

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 municipal 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.

- 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

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Chairman