

10-1-16: SHORT TERM VACATION RENTALS

- A. Purpose and Intent. The purpose and intent of this Chapter is to ensure that residential properties in the Town used for short-term rental purposes meet minimum standards for safety and habitability and are operated in a manner consistent with surrounding residential uses and in compliance with the Town's Code, and to support a strong, streamlined process for licensing and approving short-term rentals (STR) units, while ensuring that the rental of private dwellings units as STRs does not adversely impact to the quality of residential neighborhoods. Active STR'S, with valid business and special use licenses if applicable, operating on or before June 3, 2021, shall have a grace period to continue operating until January 1, 2022. All STR's, including active STR's operating on or before June 3, 2021 must apply for 2022 str license by November 15, 2021. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021)
- B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless the context otherwise requires: (Ord. 3-2021, eff. 6/1/2021)
1. Licensed premises means the premises specified in an approved Short term vacation rental license which are owned or in the possession of the licensee and within which the licensee is authorized to provide short term rental accommodations in accordance with this Section. (Ord. 3-2021, eff. 6/1/2021)
 2. Short term Vacation rental means any rental or lease of a single-family residence, , or portion thereof, for less than thirty (30) consecutive days per rental. Licensed lodging businesses, including hotel, motel, lodge, inn, B&B, and hostels operated under and governed by state statute and properly licensed by the state of Colorado are not considered Short Term Vacation Rentals. Offering the use of one's property where no fee is charged or collected is not considered a vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)
 3. Vacation rental license means a biannual license issued by the Town pursuant to this Section to operate a vacation rental. (Ord. 3-2021, eff. 6/1/2021)
- C. Short Term Vacation Rental License Required; Term. Term. Effective as of June 3, 2021, it shall be unlawful for any person to operate a vacation rental within the Town without first obtaining a vacation rental license for such vacation rental. Vacation rental license shall be granted in lieu of Section 10-1-12, Use by Special Review. A vacation rental license is transferable upon request of the owner of an existing STR property, provided the new owner submits a new completed application, and passes a new inspection. Any issued STR license shall be valid from January 1st of the year it is applied for, and shall expire December 31st of the subsequent year it is applied for regardless of the date the application is submitted. License fees will not be prorated to the application date of the licensee, but will be issued to the applicant upon full payment of the license fee. All vacation rentals shall be subject to any amendments to this Section or Chapter. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021)
- D. Authority. The Zoning Enforcement Officer, as defined in Section 10-1-3, C., of this Title shall have the authority and responsibility in accordance with the terms of this Section to administer the vacation rental license program and to approve, deny, suspend, or revoke any vacation rental license. The Zoning Enforcement Officer shall consider any comments received from property owners, prior to approving or denying an application for a vacation rental license. Property owners have the right to

appeal any negative decision of the Zoning Enforcement Officer to the Board of Adjustment. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

E. Short-Term Rental Categories and Fee Structure. (Ord. 3-2021, eff. 6/1/2021)

1. Short-term Rental 1 (STR1) means either: (Ord. 3-2021, eff. 6/1/2021)

a. An owner-occupied dwelling unit in which bedrooms are rented or offered for rent for periods of less than thirty (30) days; or (Ord. 3-2021, eff. 6/1/2021)

b. A dwelling unit on a two-dwelling unit property, in which one unit is occupied by the owner of the entire property, and the second unit is rented or offered for rent for periods of less than thirty (30) days. (Ord. 3-2021, eff. 6/1/2021)

2. Short-term Rental 2 (STR2) means: A dwelling unit that is not occupied by its owner that is rented or offered for rent for periods of less than 30 days. (Ord. 3-2021, eff. 6/1/2021)

3. Fee Structure. (Ord. 3-2021, eff. 6/1/2021)

a. Fee: \$200 non-refundable initial licensing fee, \$150 biannual permit fee. (Ord. 3-2021, eff. 6/1/2021)

