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CHAPTER 6 Business Licenses and Regulations

ARTICLE I Short-Term Rental Licensing and Operation

Sec. 6-1-10. Purpose.

The purpose of this Article is to recognize a limited privilege for owners of residential dwelling units within the R-1 Zone District to offer to the public all or a portion of the owner's residential dwelling unit for short-term rental. Short-term rental is deemed a commercial activity that is generally antithetical to the residential purposes of the R-1 Zone District due to the potential for adverse impacts upon the quiet enjoyment of neighboring residential properties. Only through licensing of short-term rentals and the license holder's compliance with

regulations may short-term rental be an acceptable accessory activity conducted within dwelling units within the R-1 Zone District. As a privilege, issuance of a license to engage in short-term rental of residential property shall not establish a right to such activity or a right to continue the activity beyond the term of any license subject to compliance with all applicable regulations. License holders should not rely on the potential for future license renewals and the Town may alter, modify, suspend, or revoke the availability of a short-term rental licensing program at any time.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-20. Definitions.

For the purposes of this Article, the following definitions shall apply notwithstanding a definition provided for the same term or phrase by other Chapters or Articles of the Municipal Code:

Advertise means any act, method or means of drawing attention to a short-term rental for purposes of promoting the same for rent or occupancy.

Applicant means a person or authorized representative of a corporation or other legal entity that is an eligible to hold a short-term rental license pursuant to Section 6-1-50 and submits an application for issuance of a short-term rental licensee in accordance with this Article.

Bedroom shall mean a room within a residential dwelling unit that was lawfully created and is currently lawfully recognized by the Town as a bedroom within the meaning of applicable building and safety codes and intended for overnight sleeping accommodations. Rooms deemed permitted for overnight sleeping accommodation are limited to rooms designed and intended for the primary purpose of overnight sleeping and which include an interior door, one (1) or more closets, and one (1) or more windows which provide egress in the event of emergency and which room and windows meet standards established by the applicable building and safety codes for a bedroom. Garages, kitchens, bathrooms, living rooms, dining rooms, lofts, hallways, family or media rooms, storage rooms, and rooms not heated by the structure's central heating system are deemed not to be bedrooms for purposes of this definition.

Dwelling unit means one (1) or more lawfully created rooms with internal connections including bathroom and kitchen facilities designed, occupied, or intended for residential occupancy as separate quarters for the exclusive use of a single family for living, cooking, and sanitary purposes.

Guest means all persons renting and persons accompanying a renter of a short-term rental.

Hosting platform means a manner through which a host may offer a dwelling unit, or portion thereof, for short-term rental. A hosting platform includes, but is not limited to, an internet-based platform that allows a host to advertise and potentially arrange for temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays rent directly to the host or to the hosting platform.

Licensed premises means the dwelling specified in an approved application for a license under this Article.

License holder or licensee shall mean the person or entity to whom a short-term rental license has been issued by the Town.

Loft shall mean an above grade room typically fully or partially partitioned from other rooms within a residence, accessible from the interior of the structure, but which does not qualify as a bedroom.

Rent means to allow the use of real property for a period of time. Rent includes such terms as lease, sub-lease, let, sub-let, share, time share, trade, and borrow.

Short-term rental means the rent for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit to a specific person or persons for periods of time less than thirty (30)

consecutive days. A short-term rental is an activity that shall remain accessory, ancillary, and subordinate to the primary or principal residential use of such dwelling or dwelling unit. The phrase short-term rental does not include commercial hotels or motels.

Town means the Town of Blue River, Colorado. Use of the term "Town" in reference to an action to be undertaken by the Town may mean administrative, legislative, or other form of action depending on the context. "Town" shall not be deemed to imply that a referenced action must be undertaken by the Board of Trustees and, in most cases, such action would expressly reference the Board of Trustees as the acting body.

