the duty of every vendor to maintain, keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the Town Clerk in order to determine the amount of the tax for which the vendor is liable under this Article. It shall be the duty of every such vendor to keep and preserve for a period of three (3) years all such books, invoices and other records, and the same shall be open for examination by the Town Clerk.
- (e) The tax to be paid by a vendor shall not be stated and charged separately from the sales price of lodging on any record thereof at the time when the sale is made or at the time when evidence of the sale is issued, provided that the vendor may indicate that the sales price "includes \$2.00 Town of Fairplay Lodging Occupation Tax." (Ord. 2008-10 §1)

Sec. 6-3-60. Audit of records.

- (a) For the purpose of ascertaining the correct amount of the occupation tax on the provision of lodging due from any person engaged in such business in the Town under this Article, the Town Clerk or an authorized agent may conduct an audit by examining any relevant books, accounts and records of such person.
- (b) All books, invoices, accounts and other records shall be made available within the Town limits and be open at any time during regular business hours for examination by the Town Clerk or an authorized agent. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Town Clerk may issue a subpoena to require that the taxpayer or its representative attend a hearing or provide any such books, accounts and records for examination.
- (c) Any exempt organization claiming exemption under the provisions of this Article is subject to audit in the same manner as any other person engaged in the lodging business in the Town.

(Ord. 2008-10 §1)

Sec. 6-3-70. Tax overpayments and deficiencies.

An application for refund of tax monies paid in error or by mistake shall be made within three (3) years after the date of payment for which the refund is claimed. If the Town Clerk determines that, within three (3) years of the due date a vendor overpaid the occupation tax on the provision of lodging, he or she shall process a refund or allow a credit against a future remittance from the same taxpayer. If at any time the Town Clerk determines that the amount paid is less than the amount due under this Article, the difference, together with the interest, shall be paid by the vendor within ten (10) days after receiving written notice and demand from the Town Clerk. The Town Clerk may extend that time for good cause.

Sec. 6-3-80. Tax information confidential.

- (a) All specific information gained under the provisions of this Article which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the Town and its officers, employees or legal representatives as confidential. Except as directed by judicial order or as provided in this Article, no Town officer, employee or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any Town officer or employee who shall knowingly divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order or as otherwise provided in this Article, or by law, shall be guilty of a violation hereof.
- (b) The Town Clerk may furnish officials of any other governmental entity who may be owed sales tax any confidential information, provided that said jurisdiction enters into an agreement with the Town to grant reciprocal privileges to the Town.
- (c) Nothing contained in this Section shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers or the inspection of such confidential information by an officer, employee or legal representative of the Town.

(Ord. 2008-10 §1)

Sec. 6-3-90. Forms and regulations.

The Town Clerk is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said occupation tax on the provisions of lodging and, in particular and without limiting the general language of this Article, to provide for:

- (1) A form of report on the provision of lodging to be supplied to all vendors.
- (2) The records which vendors providing lodging are to keep concerning the tax imposed by this Article.

Sec. 6-3-100. Enforcement and penalties.

- (a) It shall be unlawful for any person to intentionally, knowingly or recklessly fail to pay the tax imposed by this Article or to make any false or fraudulent return or for any person to otherwise violate any provision of this Article. Any person convicted of a violation of this Article shall be deemed guilty of a municipal offense. Each day or portion thereof that any violation of this Article continues shall constitute a separate offense.
- (b) A penalty in the amount of ten percent (10%) of the tax due or the sum of ten dollars (\$10.00), whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the

twentieth day of the month as required by this Article or such other date as prescribed by the Town Clerk, and one and one-half percent (1.5%) interest shall accrue each month on the unpaid balance. The Town Clerk is hereby authorized to waive, for good cause shown, any penalty assessed.

- (c) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency, and interest, from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency, together with interest, and, in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten (10) days after written notice and demand by the Town Clerk.
- (d) If any vendor fails to make a return and pay the tax imposed by this Article, the Town may make an estimate, based upon available information, of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate by certified mail to the vendor at his or her address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Clerk ten (10) days from the date of service of the notice or the date of mailing by certified mail; provided, however, that, within the ten-day period, such delinquent taxpayer may petition the Town Clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the Town Clerk the documents, facts and figures showing the correct amount of such taxes due and owing.
- (e) Such petition shall be in writing, and the facts and figures submitted shall be submitted either in writing or orally and shall be given by the taxpayer under penalty of perjury. Thereupon, the Town Clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this Article. Such assessment shall be considered the final order of the Town Clerk and may be reviewed under Rule 106(a)(4) of the Colorado Rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Clerk of such intention within ten (10) days after the final order of assessment.

(Ord. 2008-10 §1)

Sec. 6-3-110. Tax lien.

- (a) The tax imposed by this Article, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be and, until paid, remain a first and prior lien superior to all other liens on all the tangible personal property of a taxpayer within the Town and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the Town Clerk whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by any Town police officer, the County Sheriff or any duly authorized employee of the Town. The property so seized may be sold by the agency seizing the same or by the Town Clerk in a public auction after ten (10) days have passed following an advertised notice in a newspaper published in the Town, in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply.
- (b) The tax imposed by this Article shall be and remain a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

(Ord. 2008-10 §1)

Sec. 6-3-120. Recovery of unpaid tax.

- (a) The Town Clerk may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the Town from the taxpayer.
- (b) In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon when due, the Town Clerk may recover at law the amount of such taxes, penalties, costs, the reasonable value of any attorney's time or the reasonable attorney's fees charged, plus interest, in any county or district court of the county wherein the taxpayer resides or had a principal place of business (at the time the taxes become due) having jurisdiction of the amount sought to be collected.
- (c) The return of the taxpayer or the assessment made by the Town Clerk shall be prima facie proof of the amount due.
- (d) Such actions may be actions in attachment, and writs of attachment may be issued to the Police Department or County Sheriff, as the case may be, and in any such proceeding no bond shall be required of the Town Clerk, nor shall any police officer or sheriff require of the Town Clerk an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The Town Clerk may prosecute appeals in such cases without the necessity of providing bond therefor.
- (e) It shall be the duty of the Town Attorney, when requested by the Town Clerk, to commence action for the recovery of taxes due under this Article, and this remedy shall be in addition to all other existing remedies or remedies provided in this Article.
- (f) The Town may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred, to the County Treasurer for collection in the same manner as delinquent ad valorem taxes.

(Ord. 2008-10 §1)

Sec. 6-3-130. Status of unpaid tax in bankruptcy and receivership.

Whenever the business or property of a taxpayer subject to this Article shall be placed in receivership, bankruptcy or assignment for the benefit of creditors or seized under distraint for taxes, all taxes, penalties and interest imposed by this Article, and for which the taxpayer is in any way liable under the terms of the Article, shall be a prior and preferred lien against all the property of the taxpayer, except as to other tax liens which have attached prior to the filing of the notice, and no sheriff, receiver, assignee or other officer shall sell the property of any person subject to this Article under process or order of any court without first ascertaining from the Town Clerk the amount of any taxes due and payable under this Article. If there are any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided.

Sec. 6-3-140. Hearings, subpoenas and witness fees.