F. Density Restrictions. (Ord. 3-2021, eff. 6/1/2021)

1. STR1 Category Density Restrictions: No limit or restrictions on density or location. (Ord. 3-2021, eff. 6/1/2021)

2. STR2 Category Density Restrictions: (Ord. 3-2021, eff. 6/1/2021)

a. STR2 in Town residential zones (SF, MF) shall not exceed three and one-half percent (3.5%) of the total residential dwelling units eligible as short-term rentals. The total number of eligible units shall be based on tax assessor records of the most recent available year. Currently permitted STRs operating in residential zones at the time of the adoption of this policy shall be included in the calculation of the maximum number of units allowed, and are required to obtain Short Term Vacation Rental licenses. In the event the maximum number has been met, no new applications for short term rentals will be approved, but may be added to a waiting list. If a waiting list for STR licenses in any residential zone exists, new permits, once available, will be based on a first-come, first-serve basis. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

b. No STR 2 shall be located adjacent to each other in any residential zones. (Ord. 3-2021, eff. 6/1/2021)

c. A maximum of TWO (2) STR2 in Old Town Westcliffe, as defined below, is permitted per street block. STR2 already in operation, regardless of density, will be grandfathered in, subject to such STRs obtaining a license in accordance with this Chapter. Old Town Westcliffe is defined as all residentially zoned areas South of Main Street, North of Lincoln Avenue and between the alley running west of 2nd street and the alley running east of 6th street. Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

G. Vacation Rental License Application; Duty to Update; Written Notice. (Ord. 3-2021, eff. 6/1/2021)

1. Beginning on June 1, 2021, applications for a vacation rental license shall be submitted to the Zoning Enforcement Officer on a form provided by the Town. The Zoning Enforcement Officer shall not accept incomplete applications. Applications shall contain, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021)

a. The full name, residential address, telephone number, and e-mail address of the applicant. (Ord. 3-2021, eff. 6/1/2021)

b. The full name, residential address, and telephone number of an authorized agent located within sixty (60) miles of the Town, along with a copy of the writing authorizing such agent to act, in the applicant's absence, as the representative of the applicant on all matters related to operation of the vacation rental. (Ord. 3-2021, eff. 6/1/2021)

c. The address of the proposed licensed premises and a description and illustration of the area(s) that will be used for short-term rental purposes including, without limitation, parking areas and access. (Ord. 3-2021, eff. 6/1/2021)

d. Proof of lawful possession of the proposed licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written, authorized, signed and notarized, from the owner of the proposed licensed premises for use of the same for short-term rental purposes. (Ord. 3-2021, eff. 6/1/2021)

e. Proof of current insurance coverage for the proposed licensed premises. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

f. Proof of registration for a sales tax license and a lodgers' tax account with the Colorado Department of Revenue. (Ord. 3-2021, eff. 6/1/2021)

g. A completed self-compliance affidavit and an affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the proposed licensed premises as a vacation rental, and that the application is complete and contains no false, misleading, or fraudulent statements. (Ord. 3-2021, eff. 6/1/2021)

h. A non-refundable application fee. (Ord. 3-2021, eff. 6/1/2021)

i. Such other information determined necessary by the Zoning Enforcement Officer to evaluate compliance of the applicant, the proposed licensed premises, and/or the proposed vacation rental activity with the requirements of the Municipal Code. (Ord. 3-2021, eff. 6/1/2021)

2. It is the duty of each licensee to ensure that all of the information provided in a vacation rental license application is kept up to date at all times. It shall be unlawful for a licensee to fail to provide updated information to the Zoning Enforcement Officer within thirty (30) days after the date upon which any information contained in the vacation rental license application becomes inaccurate. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