Utility or utilities, for purposes of determining occupancy limits for a short-term rental property only, means public and private service(s) both necessary and commonly found to be associated with the full use and occupancy of real property such as, but not limited to, water, wastewater (septic or sewer), gas (including propane), and electricity, but not including telephone, communication, or cable services.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2021-01, § 1, 1-19-2021)

Sec. 6-1-30. Accommodation registrations to expire.

On December 31, 2020, at 11:59 p.m., all accommodation registrations or other forms of permits or licenses issued by the Town pursuant to former Article 1 (renumbered by Ordinance No. 20-15 as Article 1A) of Chapter 6 shall expire and be automatically terminated.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-40. Short-term rental license required.

- (a) Commencing January 1, 2021, at 12:00 a.m., all short-term rentals shall require a short-term rental license issued in accordance with this Article.
- (b) A license issued pursuant to this Article is not required for rental of residential property for a period equal to or greater than thirty (30) consecutive days to the same person, persons, or entity. Agreements for rental terms of less than thirty (30) days shall not be combined or aggregated for the purpose of evading short-term rental licensing or regulation.
- (c) It shall be unlawful for any person to operate a short-term rental in the Town of Blue River without a license issued pursuant to this Article. Short-term rental of property without a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (c) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (d) It shall be unlawful for any person to operate a short-term rental in the Town of Blue River during any period where a previously issued license is suspended pursuant to Section 6-1-130. Short-term rental of property during any period where a license is suspended constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (d) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20. As an alternative to penalty assessment, the court shall be authorized to revoke a short-term rental license upon payment in full of all outstanding taxes, fees, and charges owing to the Town.

- (e) It shall be unlawful for any person to advertise a short-term rental of property in the Town of Blue River without a valid and effective short-term rental license issued pursuant to this Article for the advertised property. Advertising a short-term rental of property without a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (e) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (f) It shall be unlawful for any license holder to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another person or entity, or to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another location. Such attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (f) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (g) Each separate act in violation of this Section shall be a separate offense. Each calendar day that a violation exists shall be a separate offense and violation of this Article.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-50. Eligibility for short-term rental license.

- (a) Only owners in fee simple of dwelling units lawfully constructed and lawfully existing within the R-1 Zone District shall be eligible for issuance of a short-term rental license.
- (b) Persons or entities that rent a dwelling unit (whether on a short-term or long-term basis) shall not be eligible for issuance of a short-term rental license.
- (c) Property designated, declared, deed-restricted, or reserved as affordable housing, employee housing, long-term rental housing, low-income housing, or other similar classification by the state of Colorado, any county or municipal government, special district, governmental or quasi-governmental authority or entity, or political subdivision shall be ineligible for the issuance of a short-term rental license. It is the intent of this Article to limit the privilege of short-term rentals to property generally unrestricted and available for use as a single-family residence.
- (d) Property owners convicted of, or who plead guilty or no contest to, a violation of an offense provided by Section 6-1-40 shall be ineligible to apply for, or for the issuance of, a short-term rental license for a period of three (3) years following the date of entry of such conviction or plea.
- (e) A property that held a license that was revoked pursuant to Section 6-1-40(d) (operation while suspended) or Section 6-1-130 (revoked for non-compliance) shall be ineligible to apply for, or for the issuance of, a short-term rental license for a period of five (5) years following such revocation.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-60. Manager authority.

- (a) The Town Manager may promulgate forms, checklists, self-certification affidavits, and other documents necessary or convenient for the purpose of ensuring conformance with this Article.
- (b) The Town Manager may submit any application for a short-term rental to any utility provider, governmental or quasi-governmental agency, law enforcement agency, or any other provider of services to the property in order to evaluate whether the operation of the short-term rental will comply with any applicable laws, regulations, standards, or rules.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-70. Application for short-term rental license.