- (a) Hearings before the Town Clerk pursuant to provisions of this Article shall be held before the Municipal Judge. Any subpoena issued pursuant to this Article may be enforced by the Municipal Judge. The fees of witnesses for attendance at hearings shall be the same as the fees of witnesses before the District Court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Town Clerk, such fees shall be paid in the same manner as other expenses under the terms of this Article, and when a witness is subpoenaed at the instance of any party to any such proceeding, the Town Clerk may require that the cost of service of the subpoena and the fee of the witness be borne by

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the party at whose instance the witness is summoned. In such case, the Town Clerk, at his or her discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.

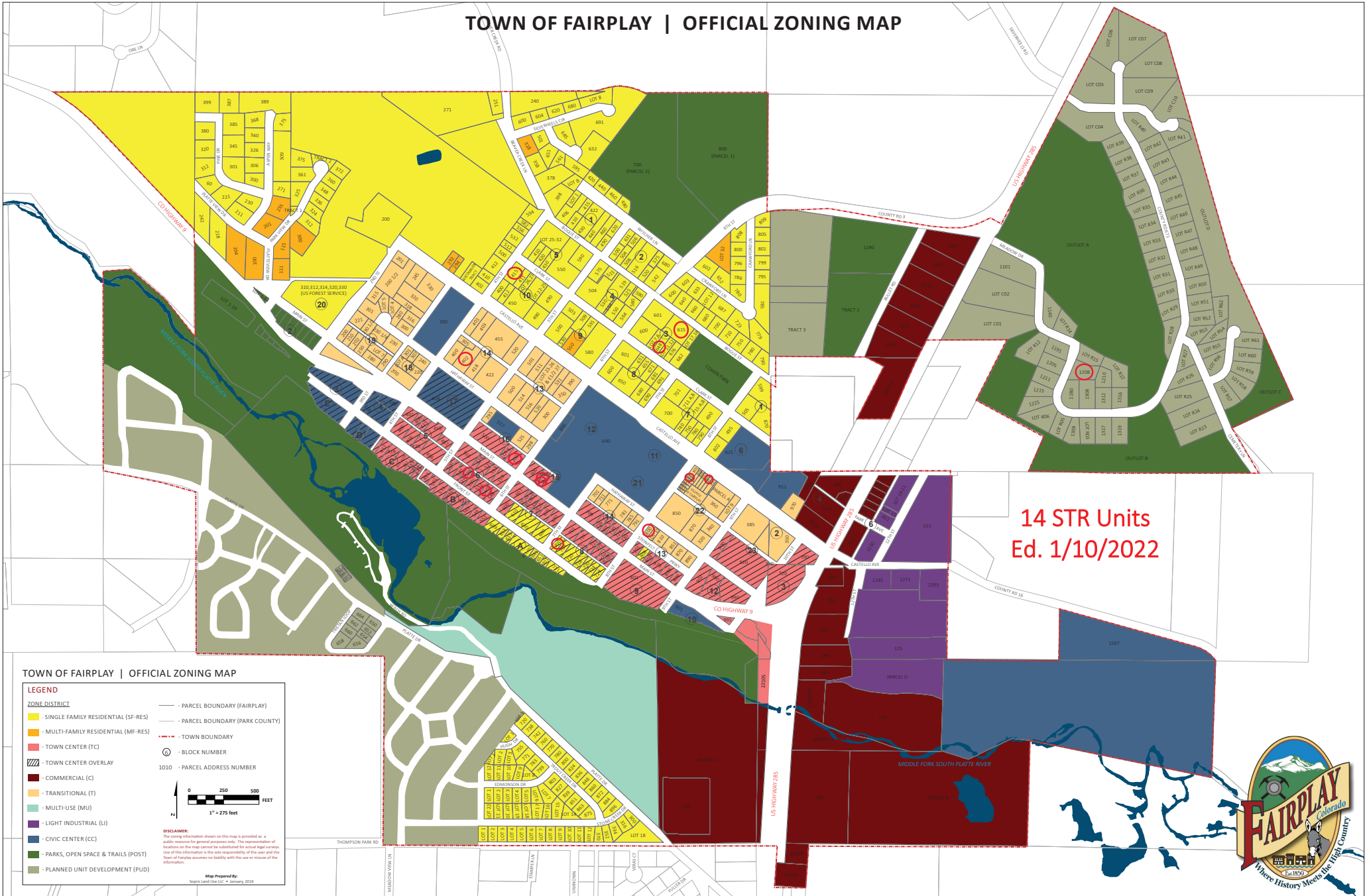
- (b) In the case of a false or fraudulent return with intent to evade taxation, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be commenced at any time.
- (c) Before the expiration of such period of limitation, the taxpayer and the Town Clerk may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

(Ord. 2008-10 §1)

Sec. 6-3-150. Exemption from revenue limitation.

The occupation tax on the provision of lodging imposed by this Article and the use of revenues derived from said tax was approved by the electors of the Town on April 1, 2008. As a part of said approval, the revenues are to be collected and spent as a voter-approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20 of the Colorado Constitution.

TOWN OF FAIRPLAY | OFFICIAL ZONING MAP



14 STR Units
Ed. 1/10/2022

TOWN OF FAIRPLAY | OFFICIAL ZONING MAP

LEGEND

SINGLE FAMILY RESIDENTIAL (SF-RES)	- PARCEL BOUNDARY (FAIRPLAY)
MULTI-FAMILY RESIDENTIAL (MF-RES)	- PARCEL BOUNDARY (PARK COUNTY)
TOWN CENTER (TC)	- TOWN BOUNDARY
TOWN CENTER OVERLAY	- BLOCK NUMBER
COMMERCIAL (C)	- PARCEL ADDRESS NUMBER
TRANSITIONAL (T)	
MULTI-USE (MU)	
LIGHT INDUSTRIAL (LI)	
CIVIC CENTER (CC)	
PARKS, OPEN SPACE & TRAILS (POST)	
PLANNED UNIT DEVELOPMENT (PUD)	

Map Prepared By:
South Land Services, January, 2016



10 Pgs -
No fee

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12
Debra A Green
Park County Clerk

ORDINANCE NO. 20-03
AN ORDINANCE REGULATING SHORT-TERM RENTALS IN PARK COUNTY

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. Sections 30-15-401(1)(s) to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term stay, and to fix the fees, terms and manner for issuing and revoking licenses issued for such lodging units; and

WHEREAS, the Board of County Commissioners respects the rights of private property owners to use and enjoy their property, but desires to ensure that lodging units rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of and Park County; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants and visitors of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Title and Purpose. The title of this Ordinance is the Park County Short-term Rental Ordinance. The purpose of this Ordinance is to establish standards for lodging units rented for short-term stay in unincorporated Park County to safeguard public health, safety and welfare by regulating and controlling the use, occupancy, and maintenance of short-term rental properties.

Section 2. Authority. This Ordinance is authorized pursuant to Colorado Revised Statutes Section 30-15-401(1)(s).

Section 3. Scope. This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Park County. This Ordinance shall not apply to lodging services in hotels, motels, lodges or bed and breakfast establishments, or to properties with long-term leases.

Section 4. Definitions. As used in this Ordinance, unless the context otherwise requires:

- A. ACCOMMODATION UNIT: A separate and distinct living unit or area, including a condominium, townhouse, house, duplex, studio unit, lock-off unit or any other such similar building, room, group of rooms or any portion or room thereof or therein, designed for or used as a dwelling; provided, however, that an accommodation unit shall not include any unit or area within a hotel, motel, condominium hotel, hostel or boarding, rooming or lodging facility, so long as such use is conducted within an area within which it is permitted by applicable zoning regulations.
- B. DEPARTMENT: The Development Services Department.
- C. DIRECTOR: The Director of Development Services, or the Director's designee.