H. **Renewal of Vacation Rental License.** It shall be the duty of each licensee to obtain a biannual renewal of the vacation rental license. The application for a renewal of a vacation rental license and the non-refundable, annual renewal application fee are due to the Licensing Officer on or before November 15th prior to the expiration of the license year. Upon timely submission of a complete renewal application, the owner or operator of a vacation rental can continue operating pursuant to the expired vacation rental license until January 31st while the renewal application is being considered, although any renewal license shall be issued as of the original expiration date of the previous license. STR permits that are deemed active as of December 31st in any given year shall have priority for renewal the following calendar year over any new applications for STR permits, provided a renewal for said active permit is received and deemed complete and proper, and fees are paid by November 15th of the year prior to expiration. Upon approving an application for a renewal of a vacation rental license, the Town Building Official, or his or her designee, shall have the option to, within sixty (60) days of such approval inspect the vacation rental, as provided in Section 10-1-16, I., below (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

I. **Minimum Health and Safety Standards; Inspections.** (Ord. 3-2021, eff. 6/1/2021)

1. Each licensed premises shall be in compliance with all applicable building, fire, health, and zoning codes, ordinances, or regulations, whether federal, state or local, including but not limited to any requirements as set forth in this or any other Title of the Westcliffe Municipal Code. (Ord. 3-2021, eff. 6/1/2021)

2. No license under this Chapter shall be issued until the licensed premises are inspected by the Zoning Enforcement Officer, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If an inspection report identifies a violation of this or other Section, the procedures set forth in this Title shall apply. (Ord. 3-2021, eff. 6/1/2021)

3. Each licensee shall post an address number on the exterior of the vacation rental such that it is visible and easy to read for emergency response purposes. (Ord. 3-2021, eff. 6/1/2021)

4. Each licensee shall provide a clearly-defined and maintained outdoor trash storage area. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

5. Each licensee shall post, maintain, and display at all times a notice in a conspicuous location inside the vacation rental, that contains, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021)

a. Name and phone number of the licensee; (Ord. 3-2021, eff. 6/1/2021)

b. Name and phone number of the licensee's authorized agent if the licensee cannot be reached; (Ord. 3-2021, eff. 6/1/2021)

c. The following statement: "IN AN EMERGENCY (POLICE, FIRE, MEDICAL), CALL 911." (Ord. 3-2021, eff. 6/1/2021)

d. Street address of the licensed premises; (Ord. 3-2021, eff. 6/1/2021)

e. Location of the fire extinguisher(s); (Ord. 3-2021, eff. 6/1/2021)

f. Evacuation directions in the event of a fire or other emergency; (Ord. 3-2021, eff. 6/1/2021)

g. Vacation rental license number assigned by the Town; (Ord. 3-2021, eff. 6/1/2021)

h. Maximum number of people permitted to sleep in the licensed premises; (Ord. 3-2021, eff. 6/1/2021)

J. Maximum Occupancy. The maximum occupancy of a vacation rental at any time shall be limited to the greater of: (Ord. 3-2021, eff. 6/8/2021)

1. One (1) family, as defined in this Chapter; or (Ord. 3-2021, eff. 6/8/2021)

2. Two (2) people per bedroom, plus two (2) people. (Ord. 3-2021, eff. 6/8/2021)

K. Restrictions on Use and Density. (Ord. 3-2021, eff. 6/8/201)

1. A vacation rental shall only be used for lodging purposes by the person(s) staying overnight at such vacation rental. Without limiting the generality of the foregoing, a vacation rental shall not be used to entertain or host guests who are not staying overnight at such vacation rental after 10PM. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/2021)

2. Private covenants may restrict the ability to use a property as a vacation rental. The Town is not a party to and does not enforce any private covenants. (Ord. 3-2021, eff. 6/8/2021)

L. Advertising. No property may be advertised as a vacation rental until a vacation rental license has been issued. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021)

M. Suspension and Revocation; Appeal. Each license issued is subject to suspension and revocation, including the opportunity to appeal the outcome thereof, as set forth in this Chapter. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021)