- (a) License application. Applicants for a short-term rental license shall submit an application to the Town Manager in a form approved by the Town. Such application, to be deemed complete, shall provide at a minimum the following:
 - (1) The applicant's full name, mailing or postal address, electronic mail address (if any), and telephone number.
 - (2) The address of the proposed licensed premises including a description or illustration of the area(s) that will be used for short-term rental purposes with a total number of bedrooms and an illustration of the off-street parking spaces reserved and available for the short-term rental. Illustrations need not be drawn to scale but should be sufficiently illustrative of the property, improvements, and parking areas to verify compliance of the proposed short-term rental with the requirements of this Article.
 - (3) A non-refundable application fee in an amount of two hundred dollars (\$200.00). The application fee shall be waived for any applicant seeking a license for 2021 that held a valid accommodation rental registration on December 30, 2020; provided that such applicant shall pay the applicable renewal fee established by Section 6-1-100(b) of this Article. The application fee may be increased annually on January of any year after 2021 by the Town Manager by not more than twenty-five dollars (\$25.00) where the Manager determines that such increase is necessary to meet the administrative cost of processing short-term rental applications
 - (4) The name, address, and telephone number for a person or property management company or agency that will serve, following license issuance, as the emergency contact for short-term rental guests in the event the license holder is unavailable.
 - (5) Documentation evidencing that the applicant has applied for or already possesses a sales tax license from the Colorado Department of Revenue.
 - (6) A written certification by the applicant that the dwelling unit presently is, and will continuously be, equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by standards set by the Town Manager.
 - (7) During periods of Town-recognized pandemic or other health emergency, a written certification by the applicant that the management and operation of the dwelling unit will meet requirements established by the Town Manager to best protect the health of property owners, guests, and the public. Such requirements may include, but not be limited to, ensuring personal physical spacing, reduction in guest occupancy limits, mandatory housecleaning and disinfectant services between guest stays, making disinfectants and sanitizers available to guests, and conformance with all applicable public health orders and directives.

- (8) A short-term rental self-inspection form confirming compliance with specific standards established by the Town Manager.
 - (9) A written acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by building, fire, zoning, and other officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Manager, result in a suspension of the short-term rental license pursuant to Section 6-1-130 of this Article. Notice of inspection shall be mailed to the applicant's mailing address not less than ten (10) days prior to the date of the scheduled inspection. As a courtesy, the notice may also be sent to the electronic mail address of the property owner (if any). Immediate entry for inspection may also be obtained by issuance of an inspection warrant by the Municipal Court or other court or administrative or regulatory body.
 - (10) All registration, license, customer, account, or other number or property identifying information assigned by any hosting platform used for the short-term rental (including, but not limited to, hosting platforms such as VRBO, Airbnb, HomeAway, Booking.com). If the applicant will maintain an independent website address for the short-term rental whether used for information to renters of to schedule rentals, the internet address of such website is required.
 - (11) Such other information determined necessary by the Town Manager to evaluate the compliance of the applicant, licensed premises, or proposed short-term rental property or management with the requirements of the Municipal Code.
- (b) If any of the information provided in the license application changes or is no longer valid, the license holder shall notify the Town Manager within ten (10) days after knowledge of the changed information.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-80. Application processing, license issuance and term.

- (a) Processing. New license applications shall be reviewed by the Town Manager and approved, conditionally approved, or rejected within thirty (30) days from the date of the Town's receipt of a complete application. The Town Manager shall mail written response to the applicant's mailing address and electronic mail address (if any) concerning the application decision which response shall include the specific conditions imposed on approval or reason for any rejection.
- (b) Conditions of license issuance. The Town Manager may impose written conditions on the issuance of any license which conditions are found by the Town Manager to be either: (i) reasonable or necessary to ensure compliance with the requirements of the Municipal Code or other laws; or (2) recommended by any provider of any service to the property to meet or address service capacity or operational limitations. Such conditions are subject to the discretion of the Town Manager and a condition may include a limitation on the authorized total occupancy of the short-term rental pursuant to Section 6-1-110(a), upgrading of service facilities, or payment of fees or charges to a service provider to accommodate the proposed short-term occupancy.
- (c) Issuance. Upon approval or conditional approval of an application, the Town Manager shall cause written acknowledgement or certification of the issuance of a license to be mailed to the applicant. The date of issuance, Town-assigned license number, and any conditions of approval shall be clearly noted on the face of the acknowledgement or certification and such conditions shall be deemed an operating standard or requirement for the license for which non-compliance may justify revocation, suspension, or penalty assessment in accordance with Section 6-1-130.
- (d) License term. All short-term rental licenses, whether newly issued or renewed, shall expire on December 31 of the year in which the license was issued or the renewal granted provided that licenses issued on or after October 1 shall expire on December 31 of the following year. License holders may seek license renewal pursuant to Section 6-1-100.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-90. License nontransferable.