D. 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.

E. LEASEE: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

F. LODGING UNIT: An accommodation unit.

G. OWNER: The owner of an accommodation unit in unincorporated Park County who intends to lease or leases the unit or portion of the unit as a short-term rental property.

H. RESPONSIBLE AGENT: A management company or individual who is identified by a licensee as the licensee's responsible agent, and who is available 24 hours per day, 7 days per week to respond as the initial point of contact for the short-term rental property.

I. SHORT-TERM RENTAL PROPERTY: An accommodation unit available for lease for a term of less than thirty (30) consecutive days.

Section 5. License Required. Complete license applications for existing short-term rental units shall be submitted to the County no later than April 1, 2021. It shall be unlawful for an owner to lease or advertise for lease, or to permit the leasing or advertising for lease, of any short-term rental property within the County without a valid license for the same issued pursuant to this Ordinance.

Section 6. License Application; Term; Renewal; Non-Transferable.

A. License application. Applications for a short-term rental license shall be submitted to the director on a form provided by the department and the director shall accept no incomplete applications. It is the duty of each short-term rental property licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the County within ten (10) days after the date upon which the information provided is no longer accurate. Applications shall be made on the form provided by the County and the applicant must provide the following information:

1. The full name, residential address and telephone number for the applicant;
2. The full name, business address and telephone number of the owner(s) and responsible agent for the short-term rental property, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short-term rental and agreeing that the owner(s) and responsible agent shall comply with requirements and limitations of this Ordinance;
3. License application and renewal fees shall be set by an approved resolution of the Board of County Commissioners;
4. A copy of (i) the information notices that comply with the requirements of Sections 7.N and 7.O and has been posted or placed on or in the subject property; and (ii) the parking plan that complies with the requirements of Section 7.H.2;

- 5. An affidavit signed by the owner or authorized agent, under penalty of perjury, certifying that the short-term rental property complies with the life safety standards set forth in Section 7.E, and that the information notices required by Section 7.N have been and will remain posted or placed at a conspicuous location on or in the short-term rental property;
- 6. If the on-site wastewater treatment system is undocumented in County records, the license application shall include an application for its registration and an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians (or similar pre-approved certification) on forms provided by the County.
- 7. Such other information as the application form, as it may be amended from time to time, shall require; and
- 8. Such other information determined necessary or desirable by the director to evaluate the compliance of the application and the proposed short-term rental property with the requirements of this Ordinance including but not limited to planning and zoning requirements, building code and inspection requirements. The application shall not be deemed complete until all required information is submitted.

B. License Term and Renewal.

- 1. A Short-term Rental License shall expire one calendar year after its issuance, 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.
- 2. 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. An application for renewal of a license shall have the same submittal requirements and shall be considered in the same manner as the original application. Failure to file a renewal application and fee less than 30 days prior to expiration of the existing license will result in revocation of the license.

C. License Not Transferable. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

D. Responsible Agent Required. As a condition of receiving a License, each owner shall appoint a responsible agent for the short-term rental property. The owner shall notify the director in writing of the appointment of a responsible agent within five (5) days of such appointment or modification of any such appointment and shall provide the responsible agent's name, address and telephone number. It is the owner's responsibility to update this information throughout the term of the license. The owner is the alternate responsible agent if the responsible agent cannot be contacted unless another alternate responsible agent is identified on the application. Note: the owner(s) may appoint themselves as the responsible agent.

Section 7. Requirements and Limitations. In addition to the other requirements of this Ordinance, an accommodations unit licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a single-family dwelling unit and a guest house, the owner is allowed to use only one or the other, but not both, as a short-term rental property. No more than one short-term rental property license shall be issued for a single lot.

- B. No outdoor sign advertising or identifying the short-term rental property is allowed.
- C. The owner or responsible agent is responsible for ensuring the short-term Rental meets all applicable local, state and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-term License shall be issued for rooms, structures, properties or uses that have not been issued a Certificate of Occupancy consistent with the proposed use.
- E. Life Safety Standards: Each short-term rental property licensed under this Ordinance shall:
 - 1. Conform to the applicable requirements of the County's on-site wastewater treatment system regulations. No short-term rental property license shall be issued for any accommodation unit for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use; or for which the inspection report required by Section 6.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations.
 - 2. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.
 - 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
 - 4. Have smoke detectors, carbon monoxide detectors and fire extinguishers installed and operable
 - 5. Have an operable toilet, sink, and either a bathtub or shower 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.
 - 6. Have electrical panels that are clearly labeled.
 - 7. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 - 8. Provide in the lease with any leasee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; Shooting of weapons for recreation; and the use of ATVs and other non-licensed vehicles on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the short-term rental property, and instructions on outdoor trash containers, storage, pickup locations, and times shall be posted within the short-term rental property. Where the short-term rental property is served by curbside garbage pickup, the garbage can or similar receptacle shall be removed from public view the same day as pickup and there shall be no garbage can or similar refuse receptacle at the curb on any day except the day of pickup.
- G. Occupancy. Occupancy of a short-term rental property shall not exceed the design capacity of the on-site wastewater treatment system. The permitted occupancy shall be stated on the

short-term rental license. It shall be unlawful for the owner of a short-term rental property to allow the overnight occupancy of a short-term rental property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles of all occupants of the short-term rental property shall be parked only on the permitted and approved driveway of the short-term rental property. No motor vehicles shall be parked on the vegetated areas of a short-term rental property, or in the public right of way. While occupying a short-term rental property, no person shall park in violation of this Ordinance or in violation of the parking plan owner must submit in accordance with Section H.2.
2. The owner of a short-term rental property shall provide a parking plan for the property, and it shall be unlawful for a person renting a short-term rental property to park or allow the parking of vehicles by occupants of the property other than in locations set forth in the plan or by occupants in violation of this Ordinance.
3. No privately owned, nongovernmental vehicle with a passenger capacity of sixteen (16) persons or more shall be parked on the premises of a Short-term Rental.

I. Noise. While occupying a short-term rental property as a short term leasee, no person shall amplify music outdoors or make any noise the violates any provision of a County noise ordinance or C.R.S. Section 25-12-101, *et seq.*

J. Camping and temporary structures. While occupying a short-term rental property as a short-term rental leasee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes unless the total number of occupants on the premises is within the permitted occupancy.

K. Fires and Grills. While occupying a short-term rental property as a short-term rental leasee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment.

L. ATVs. While occupying a short-term rental property as a short-term rental leasee, no person shall use an ATV or other non-licensed vehicle on any County road.

M. Shooting. While occupying a short-term rental property as a short-term rental leasee, no person shall shoot a firearm for recreational purposes.

