

ORDINANCE NO. 6
(Series 2016)

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

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

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

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

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

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

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

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

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

Chapter 5.28

Short-term rental of residential structures

5.28.010 Intent and Scope

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

5.28.020 Definitions

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

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

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

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

5.28.030 Short-term rentals restricted

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

5.28.040 Permit required; procedure; appeals

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

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

5.28.050 Limitations

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

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

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

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

5.28.060 Lodging and sales tax

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

5.28.070 Business license

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

5.28.080 Safety and operations

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

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

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

- (b) No trash or garbage shall be left outside the unit.
- (c) The owner shall ensure compliance with the parking plan approved as part of the application.
- (d) A life safety inspection shall be ordered by the owner, at the owner's expense, and provided to the Town prior to issuance of the initial license, and within 60 days prior to each annual renewal. The inspection may be conducted by a certified inspector approved by the Town or by the Town's Building Official, at the owner's option. Such inspection shall determine the following:
 - Adequate fire extinguishers shall be installed and maintained;
 - Smoke alarms and CO alarms shall be installed as required by the International Residential Code or the International Building Code, as applicable;
 - Maximum occupancy notice(s) shall be clearly posted based on square footage; and
 - Emergency egress pathways are in compliance with the International Residential Code or the International Building Code, as applicable.

5.28.090 Enforcement

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

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

punished by a fine only; such fine not to be less than \$999.00 for the first conviction and \$2,650.00 for each subsequent conviction with respect to the same property. The Municipal Court may suspend a portion of the fine if the Court finds mitigating circumstances.

5.28.100 Implementation

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

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

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

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

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 13th day of September, 2016.

TOWN OF GEORGETOWN

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

ATTEST:

Jennifer Yobski
Jennifer Yobski, Town Clerk

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

Jennifer Yobski
Jennifer Yobski, Town Clerk



Date: 9-15-16