Short-term rental licenses are nontransferable. Change of ownership of the property subject to short-term rental license shall automatically void any previously issued or existing license and shall require the new owner to apply for a new short-term rental license if short-term rental of the property is desired. Any attempt to transfer a licensee shall be subject to enforcement pursuant to Section 6-1-40(f).

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-100. Renewal.

- (a) A valid and effective short-term rental license which expires on December 31 of the year of issuance may be annually renewed by the license holder for the next year in accordance with this Section. The Town Manager may, as a courtesy, advise a license holder of the need and obligation to renew a previously issued license; however, the ultimate obligation to timely apply for and obtain a license renewal shall rest with the license holder.
- (b) License renewal requests shall be made in writing through the submission to the Town Manager of a renewal form preferably prior to December 1. Renewal forms submitted after December 15 for a renewal for the next year shall be deemed late. Late renewal applications may be accepted at the discretion of the Town Manager upon the license holder's showing of good cause or excusable neglect. The Town Manager is authorized to impose a late fee or charge on any renewal requests submitted after January 31 in an amount not to exceed fifty dollars (\$50.00).
- (c) The renewal application must be accompanied by the annual short-term rental license renewal fee. For renewals of licenses issued for calendar year 2021 (i.e., renewal of license into 2022), such annual renewal fee shall be one hundred fifty dollars (\$150.00); thereafter, the Town Manager is authorized to administratively establish, following consultation with the Board of Trustees, an appropriate annual renewal fee to address the reasonable costs of the Town in processing applications and generally investigating and enforcing this Article. The imposition of a renewal fee shall not prohibit or preempt the Town from seeking compensation or reimbursement of costs incurred in a specific enforcement action against a license holder.
- (d) Upon receipt of a timely renewal application, the Town Manager will review the application and administratively approve the renewal of the license, provided that for the year immediately preceding the date of renewal the following conditions are found by the Manager to be fully satisfied:
 - (1) The applicant for license renewal was the original applicant for the license;
 - (2) The property is not presently, and has not been during the prior calendar year, in violation of this Article, other provisions of the Municipal Code, or conditions imposed upon the license;
 - (3) The previously issued short-term rental license is current and valid and has not been suspended during the prior calendar year;
 - (4) The property has not been the subject of a nuisance violation conviction, or plea of guilty or no contest; and
 - (5) The property has no outstanding local or state tax obligations.

If any one (1) of the conditions are not satisfied, the Town Manager shall deny the renewal application. The Town Manager is authorized to issue a conditional renewal requiring the license holder to promptly remedy or resolve one (1) or more issues that otherwise would necessitate rejection of the license renewal. The license holder's failure to timely satisfy a condition of license renewal shall, without any formal action other

than notice to the license holder, result in the revocation of the license renewal as if the renewal was rejected upon initial application.