N. Renter Information-Posted on Signs. An owner shall post and maintain a sign in a conspicuous location within each short-term rental property that shall contain the following information:

1. The short-term rental license number;
2. The maximum number of people permitted for overnight occupancy;
3. Physical address number of the short-term rental property;
4. Contact information for law enforcement, fire, and ambulance service in case of an emergency;

- 5. Contact information for owner and responsible agent, including a phone number for 24-hour response to emergencies;
 - 6. Description of location of fire extinguishers and emergency egress;
 - 7. Good neighbor/renter guidelines regarding property boundaries, noise, parking, ATV use, trash handling, wildlife guidelines, and fire restrictions; and
 - 8. Any other information deemed necessary by the County to ensure the public's health and safety.
- O. Renter Information-Written Information. An owner shall place and maintain at a conspicuous location within in each short-term rental property written information that provides:
- 1. The location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property;
 - 2. Alternative parking locations (if any) for extra vehicles, trailers and campers;
 - 3. The location of trash and recycling receptacles and the rules and regulations regarding the handling of the same;
 - 4. Snow removal instructions or information;
 - 5. Policies regarding noise;
 - 6. Policies regarding pets; and
 - 7. Applicable homeowners' association policies (if any) specific to the property.
- P. Advertising. All advertising for a short-term rental property shall include a description of the short-term rental property, including the permitted occupancy, and the County short-term rental property license number.
- Q. Taxes. The owner or responsible agent shall collect and remit all applicable local, state and federal taxes on each short-term rental property.
- R. Notice to Owner. Any notice required by this Ordinance 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 responsible 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 Ordinance.
- S. Owner liable. Compliance with, and ensuring compliance with, the requirements set forth in this Ordinance shall be a nondelegable responsibility of the owner of a short-term rental property, and each owner of a short-term rental property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- T. Inspection. Because short-term rental properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect accommodation units is in the interest of public safety. Therefore, whenever it is necessary or desirable to make an inspection to enforce the requirements of this Ordinance, an authorized public inspector may enter such accommodation unit at all reasonable times as scheduled with the owner or responsible agent to inspect the same for the purpose of enforcing such special conditions. Provided, that if such short-term rental property is occupied, the authorized public inspector shall first present proper credentials and request

entry, and if such short-term rental property is unoccupied, shall first make a reasonable effort to locate the owner, the responsible agent, or other person having charge or control of the short-term rental property and request entry. If such entry is refused, or if the short-term rental property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or any other persons having charge, care, or control of any short-term rental property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the short-term rental property. No inspection warrant or permission shall be required for an authorized public inspector to enter and inspect a short-term rental in the case of an emergency involving the potential loss of property or human life.

Section 8. Denial of License.

- A. A short-term rental property license application shall be denied by the director based on any of the following grounds:
 - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met;
 - 2. The required application fees have not been paid;
 - 3. The application is incomplete or contains false, misleading or fraudulent statements; or
 - 4. Any reason that would justify suspension or revocation of a license.

- B. In the event of a denial, the director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section 9. Suspension or Revocation of License.

- A. Suspension. The Director of Development Services may suspend a short-term rental property license upon determining that a licensee has:
 - 1. Been found guilty on more than one occasion within the last year of having violated a provision of this Ordinance;
 - 2. Operated the business in violation of a building, fire, health or safety code adopted by the County, said determination being based on investigation by the department, division, or agency charged with enforcing said code. In the event of such a code violation, the Director of Development Services shall promptly notify the licensee of the violation and shall allow the licensee a twenty (20) day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the twenty (20) day period, the Director of Development Services shall forthwith suspend the license and shall notify the licensee of the suspension; for purposes of this subsection, code provisions regulating noise shall not constitute a health or safety code violation for which a period to correct the violation is required;
 - 3. Failed to pay taxes due to the County;
 - 4. Failed to pay the annual license fee; or

- 5. There have been three or more violations by occupants of this short-term rental property in the past calendar year.

The director may suspend a short-term rental property license for a period not to exceed one hundred-fifty (150) days. The suspension shall remain in effect until and including the last day in the director's order or until such time as the violation in question has been corrected, whichever is later.

- B. Revocation. The director shall revoke a short-term rental property license upon determining that:
 - 1. A cause for suspension in subsection A of this section occurred and the short-term rental property license has been suspended more than once within the preceding twelve (12) months;
 - 2. A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a short-term rental property license;
 - 3. A licensee knowingly operated the business during a period of time when the licensee's short-term rental property license was suspended; or
 - 4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.
- C. When the director revokes a short-term rental property license, the revocation shall continue for one (1) year and the licensee shall not be issued a short-term rental property license for one (1) year from the date revocation became effective.

Section 10. Appeal Hearing on Denial, Suspension or Revocation.

- A. Appeal. An applicant or licensee may appeal a denial, suspension, or revocation of his or her short-term rental property license to the hearing officer designated by the Board of County Commissioners and shall be entitled to a hearing before the hearing officer. Said appeal shall be made in writing, stating the grounds for appeal, within five (5) working days of the decision of the director. In the event of a suspension or revocation hearing, the business may continue to operate during the hearing process.
- B. Hearing. At the hearing, the hearing officer shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial or the violation alleged for suspension or revocation. The hearing officer shall make findings of fact from the statements and evidence offered as to whether such grounds exist or such violation occurred. If the Hearing officer determines that grounds for denial or a cause for suspension or revocation exists, he or she shall issue an order denying, suspending, or revoking the license within thirty (30) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.
- C. Final order. The order of the hearing officer made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106(a)(4). Failure of a licensee to appeal said order in a timely manner constitutes

a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the short-term rental property license.

- D. Hearing powers. The hearing officer shall have the power to administer oaths, issue subpoenas, and when necessary grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing that the hearing officer conducts. It is unlawful for any person to fail to comply with any subpoena issued by the hearing officer. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. Recording. All hearings held before the Hearing officer regarding denial, suspension, or revocation of a short-term rental property license issued under this code shall be recorded by an electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.
- F. No refund of license fee. In the event of suspension, revocation, or cessation of business, no portion of the short-term rental property license application fee shall be refunded.

Section 11. Fees.

- A. The short-term rental property license fee and renewal fee shall be set by Resolution of the Board of County Commissioners. No short-term rental property license shall be issued until the applicable fee has been received by the director.
- B. Return of fees. Upon refusal of any license application, the license fee shall be returned to the applicant. In the event that any license is revoked, all moneys paid therefor shall be and remain the moneys of the County, and no refund shall be made to any licensee.
- C. The fees imposed for short-term rental property licenses shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-term Rental License program and enforcing the regulations in this Ordinance, including but not limited to inspecting short-term rental property. These fees provide a reasonable relationship to the cost of regulation, administration and enforcement of this Ordinance.

Section 12. Violations, Penalty and Enforcement.

- A. It is unlawful for any owner, responsible agent or occupant of a short-term rental property to violate any provision of this Ordinance, as applicable.
- B. In addition to suspension and revocation actions pursuant to Section 9 of this Ordinance, violations of this Ordinance are subject to the penalties set forth in this Section 12.C and 12.D below, and each day or portion thereof during which any violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as a separate offense.

- C. Any violation of this Ordinance may be separately, concurrently or together enforced through this Ordinance, other applicable County Ordinances, the Park County Building Code and the Park County Land Use Regulations.
- D. Except as expressly provided otherwise by applicable law, any violation of Sections 7.I, 7.J, 7.K, 7.L and 7.M of this Ordinance is a class 2 petty offense and is subject to the penalty assessment procedures of Section 16-2-201, Colorado Revised Statutes and shall be shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed one thousand dollars for each additional violation within a calendar year.
- E. A person who violates any other provision of this Ordinance is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars for each violation within a calendar year.

Section 13. Severability. If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 14. Effective Date. The publication and notice of this Ordinance will be performed in accordance with C.R.S. 30-15-405 and 30-15-406 and shall become effective February 8, 2021. Complete license applications for existing short-term rental units shall be submitted to the County no later than April 1, 2021.

