

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, APPROVING AMENDMENTS TO CHAPTER 4, REVENUE AND  
FINANCE, AND CHAPTER 16, ZONING, AMENDING THE RENTAL  
PROVISIONS FOR DWELLING UNITS IN THE TOWN OF BASALT, AND  
AMENDING THE TOWN'S FINE, PENALTY AND FEE SCHEDULE**

**Ordinance No. 7  
Series of 2012**

RECITALS

1. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

2. At public hearings held on January 31, 2012 and February 21, 2012 the Planning and Zoning Commission considered the proposed code amendments to Chapter 4 and Chapter 16 of the Town Code. At the public hearings, the Planning and Zoning Commission heard evidence and testimony as offered by the Town Staff and the public. The Planning and Zoning Commission recommended approval of code amendment language that would permit short-term rental of dwelling units subject to annually renewable permits.

3. At a public hearing on April 24, 2012, the Town Council continued the review to May 22, 2012. At the continued public hearing, the Town Council approved this Ordinance on first reading and scheduled a continued public hearing and second reading for this Ordinance for June 12, 2012, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

4. At a public hearing and second reading on June 12, 2012, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public and then continued the public hearing to June 26, 2012.

5. The Basalt Town Council finds, determines and concludes that it has a legitimate public purpose to protect the health, safety, welfare and quality of life for the citizens of the Town.

6. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code as provided herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Basalt, Colorado, as follows:

1. A fee for review of the annually renewable short-term rental permit is added to the Town Official Fee Schedule for the Building Department as shown in **Exhibit A** attached hereto.

2. The definition of "Accommodation" in Section 4-122 of Chapter 4 of the Town Code shall be amended as shown in **Exhibit B** attached hereto.

3. The definition of "Dwelling" in Section 16-4, of Chapter 16 of the Town Code shall be amended as shown in **Exhibit C** attached hereto.

4. Section 16-22 of Chapter 16 of the Town Code, *Schedule of uses and requirements*, is amended to remove Bed and Breakfast Establishments from the table of uses for residential zone districts as shown in **Exhibit D** attached hereto.

5. Section 16-203(a) of Chapter 16 of the Town Code is amended as shown in **Exhibit E** attached hereto.

6. Section 16-203(c) of Chapter 16 of the Town Code is amended as shown in **Exhibit F** attached hereto.

7. A fine for violation of the noise nuisance regulations is added to the Schedule of Fines, Penalties, and Administrative Fees for the Police Department as shown in **Exhibit G** attached hereto.

8. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

9. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON June 12, 2012 by a vote of 4 to 2, on May 22, 2012. On June 12, 2012, the public hearing was continued to June 26, 2012.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 3, on June 26,  
2012.

TOWN OF BASALT, COLORADO

By: \_\_\_\_\_  
Jacque R. Whitsitt, Mayor

ATTEST:

\_\_\_\_\_  
Pamela K. Schilling, Town Clerk

First Publication: Thursday, May 24, 2012  
Final Publication: Thursday, July 5, 2012  
Effective Date: Thursday, July 19, 2012

## Exhibit A

Excerpt from Town Fee Schedule: *Language underlined in being added to Town's Fee Schedule.*

The fee schedule for the Town Building Department shall be amended to add the following fee:

### Short-Term Rental Fee

Code Section	Subject	2012 Fee
<u>Section 16-203(c)(2)</u>	<u>Short-Term Rental Inspection Fee for Residential Dwelling Units</u>	<u>\$150</u>

## Exhibit B

*Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.*

Section 4-122, *Lodging Tax- Definitions,*

The definition of "Accommodation" is amended to read as follows:

**Accommodation:** *Accommodation* means the providing of a room, space, lodging service or other accommodations at a taxable premises to any person who, for consideration, uses or possesses such room, space, lodging service or other accommodation for a total continuous duration of less than thirty (30) consecutive calendar days. The renting of a residential dwelling or portion thereof for less than 30 days in accordance with Section 16-203(c) is considered an Accommodation for purposes of applying the lodging tax established in this Article.

## Exhibit C

*Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.*

### Section 16-4, *Definitions*

The definition of “Dwelling” shall be amended to read as follows:

**Dwelling:** *Dwelling* means a permanent building or portion thereof which is used as a private residence or sleeping place of one (1) or more human beings, but not including temporary structures such as tents, railroad cars, streetcars or similar structures. A dwelling is to include mobile homes or trailer homes that are located in accordance with the provisions of Article XVI of this Chapter. While dwellings are intended to be occupied for long-term residential purposes and be maintained in whole ownership, ~~short-term rental of a dwelling is permitted as provided elsewhere in this code.~~ Dwellings shall not be sold in fractional, interval or timeshare forms of ownership unless approved through a PUD review.

### Exhibit D

*Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.*

Section 16-22, *Schedule of uses and requirements*, is amended to remove Bed and Breakfast Establishments from the table of uses for residential zone districts as follows:

Use	Public	R-1	R-2	R-3	R-3 TN	R-4
Bed and Breakfast Establishments		<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>S</u>

### Exhibit E

*Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.*

Section 16-203 (a), *Renting of rooms and housing units*, is amended to read as follows:

**Sec. 16-203(a), *Renting of rooms and housing units***

(a) The renting of rooms for long-term purposes of 30 days or more to one (1) or two (2) persons, not members of the family residing in the same dwelling unit, may be permitted as an accessory use, provided the following are met:.....