- (e) Conditions of renewal. The Town Manager may impose written conditions on the issuance of any renewal which conditions are found by the Town Manager to be either: (i) reasonable or necessary to ensure compliance with the requirements of the Municipal Code or other laws; or (2) recommended by any provider of any service to the property to meet or address service capacity or operational limitations. Such conditions are subject to the discretion of the Town Manager and a condition may include a limitation on the authorized total occupancy of the short-term rental pursuant to Section 6-1-110(a), upgrading of service facilities, or payment of fees or charges to a service provider to accommodate the proposed short-term occupancy.
- (f) License holders denied a renewal may appeal the Town Manager's decision to the Board of Trustees in accordance with Section 6-1-140.
- (g) If a renewal application is denied by the Town Manager or denied following appeal to the Board of Trustees, no application for a short-term rental license shall be accepted for such property for one (1) year from the date of denial.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-110. Operating standards and requirements.

A licensed short-term rental may continue during the duration of the license period only if the rental operation and the license holder conforms to each of the operating standards and requirements set forth in this Section:

- (1) Occupancy limitation. During the period of any short-term rental, the dwelling unit may not exceed an occupancy of two (2) persons for each bedroom (as defined by Section 6-1-20) plus a total of two (2) additional persons. For example, a two-bedroom residence shall be limited during the period of any short-term rental to a total occupancy of six (6) persons.

The Town Manager may reduce the maximum occupancy where the Manager determines based upon reasonably credible information that: (1) the available utility capacity for the short-term rental property is insufficient to support the maximum occupancy; or (2) that a utility service provider has established a lower maximum or permitted occupancy for the short-term rental property for utility purposes; or (3) building, construction permitting, or other public records demonstrate that the short-term rental property did not receive required approval of any existing rooms proposed for use for overnight stay. In rendering such determination, the Town Manager may rely upon information, records, or data available to the public.

The Town shall establish as a condition of the license the total maximum occupancy limitation for the dwelling unit during the term of any short-term rental.

- (2) Parking limitations. The Town may establish a maximum number of vehicles that may be parked off-street at a short-term rental property based on the information provided in the application, any general parking limitations imposed by the Town, and/or a Town-inspection of the property. The Town may establish as a condition of the license the total maximum vehicle parking limitation for the short-term rental.
- (3) Advertising requirements. Advertising to the public for a licensed short-term rental by any means or method, including web-based housing platforms, shall include: (1) reference to the Town-issued license number; (2) the maximum occupancy limitation imposed for the short-term rental by the Town pursuant to subsection (a) above; and (3) the maximum off-street parking limitation imposed for the short-term rental by the Town pursuant to subsection (b) above. It shall be deemed a flagrant

disregard of the standards of operation to advertise that the short-term rental is available for a greater occupancy or greater parking than that established by the Town for the property.

- (4) Conformance with applicable laws. The operation of the short-term rental shall at all times meet the requirements of the state and local laws generally applicable to the public and to the licensed property within the Town of Blue River, such as but not limited to, parking, outdoor lighting, noise, open fire burning, signage, animal and leash laws, trash and refuse management, and snow and ice removal. It shall be the obligation of the license holder to advise guests of all laws affecting the guests' use of the dwelling unit. It is the license holder's responsibility to ensure the operation of the short-term rental property in conformance with all Town requirements and laws and, therefore, offenses committed by guests shall adversely impair the license and the license holder's privilege to operate a short-term rental and such offenses may be cause to revoke, suspend, or penalize a license or license holder in accordance with Section 6-1-130. It shall not be a defense to any revocation, suspension, or penalty assessment that the underlying offenses were committed by the license holder's guests or invitees of the license holder's guests.
- (5) Posting required. Both on the interior side of the primary entry door of the dwelling unit and also prominently placed on the counter of the dwelling unit's primary kitchen, the license holder shall post written notices in not less than twelve-point font containing the following:
- a. License holder's telephone number, text and electronic mail addresses (if applicable);
 - b. Telephone contact information for a person or management company available to the guest to address issues during the rental stay in the event that the license holder cannot be reached;
 - c. Quiet hours are 10:00 p.m. to 7:00 a.m. during which time activities outside and within the premises that can be heard by neighboring properties will be subject to enforcement pursuant to the Town's noise ordinance;
 - d. Trash and recycling schedule and instructions on how to properly dispose of trash to prevent wildlife conflicts, if applicable;
 - e. Renters are not authorized to use the Goose Pasture Tarn, the lake east of Highway 9 near the north boundary of the Town of Blue River and such use is unlawful;
 - f. Parking restrictions and limitations for the property including instruction that the Town of Blue River prohibits parking of vehicles on all Town streets;
 - g. Fire restrictions, if applicable;
 - h. Evacuation directions in the event of fire or emergency;
 - i. Location of the fire extinguisher(s);
 - j. Any other information deemed necessary by the Town Manager to ensure the public's health and safety.