CERTIFICATION: The foregoing Ordinance was introduced and read on December 10, 2020, by the Board of County Commissioners of Park County, Colorado and approved for publication.

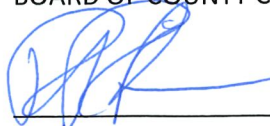
DATE OF FIRST PUBLICATION: December 18, 2020.

The foregoing Ordinance was considered on December 30, 2020, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in The Flume.

DATE OF SECOND PUBLICATION: January 8, 2021.

EFFECTIVE DATE: February 8, 2021.

BOARD OF COUNTY COMMISSIONERS



Chairman

Sec. 21-33. Short term rentals.

- (A) Purpose and intent. The purpose and intent of this Article is to ensure that residential properties in the City used for short term rental purposes meet minimum standards of safety and habitability and are operated in a manner compatible and consistent with surrounding residential uses and in compliance with the sales tax collection requirements of this Code.
- (B) Application of this Article, other portions of this Code. Effective November 12, 2018, it shall be unlawful to operate any short term rental in the City without a license for the same issued pursuant to this Article. A short term rental shall not constitute a "bed and breakfast," as defined and regulated by this Code, and shall be subject to licensure under this Article in lieu of the home occupation licensing provisions, as applicable.
- (C) Maximum number of licenses. The maximum number of licensed short term rentals in the City at any one (1) time shall not exceed fifteen (15). The City Clerk shall administer the maximum number of licensed locations as follows:
- (1) When a license becomes available within the maximum number established by this subsection (C), the City shall declare that a license is available and publish notice of the availability on the City's website and post such notice at the City's official posting places. The determination and declaration of an existing license expiring, being surrendered or otherwise terminated, such that results in a license becoming available, shall be in the City's sole and absolute discretion. The notice of availability shall provide that interested parties must file a letter of intent with the City within thirty (30) days of the date of notice.
 - (2) The City shall accept letters of intent from interested parties for thirty (30) days from the date of the notice of availability. Letters of intent must include, at a minimum, the following information:
 - (a) The full name, address and telephone number of the applicant;
 - (b) The address and current zoning designation for the proposed licensed property;
 - (c) An explanation of the applicant's legal right to occupy and use the property as a short term rental (e.g., by ownership, leasehold interest with owner's consent, etc.); and
 - (d) A sworn statement of the applicant's good faith belief that s/he will be able to demonstrate that the proposed licensed property meets all short term rental requirements imposed by this Code.
 - (3) If more than one (1) complete letter of intent is timely filed, the City shall select one (1) letter to continue processing by lottery. All potential applicants in the lottery shall be notified of the time and place that lots shall be drawn and may attend and observe the process. If the City does not receive any letters of intent within the initial thirty-day response period, the City shall maintain the notice of the availability of a license on the City's website. The notice shall be amended to reflect that the initial response period has lapsed and that letters of intent will now be accepted and processed by the City in the order received. If more than one (1) letter of intent is thereafter received by City on the same date, the lottery process set forth above shall be used to select one (1) letter to continue processing.
 - (4) The sole or selected applicant must file a complete license application as required by this Section within thirty (30) days of:
 - (a) The date the applicant is selected by lottery, if so selected;
 - (b) The expiration of the initial thirty-day response period if the applicant is the only party that has filed a timely letter of intent; or
 - (c) The date of the applicant's letter of intent if submitted after the initial thirty-day response period.

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- (5) The sole or selected applicant must obtain the short term rental license required by this Section within one hundred twenty (120) days of the date of application.
 - (6) An applicant's failure to meet the deadlines set forth under this Section or to timely file the materials and information necessary to diligently pursue the licensing process, as determined by the City in its absolute and sole discretion, shall result in the rejection of his or her application and the generation of a new notice of license availability, in accordance with paragraph (C)(1) above.

(D) Definitions.

Advertise means any act, method or means of drawing attention to a short term rental for purposes of promoting the same for rent or occupancy.

Imminent danger shall mean a condition that could cause serious or life-threatening injury or death at any time.

Licensed premises means the premises specified in an approved application for a license under this Article which are owned or in the possession of the licensee and within which such licensee is authorized to provide short term rental accommodations in accordance with this Article.

Primary residence means a residence which is the usual place of return for housing as documented by the occupant's: (1) driver's license OR Colorado state identification card; AND (2) voter registration; motor vehicle registration; OR designated residence for tax purposes. An applicant for a license under this Article may have only one (1) primary residence for purposes of this Article.

Short term rental means a primary residence or portion thereof used for lodging accommodations for transients for a period of less than thirty (30) consecutive days per transient renter.

(E) License application; term; renewal; non-transferable.

- (1) License application. Applications for a short term rental license shall be submitted to the City Clerk on a form provided by the City, and the City Clerk shall accept no incomplete applications. Applications shall provide the following information:
 - (a) The full name, residential address and telephone number for the applicant.
 - (b) The full name, address and telephone number of an authorized agent with either a residential or business address within fifty (50) miles of the City, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short term rental.
 - (c) A sworn affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the licensed premises as a short term rental, and that the application is complete and contains no false, misleading or fraudulent statements.
 - (d) The address of the proposed licensed premises, a description, and an illustration or photograph(s) of the area(s) that will be used for short term rental purposes.
 - (e) Proof of the lawful possession of the licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written authorization, signed and notarized, from the owner of the licensed premises for the use of the same for short term rentals.
 - (f) Proof of applicant's primary residence at the licensed premises, by providing: (1) the applicant's driver's license OR Colorado state identification card; AND (2) the applicant's voter registration; motor vehicle registration; OR document(s) designating a residence for tax purposes.
 - (g) An application fee in an amount set forth in the City Fee Schedule.

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- (h) A delineated off-street parking plan for guests' cars, which provides for parking for all users of the rental space.
 - (i) Such other information determined necessary by the City Clerk to evaluate the compliance of the applicant, licensed premises or proposed short term rental activity with the requirements of this Code.
- (2) It is the duty of each short term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.
 - (3) Each license issued under this Article shall be issued on a calendar year basis and shall expire with the calendar year for which issued.
 - (4) The renewal of a license under this Article shall follow the annual renewal process and requirements set forth under [Section] 9-16 of this Code.
 - (5) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
 - (6) Upon the issuance or renewal of a license, the City Clerk shall provide to the applicant a written notice and the mailing addresses for all property owners within two hundred (200) feet of the licensed premises. The applicant shall mail all notices by certificate of mailing within seven (7) days and provide receipt of mailing to the City. The City Clerk shall notify the City Administrator of any objective, Code-based concerns or alleged violations identified by such property owners responding to said written notice, and the City Administrator, or his or her designee, may refer to these concerns during the applicable inspection(s).
 - (7) The City Clerk shall maintain a list of currently-licensed short term rental properties in the City subject to public view on the City's web site at all times and in the Clerk's office during regular business hours.
- (F) Minimum health and safety standards; inspections.
- (1) Each licensed premises licensed under this Article shall comply with all building, housing and health codes which, if violated, would constitute an imminent danger.
 - (2) Each licensed premises shall contain a working smoke detector, carbon monoxide detector and fire extinguisher.
 - (3) No license under this Article shall be issued until the licensed premises are inspected by the City Administrator, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If, after inspection, the City Administrator, or his or her designee, issues a written notice of inspection failure, such notice shall be accompanied by a notice of abatement. Such a notice of abatement shall be subject to the same process under Chapter 16 of this Code, as existing or as hereafter amended.
 - (4) A property inspection of the license premises shall be conducted by the City Administrator, or his or her designee, before the initial issuance of any license under this Article, and shall be conducted every three (3) years thereafter.
- (G) Limitations; Requirements.
- (1) Each licensee shall submit to the City, on a yearly basis, an affidavit, signed by the licensee and notarized, attesting to the number of nights rented in the prior year, as well as confirmation of payment of all applicable sales and lodging taxes.
 - (2) Each licensee shall post at a prominent place inside the premises a notice containing the following:

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- (a) Licensee's contact information;
 - (b) Emergency contact information if the licensee cannot be reached;
 - (c) Local trash and recycling schedule and instructions;
 - (d) Parking restrictions and plan;
 - (e) Water restrictions, if applicable;
 - (f) Evacuation directions in the event of fire or emergency;
 - (g) Location of the fire extinguisher; and
 - (h) Contact information of the owner or agent authorized to respond to emergencies or inquiries.
- (3) Each licensed premises shall provide a delineated off-street parking plan for guests' cars, which provides for parking for all users of the rental space.
 - (4) There shall be an owner or representative who is on call full time to manage the property during any period which the property is occupied as a short term rental. The owner or representative shall be required to respond to an active guest within three (3) hours by phone or in person.
 - (5) The license number shall be prominently displayed on all hosting sites and advertising listings of the licensed premises.
 - (a) For purposes of this Chapter, regarding municipal utilities, the use of the premises shall be considered single-family residential.
 - (b) Recreational Vehicles (RVs), which includes all vehicles that bear a Vehicle Identification Number (VIN), tents, campers or other temporary structures are not eligible for a short term rental license, and such use is prohibited for short term rentals.
- (H) Suspension and revocation; appeal.
 - (1) Each license issued under this Article is subject to suspension and revocation proceedings, including the availability to appeal the outcome thereof, as set forth under this Code.
 - (I) Unlawful acts.

It is unlawful for any person to:

 - (1) Operate a short term rental without a smoke detector, carbon monoxide detector and fire extinguisher on the licensed premises during each short term rental occupancy period.
 - (2) Operate a short term rental in any location other than the person's primary residence.
 - (3) Operate a short term rental that does not comply with all applicable State and City laws.
 - (4) Advertise any short term rental without including in such advertisement the short term rental license number issued by the City under this Article.
 - (5) Fail to collect or remit City sales tax due on the sale of short term rentals as required by this Code.
 - (6) Operate a short term rental or permit the use or occupancy of the same in violation of any the requirements of this Code, concerning zoning, including but not limited to occupancy limitations.
 - (7) Construct or modify a licensed premises for short term rental purposes in violation of this Code, concerning building regulations, including any code adopted by reference therein.
 - (8) Operate an outdoor fire pit or conduct open burning at the licensed premises.

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- (J) Should any one (1) or more Sections or provisions of this Ordinance, or Code provisions enacted hereby, be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions thereof, the intention being that the various sections and provisions are severable.
- (K) Any and all Ordinances or Code provisions or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other Section or part of any Ordinance or code provision heretofore repealed or superseded.

(Ord. No. 19, §2(Exh. A), 2019)



Custer County, Colorado
Planning and Zoning Office
Westcliffe, CO 81252

27

Application for Short Term Rental Permit

Requires action by the Planning Commission and Board of County Commissioners

[] Mark box if this is a renewal.

Short-Term Rental: A residential dwelling structure, or any room therein, available for lease or exchange for a period of less than thirty (30) consecutive days.

A Short-Term Rental Permit may be granted or denied in accordance with the basic purpose and intent of the **Zoning Resolution, Section 9.10**. Special conditions or requirements of operation may be added to make the proposed use compatible with the zoning district.

Submit this completed application and all attachments with the appropriate application fee at least 30 days prior to the meeting you wish to have your request scheduled. The application will not be accepted unless complete, including fees and attachments. Application fee is non-refundable. There may be additional fees for professional services and postage.

Any correspondence and/or documents submitted concerning this application are public record.

Land owner of record: _____
All land owners must be listed on this application. TYPE OR PRINT LEGIBLY IN BLACK OR BLUE INK

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Home: (____) _____ Business: (____) _____

Cell: (____) _____ e-mail: _____

Business Name: _____

Agent: _____
if different than above

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Home: (____) _____ Business: (____) _____

Cell: (____) _____ e-mail: _____

Business Name: _____

Tax schedule number: _____

Size of property in acres: _____

Legal description of the property: _____

Property address: _____

Zone: _____

Applicant's statement: Briefly explain your request and the reasons for it. (This statement will be used in the public notice, letters to adjoining property owners and other interested parties.)

Documentation and Certifications required:

Applicant Initials	County Use	Required Documentation and Certifications
		Plot plan drawn to scale, or survey of property. (This must include existing structures, wells, and septic systems with their distances from property lines, and an access and traffic plan addressing legal access and adequate parking).
		Applicant agrees that Lodging Tax is current and up-to-date.
		Attach written rules provided to renters. Additionally, include written explanation of methods to be used to minimize smoke, odors, noise, dust, and similar environmental problems which might result from the intended use.
		STR has two certified fire extinguishers.
		Evidence of a legal source of water. Well permit # _____
		Adequate sanitation for the proposed project: Septic Permit # _____ Number of bedrooms _____
		Attach fire evacuation plan which is posted in the STR.
		Are you a member of a host site (VRBO, Airbnb) _____
		Reflective address marker displayed at driveway entrance

Authority to act if the applicant cannot attend the meeting and/or the site tour.

I, _____, authorize _____

to make binding commitments on my behalf.

I understand that:

- members of the Planning Commission, and Planning and Zoning Office staff may visit the property which is the subject of this application;
- I, or my authorized representative, will be present to explain the request and I must clearly mark the locations in question on my property.

I acknowledge that I am responsible for complying with the Custer County Zoning Resolution. I have read and understand the above, and the information I have provided is complete and accurate to the best of my knowledge.

Signature of landowner

Date

Signature of applicant (if different)

Date

Make check payable to Custer County and return check and permit form to:

Custer County Planning and Zoning
P. O. Box 203
Westcliffe, CO 81252
(719) 783-2669
planning_zoning@CusterCountyGov.com
CusterCountyGov.com

THE TOWN OF
PO BOX 2002 • 210 E. MAIN ST.
BUENA VISTA, COLORADO 81211



BUENA VISTA
P: 719.395.8643 • F: 719.395.8644
WEB: WWW.BUENAVISTACO.GOV

Town of Buena Vista Short-Term Rental (STR) Information

Thank you for your interest in operating an STR in Buena Vista. On this page you will find helpful information to assist you in the application process. If you have questions, do not hesitate to reach out to the Clerks Department at 719-395-8643, or email deputyclerk@buenavistaco.gov or bvclerk@buenavistaco.gov.

First, a quick definition. An STR is defined as a residential structure, or portion thereof, in which the entire structure or two (2) or fewer habitable spaces are made available to paying guests for 30 consecutive days or less. If you meet this definition, you are subject to licensing requirements.

On September 28, 2021, the Board of Trustees adopted Ordinance No. 15, Series 2021 that places some limitations on short-term rentals.

