

ORDINANCE NO. 7
(Series 2020)

**AN ORDINANCE AMENDING CHAPTER 5.28 OF 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 chapter 5.28 of the Georgetown Municipal Code (the “code”), entitled "Short Term Rental of Residential Structures;" and

WHEREAS, in enacting said Chapter 5.28, the Board found the renting or leasing of residential structures 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, following four (4) years of experience in enforcing chapter 5.28, the Board finds that certain amendments are desirable to render the regulations more effective.

WHEREAS, the Board further finds that CHAPTER 5.28 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. CHAPTER 5.28 of the Georgetown Municipal Code is amended 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 residential structures 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).

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

Street segment: That portion of a street between intersecting cross streets.

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; ELIGIBILITY; procedure; appeals

- (a) **PERMIT REQUIRED.** 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 adequate property and liability insurance, evidence of HOA approval, if required, and be accompanied with the application fee required by Appendix A (Fees and Charges).
- (b) **ELIGIBILITY** All applicants for a short term rental must demonstrate ownership of the subject property for at least two (2) years prior to the date of application. Applicant must submit an acknowledgement, signed by both property owner and the local agent (if different) that they have read and understand all of the requirements of this chapter.
- (c) **TERM OF PERMIT.** Permits expire at the end of the calendar year when issued, except for permits issued after October 1, which expire December 31 of the following year.
- (d) **NOTICE OF APPLICATION.** Before issuing as 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.

- (e) ACTION ON PERMIT. 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 THE DATE BY WHICH COMMENTS MUST BE RECEIVED
- (f) NOTIFICATION OF RENEWAL APPLICATION TO ADJACENT PROPERTY OWNERS. Upon renewing a short term rental permit, the Town Administrator shall post notice of the permit on the property and at the Town Hall. The notice shall state that the full application may be reviewed at Town Hall, and the date (at least 15 days from the date of the notice) by which comments must be received, and the time during which an appeal may be filed.
- (g) APPEALS. Either the applicant or a property owner within 300 feet of the proposed short term rental property as described in subsection (d) 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.
- (h) ANNUAL INSPECTION. 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.
- (i) NO TRANSFER. Short-term rental permits are not transferrable.

5.28.050 Limitations

- (a) WARD LIMITS. No more than the following percentages of the

single-family residential 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:

- (1) Ward I: 5%
- (2) Ward II: 7%
- (3) Ward III: 7%

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

(b) PROXIMITY LIMITS The following limitations apply to all short term rentals:

- (1) In Wards I, II, and III, not more than one short term rental shall be located on all properties or lots that abut any street segment. For corner lots, this standard applies to both street segments that abut that corner lot and only one short term rental is permitted on the corner lots that abut the intersection. Short term rental homes that were legally permitted and have been legally maintained prior to the effective date of this subsection, shall be considered as the allowed unit for that applicable street segment
- (2) A second short term permit may be allowed on a street segment with a special use permit if, in addition to the other applicable standards of this chapter, it is demonstrated that:
 - i. The second short term rental home is the primary residence of the property owner and the short term rental home use is part time, the limits of which will be established as part of the special use permit process.
 - ii. The second short term rental home is located on a street segment with more than five separate residential parcels fronting on the street segment; in no case shall a second short term rental be allowed on a street segment with five or fewer residential parcels fronting on it.

- iii. For short term rental permits located in multifamily buildings, the following limitations apply:
 - a. Maximum two (2) permits per building
 - b. Maximum one (1) permit for each six units in a building

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 number must be included in all listings of the rental for advertising and webhosting services (VRBO, AIR BnB, ETC.) 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) OWNER/RENTER INFORMATION. There shall be an owner representative within Clear Creek County who is on call full time (24/7) available to respond in person or by telephone within sixty (60) minutes 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 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) The owner shall post a notice or brochure inside the property informing all renters of:

- (1) Name, address and phone number of the owner's representative;
- (2) Identification of all parking spaces associated with the unit;
- (3) Description of locations not permitted for renter parking;
- (4) Location, time and rules for trash pick up;
- (5) Town and owner rules regarding pets, parking, snow and ice removal, trash and noise.

(c) No trash or garbage shall be left outside the unit.

(d) PARKING PLAN.

(1) The owner shall ensure that all guest parking required under the permit is located on the subject property. No on-street parking is permitted.

(2) No trailers or oversize vehicles which do not physically fit into a single designated parking space for the short term rental may occupy such spaces, unless special arrangements are made with another property owner (ex: town event parking) and approved in advance by the Town.

(e) 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 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:

- (1) Adequate fire extinguishers shall be installed and maintained;
- (2) Commercial smoke alarms and CO alarms shall be installed as required by the International Residential Code or the International Building Code, as applicable;
- (3) Maximum occupancy notice(s) shall be clearly posted based on square footage; and

- (4) Emergency egress pathways are in compliance with the International Residential Code or the International Building Code, as applicable.

(f) OCCUPANCY No more than two (2) persons age 18 and above may occupy a single bedroom devoted to the short term rental purpose.

5.28.090 Enforcement

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

- (a) WARNING LETTER The Town Administrator shall issue a warning letter to persons conducting a short term rental without a permit.
- (b) LICENSE SUSPENSION The Town Administrator may suspend a short term rental permit when the permittee is found by the Administrator to be operating in violation of any requirement of this chapter.
- (c) REVOCATION. The Town Administrator may revoke or refuse to renew a short-term rental permit for any one or more of the following reasons:
 - (1) The permittee is operating in violation of any requirements of this chapter;
 - (2) The permit has been suspended more than once during the preceding twelve (12) months;
 - (3) The permittee has failed to pay water or wastewater fees due for the permitted property.
 - (4) 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) MUNICIPAL COURT. 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

This chapter 5.28 was adopted and effective on January 31, 2017. The amendments tot his chapter made by ordinance No. 7 (Series 2020), are effective on December 23, 2020 and shall apply to all short term rentals as of that date, provided however the occupancy limitations of new subsection 5.28.080(f) shall take effect on March 31, 2021.

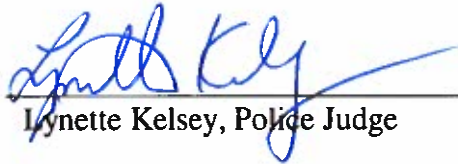
Section 2. Appendix A to the Code, (Fees and Charges) is amended to add the following: *“Short term rental permit: \$500; annual renewal: \$500; Board of Selectmen appeal application and review: \$120.”*

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 24th day of November, 2020.

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 22nd day of December, 2020

TOWN OF GEORGETOWN

By: 
Lynette Kelsey, Police Judge

ATTEST:


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, Town Clerk

Date: 12-28-20