*Language underlined in being added to the Town Code. Strikethrough language is being deleted from the Town Code.*

Section 16-203 (c), *Renting of rooms and housing units*, is added to read as follows:

**Sec. 16-203(c), *Renting of rooms and housing units***

(c) Short-Term Rental of Dwelling Units

The rental of rooms and dwelling units for short-term purposes of less than 30 days is permitted, provided the following conditions are met:

(1) An annually renewable business license shall be applied for and obtained prior to renting a residential dwelling unit on a short-term basis. The rental of a dwelling unit for a time period of less than 30 days is subject to the Town's Lodging Tax as established in Town Code Article VII, Chapter 4. The business license for short-term rental of a dwelling unit shall be address specific and non-transferable to other properties.

(2) The owner of a dwelling unit being rented on a short-term basis, if residing the Roaring Fork Valley or a designated representative of the owner residing in the Roaring Fork Valley or having a business in the Roaring Fork Valley shall manage the short-term rental during the period in which the rental is being occupied and shall be on-call. The name, phone number and address of the local owner or the local owner representative shall be provided to the Planning Department at the time of application for a business license.

(3) Upon application for a business license for short-term rental of a dwelling unit, the Town Building Official will schedule an inspection of the dwelling unit to be rented on a short-term basis to review that it is safe for occupancy and that it contains necessary carbon monoxide and smoke detectors. If the Town Building Official determines that a dwelling unit needs to be upgraded to ensure that it is safe for short-term rental, the Town Building Official shall order the Applicant to make improvements necessary to render the unit safe for short-term rental occupancy prior to issuance of the business license. An Applicant for a business license to rent a unit on a short-term basis shall pay an inspection fee in the amount specified in the Town's fee schedule.

The owner of a dwelling unit being rented on a short-term basis shall also contact the Town Building Official annually in conjunction with the renewal of the business license to schedule a safety inspection. The safety inspection must be conducted and passed prior to renewal of a short-term rental business license. Short-term rental of a dwelling unit without a current business license is prohibited and is discussed in subsection 11 below.

(4) Dwelling units that are rented on a short-term basis for less than thirty (30) days shall satisfy the general Town Code requirements applied to all residential units within the Town. Dwelling units that are occupied by more than three (3) unrelated individuals for periods of 30 days or longer shall meet the occupancy requirements set forth in Town Code Section 16-203(a), *Renting of rooms*.

(5) Multi-family dwelling units may only be rented on a short-term basis to a single party or entity at any one time. A building containing six (6) or more units intended for temporary occupancy by guests is considered a Motel or Hotel and is subject to the Town Code requirements for motels and hotels. Properties containing a single-family dwelling unit or a primary single-family dwelling unit with an accessory dwelling unit or detached suite may only be rented on a short-term basis by one entity or party at any one time.

(6) Outdoor, amplified music and outdoor use of other devices used for audibilizing sound (such as a radio, CD player) shall be prohibited after 10:00 PM on a property containing a dwelling unit being rented on a short-term basis. Compliance with this requirement shall be both the responsibility of the owner of the dwelling unit and the tenants renting the dwelling unit on a short-term basis.

(7) Except for noise and other nuisance violations as set forth in Section 10-21(a)(3), *Offenses Against Public Peace, Order, and Safety*, violations of the requirements set forth in this Section shall be punishable as outlined in Section 16-266 regarding violations and Section 16-268 regarding fines. Repeated violations are addressed in subsection 10 below.

(8) Nothing herein shall prevent Homeowner's Associations or site-specific land use approvals from containing more restrictive requirements related to short-term rental of dwelling units.

(9) Each short-term rental business license issued by the Town shall contain a business license number. The business license number shall be included in all advertising related to renting a dwelling on a short-term basis.

(10) In the instance that there are violations of the Town's nuisance provisions or the regulations for short-term rental of dwelling units as set forth herein, as evidenced by three (3) written complaints or tickets from the Police Department that the Town Manager determines to be valid and substantiated violations, the Town Manager shall revoke the individual dwelling's short-term rental business license. In the event that a business license for short-term rental is revoked by the Town, the Property Owner may not apply to rent the dwelling unit on a short-term basis again for one year from the date of revocation. Enforcement shall be conducted on the short-term rental of dwelling units that do not have a business license as discussed in Section 11 below.

(11) Offering a dwelling unit for rent on short-term basis without a current business license shall be considered a zoning violation and shall be subject to the fines

and penalties as discussed in Town Code Section 16-268, *Penalty for violations*. Any property owner who offers a dwelling unit for rent on a short-term basis that is not permitted for rental on a short-term basis shall be considered to be in violation of Section 16-203(c)(1) and subject to prosecution in municipal court.

(12) Any agent, representative, or property manager for a property owner who knowingly assists an owner in advertising or renting a dwelling unit on a short-term basis that is not permitted under Section 16-203(c)(1) shall be subject to prosecution in municipal court. In addition, the agent, representative, or property manager's Town of Basalt business license may be subject to revocation.

(13) The Town may seek an injunction in addition to other remedies and penalties provided for by the Town Code or available law in the event a residential dwelling is being rented without a business license.

### Exhibit G

Excerpt from Town Fee Schedule: *Language underlined in being added to Town's Fee Schedule.*

The fee schedule for the Town Police Department shall be amended to add the following fee:

#### Noise Nuisance Violation Fine

Code Section	Subject	2012 Fee
<u>Section 10-21(a)(3)</u>	<u>Penalty for noise nuisance violation associated with unreasonable noise in or near a private residence</u>	<u>General- same as section 1-82</u>
		<u>Short-Term Rental- Fine up to \$1,500 or Up to 1 year imprisonment or both*</u>