The following limits apply to short-term rental licenses:

- Natural persons who reside outside of Chaffee County who seek to license their property OR those who seek to license a property held in an entity (trust, LLC, etc.) are allowed to license no more than 6% of the total residential housing units in town.
- Natural persons who reside in Chaffee County that seek to license a non-entity-held property that is NOT their primary residence are allowed to license no more than 3% of the total residential housing units in town.
- Natural persons who seek to license all or part of their primary residence within the town limits are not subject to a percentage cap.
- Natural persons or entities who seek to license their property in the MU-MS zone district (better known as East Main St), or in the South Main PUD are not subject to a percentage cap. Limit of three (3) licenses per structure when the structure is under single ownership.

In addition to the above limits:

- One license is required per address. Each housing unit you seek to license must have a unique address and valid certificate of occupancy. This includes accessory dwelling units (ADUs), and other conversions made to existing structures that are either attached or detached from the existing home. Recreational vehicles (RVs), RV spaces, camping spots, sheds, garages, and other temporary structures are not permitted to be licensed as an STR.
- For 2022 licensing: properties that are currently under construction that may seek to license their completed housing unit as a short-term rental are not subject to the above caps so long as the building permit was issued on or before September 28, 2021, and the certificate of occupancy is received prior to August 31, 2022.

Up to date information, including the number of licenses available in the current year and application submission deadlines is found on our website at <https://www.buenavistaco.gov/2520/>

Please note that applying **does not guarantee a license**. If there are no licenses available in the category under which you fall, you *will not pay the fee* and your application will be placed on a wait list in the order it was received.

Payments over the phone via credit card for licenses are not allowed. Please plan on mailing your completed application with a check or drop off at Town Hall and pay by cash or check. Emailed applications will be disregarded.

A couple items to note when completing your application:

- **Primary residents.** If you live on the *same property* as the unit you are renting, this is your PRIMARY RESIDENCE. This would be the case if you rent an ADU or rooms in your home, and you live on the *same property* in the main house (or the other way around – live in the ADU full-time and rent the main house).
- **Local Contacts.** It is required that you list two contacts that are not the owner/applicant, one of which must live within 30 minutes of Buena Vista. This contact MUST BE ABLE TO ACCESS ALL AREAS OF YOUR UNIT (including locked garages, sheds, rooms, etc.). Please ensure your local contact understands what is expected of them, which may include email and phone communications regarding snow removal, bear activity and possible emergency service situations.

Only complete applications will be accepted. Before submitting, please insure you include the following:

- Complete application form, including mitigation plan and all required notarizations. Digitally filled and printed applications are preferred: <https://www.buenavistaco.gov/DocumentCenter/View/3483/>
- Sales tax number. The field for this number is on the application. This is required if you list anywhere other than Airbnb.com or VRBO.com. More information available at: <https://tax.colorado.gov/how-to-apply-for-a-colorado-sales-tax-license>
- Copy of driver's license (if property owned by natural person, non-entity)
- Proof of property ownership (warranty deed, special warranty deed, or quit claim deed ONLY. Printouts of the assessor's website, mortgage statements, deed of trust or other similar documentation is not acceptable.). If you cannot locate your deed (typically included in closing documents), you can acquire a copy from the Chaffee County Clerk – 719-530-5602.
- Site plan (can be hand drawn and legible), that includes at minimum:
 - Structure footprint with dimensions
 - Sidewalks, parking, road locations
 - Clear notation of entrances, pathways, and access to STR
- Floor plan (can be hand drawn and legible), that includes at minimum:
 - General layout of interior (kitchen, bathrooms, bedrooms, etc.), and locations of windows, doors, entrances and exits, all clearly noted.
 - Square footage of area used for STR

If a license is approved for your property:

- A fire inspection must take place before a license is granted.
- Chaffee County Fire Protection District **will contact you** to schedule the inspection. PLEASE NOTE it may take up to two weeks depending on yours and the Fire Inspectors scheduling availability.
- **Have the property look as it will when used as an STR.** In addition to the attached Fire Inspection checklist, the following information must be made available to guests:
 - Contact information of the property owner or manager
 - Contact information for all emergency services
 - Fire escape routes (if a multi-story building)
 - Requirements for smoking, if allowed
 - Method and timing of trash disposal and recycling
 - Notice of quiet hours (7pm -7am)

Once fire inspection is passed and a license is granted:

- When advertising online, you must list your STR number in title or description of your listing.
 - Example: **Cottage on Main Street (STR-XXX)**
- Display your short-term rental license and Good Neighbor Guide (included when you receive your license) – openly displayed or made available in a binder/info book.



Chaffee County Fire Protection District
 499 Antero Circle
 Buena Vista, Colorado 81211

Town of Buena Vista Colorado Short-Term Rental (STR) Fire Inspection checklist

Buena Vista Municipal Code (Section 16-125) requires all short-term rental units to pass a fire inspection. This form is your checklist to ensure that you are meeting that requirement.

- Address numbers are visible and easy to read from the road to the front of the building. (Buena Vista Municipal Code requires a height of each number to be 4 inches or larger).
- All exit doors are free of obstructions, including snow.
- All storage/housekeeping is neat and orderly.
- Extension cords are not used as a substitute for permanent wiring and do not extend through walls, ceiling, floors, under doors or floor coverings, or anywhere they may be subject to damage.
- Approved covers are in place on all electrical switch, light fixtures, and outlet boxes.
- All circuit breakers are labeled (in English) to show what they control, and access to circuit breaker panels is not obstructed in any manner.
- All multi-plug adaptors and surge protectors are UL listed and plugged directly into a wall outlet.
- All water heaters have a pressure relief valve.
- All natural-gas appliances have individual shut-off valves.
- All combustibles are stored at least 3 feet away from gas appliances.
- An approved smoke detector is present in each sleeping room, as well as in the area immediately adjacent to sleeping rooms. Batteries are installed, functioning, and regularly tested.
- In buildings with any appliances supplied by natural gas, LP gas, or any type of wood burning stove or fireplace, an approved carbon monoxide detector is present no more than 15 feet from the sleeping area. Batteries are installed, functioning, and regularly tested. Note that ONE carbon monoxide detector per group of bedrooms in a sleeping area is adequate, but if there are sleeping areas on multiple levels, there must be one per level.
- A 2A (ABC) fire extinguisher in the kitchen, near any wood-burning device, and in any garages. Must be mounted in a visible location or have a "fire extinguisher inside" sticker affixed to the cabinet containing it.

Other items to note:

- You will not be contacted by fire inspection until your application is submitted, reviewed, and you are found eligible for an STR license. Note it may take up to two weeks depending on yours and the Fire Inspectors scheduling availability.
- Do not schedule your inspection until you are ready. The inspector needs to see the unit as if guests were just about to arrive.
- Have a representative grant access to the inspector if you are not available at the scheduled time.
- If you need to fix something from the inspection it your responsibility to contact the inspector and set up a reinspection.
- An email will be sent to both you and the Town Clerks department after the passed inspection.



2022

TOWN OF BUENA VISTA

— NEW —

Short-Term Rental License APPLICATION

33
TOWN USE ONLY

Received: _____

Time: _____

Received by: _____

CC Cash Check # _____

Primary (P) In-County/Non-Primary (IN)

Out-Of-County/Entity (OC)

South Main (SM) East Main (MU-MS)

STR License Number: STR-_____

Valid from January 1 to December 31, 2022. Non-transferrable.

IMPORTANT: This form is for **SHORT-TERM RENTALS** only.

NEW License = \$250.00

Complete applications can be **mailed** or **dropped off**, do not email. Fees cannot be paid online or over the phone. Make checks payable to "Town of Buena Vista".

Mail (pay by check):

Town of Buena Vista
Attn: Deputy Town Clerk
PO Box 2002
Buena Vista, CO 81211

Drop off (pay by check or cash):

Town of Buena Vista
210 E. Main St.
Buena Vista, CO 81211
Hours: Mon - Fri, 8:00 AM - 5:00 PM

Emailed applications will be disregarded.

PROPERTY & OWNER INFORMATION

Business Name (used in ads/listings): _____

STR Address: _____

STR Owner(s) Name: _____

Is this person the primary contact? YES NO

Property Owner(s) Name**:

****LEGAL OWNERSHIP = NAME/ENTITY/TRUST/ETC. must match current deed and the Chaffee County Assessor's website (qpublic.net/co/chaffee)**

Is this the owner's primary residence? YES NO Check YES if licensing an ADU/House/Rooms and owner lives on the *same property*.

Owner's Primary Physical Address: _____

(Street, City, State, Zip) - **NOT A PO BOX! This is the physical address where the STR owner resides full-time.**

Mailing Address: _____

Address which receives official hard copy of the license. (Street, City, State, Zip)

Owner's Phone Number: _____

Owner's Email: _____

This email address receives annual renewal notice!

State Sales Tax ID #: _____

Required if you list anywhere other than Airbnb & VRBO

NON-OWNER CONTACT INFORMATION

You are **REQUIRED** to provide two contacts that are **NOT** the owner. **AT LEAST ONE MUST LIVE WITHIN 30 MINUTES.**

Contact #1 Name: _____

Is this person the primary contact? YES NO

Buena Vista Area Local?: YES NO

Contact #1 Phone: _____

Contact #1 Email: _____

Contact #2 Name: _____

Is this person the primary contact? YES NO

Buena Vista Area Local?: YES NO

Contact #2 Phone: _____

Contact #2 Email: _____

STR INFORMATION

- Type of STR:
- Accessory Dwelling Unit (ADU)** - Attached or detached. Separate entrance and unique address from main residence. Does not share spaces with main residence (has its own kitchen, bathroom, and often a washer/dryer hookup. Full ADU definition: [Buena Vista Municipal Code, Chapter 16, Article 16.03, Section 3.3.4](#))
- Entire Residence** - access to all or most of a home, apartment or condo. Owner not present in residence.
- Unit in Mixed-Use Structure** - Entire residential unit that is within a mixed-use structure.
- 1 Room** - Single *bedroom* w/access to shared spaces. Owner typically present in another part of residence.
- 2 Rooms** - Two *bedrooms* (rented SEPARATELY) w/access to shared spaces. Owner typically present in residence.
- Other** (explain below)

If you check more than one box above, or checked **other**, please explain:

Do you have an active online listing(s)? YES NO If Yes, provide direct link specific to **ALL** active STR listings (if you need more space to provide more than two URLs, please attach additional page to this application):

Listing URL:

Listing URL:

If No, please explain why, and provide details on how & when you typically advertise your rental:

ACKNOWLEDGEMENT

I declare, under the penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith pursuant to applicable tax laws and regulations, and to the best of my knowledge and belief are true, correct, and complete.

Signature of Applicant:

Date:

REQUIRED ATTACHMENTS

TOWN USE ONLY

- Completed Mitigation Plan (page 3)
- Signed and Notarized Lawful Presence Affidavit (page 4)
- Primary Resident Affidavit—*if applicable* (page 5)
- Copy of Driver's License (if property owned by natural person)
- Proof of Ownership (warranty, special warranty, quit claim deed)
- Site Plan* (can be hand drawn, MUST be legible)
- Structure footprint with dimensions
 - Sidewalks, Parking, Road Location
 - Clear notation of entrances, pathways and access to STR
- Floor Plan* (can be hand drawn, MUST be legible)
- Interior layout with location of windows, doors, emergency exits
 - Square footage of area used for STR

*Examples on website: buenavistaco.gov/2520/

*Structure footprint with dimensions can be found on Chaffee County Assessor's website: qpublic.net/co/chaffee

- Initial: _____ Complete Application
- Initial: _____ Payment
- Initial: _____ Affidavit
- Initial: _____ Certification of Primary Resident
- Initial: _____ Site Plan
- Initial: _____ Floor Plan
- Initial: _____ Completed Mitigation Plan
- Initial: _____ Driver's License
- Initial: _____ Proof of Ownership

Acquired Certificate of Occupancy?

Planning signoff: _____

Fire Inspection Complete?

Date: _____

Questions? Please call: Deputy Clerk: (719) 581-1026 or Town Clerk: (719) 581-1017
Questions? Please email: deputyclerk@buenavistaco.gov or bvclerk@buenavistaco.gov

MITIGATION PLAN

Describe **TRASH** plan (include trash service provider, if receptacles are bear-proofed, who is responsible for placing the trash (property manager, guests, yourself), and other necessary information):

Describe **RECYCLE** plan:

Describe **PARKING** plan:

Describe **SNOW REMOVAL** plan (include contact information if you use a service):

Describe **WEED REMOVAL** plan (include contact information if you use a service):

NEW
STR LICENSE

TOWN OF BUENA VISTA — LAWFUL PRESENCE AFFIDAVIT

I _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen, or
- I am a Permanent Resident of the United States, or
- I am lawfully present in the United States pursuant to Federal law

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature: _____ Date: _____

Form of ID Presented: _____

Valid Colorado Driver’s License, Colorado ID card, Military ID, Coast Guard Mariner, Native American Tribal Documents are acceptable forms of identification.

Subscribed and affirmed before me in the county of _____, State of _____, this _____ day of _____, 20_____.

Notary Signature

Commission Expiration Date

TOWN OF BUENA VISTA — SHORT-TERM RENTAL LICENSE RESIDENCY AFFIDAVIT

STOP! PLEASE ONLY COMPLETE THIS IF LICENSING A SHORT-TERM RENTAL AT PRIMARY RESIDENCE!

A certification of primary residency is required in order to continue a short-term rental license based upon residency in Chaffee County and upon use of property as short term rental which is the applicant's primary residence. This certification is required for new and renewal applications.

According to the Buena Vista Municipal Code, Sec. 6-125, short-term rentals licenses are limited in number based upon residency in Chaffee County and whether the short term rental property is the applicant's primary residence located within the Town of Buena Vista.

Primary Residence

By signing below, I, _____ (printed name), swear under penalty of perjury that I am the owner of the property located at:

Address: _____

and that this property constitutes my primary residence and I am listed as an owner on the deed of the property. I understand that my primary short-term rental license may be revoked if at any time I am found to not be in compliance with the terms of the license.

I acknowledge that this Affidavit is a "public record" for the purpose of any request pursuant to the Colorado Open Records Act. I hereby certify under penalty of perjury pursuant to the laws of the State of Colorado that I have carefully considered the contents of this Affidavit before signing and affirm that the contents are true.

Signature: _____ Date: _____

Printed Name: _____

Subscribed and affirmed before me in the county of _____, State of

_____, this _____ day of _____, 20_____.

Notary Public

Commission Expiration Date