The Town may, at its discretion, prepare and distribute to the license holder a notice for posting meeting the information requirements of this subsection (c). In the event that the Town provides to a license holder such notice, the failure of the license holder to post the Town-prepared notice shall constitute a breach of the obligation to post notice. Individual license holders are encouraged to work with the Town in preparing a posting notice tailored to meet the special needs of the short-term rental operation and the Town requirements and the posting of such jointly prepared notice shall be deemed to meet all requirements of this subsection (e).

- (6) Safety equipment. The license holder shall equip the licensed premises with the following operational equipment: smoke detector, carbon monoxide detector, fire extinguisher, and other life safety equipment as required by the Town Manager.
- (7) Entry of short-term rental premises. The license holder shall allow access to the short-term rental property by Town building, fire, and zoning officials upon a pre-arranged schedule. Notice of inspection shall be mailed to the applicant's mailing address not less than ten (10) days prior to the date of the scheduled inspection. As a courtesy, the notice may also be sent to the electronic mail address (if any). Immediate entry for inspection may also be obtained by issuance of an inspection warrant by the Municipal Court or other court or administrative or regulatory body.
- (8) Payment of taxes. The license holder shall pay all sales taxes, accommodation taxes, and fees owed to the Town in a timely manner.
- (9) Payment of penalty assessment. The license holder shall pay all penalty assessments imposed pursuant to this Article in a timely manner.
- (10) Change of information. The license holder shall notify the Town Manager within ten (10) days after knowledge of a material change to information submitted to the Town to obtain a short-term rental license. A material change includes information required by Section 6-1-70 (a)(1), (2), (4), (5), (6), and (10).

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2021-01, § 1, 1-19-2021)

Sec. 6-1-120. Reserved.

Sec. 6-1-130. License revocation, suspension, and penalty assessments.

- (a) It shall be unlawful for a license holder to operate a short-term rental that is not in compliance with the standards and requirements of Section 6-1-110. A license holder that fails to meet the standards and requirements of Section 6-1-110 in the operation of a licensed short-term rental may have the holder's license: (i) revoked; (ii) suspended; and/or (iii) made subject to administratively imposed penalty in accordance with this Section.
- (b) It shall be unlawful for a license holder to fail to timely pay a penalty assessment imposed in accordance with this Section 6-1-130. A license holder that fails to timely pay an administrative penalty assessment shall be deemed in flagrant disregard for the standards and requirements of Section 6-1-110 which shall justify either revocation or suspension of the license.
- (c) Upon complaint or upon reason to believe a license holder is not in compliance with the standards and requirements of Section 6-1-110, the Town Manager may investigate such circumstance and render an administrative determination whether the license holder is in compliance. Upon a finding of non-compliance, the Town Manager shall notify the license holder of such determination and may:
 - (1) Revoke the license holder's license. Revocation shall be limited to situations where the Town Manager determines that a license holder: (i) demonstrated a flagrant disregard for the standards and requirements of Section 6-1-110; or (ii) failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-110 after three (3) or more notices of non-compliance during a twelve-month period.
 - (2) Suspend the license holder's license. Suspension for a period of time not to exceed six (6) months shall be limited to situations where the Town Manager determines that a license holder has failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-110 after two (2) or more notices of non-compliance. The Town Manager shall be authorized to enter into

an agreement with a license holder to hold in abeyance any suspension pending the license holder's compliance with conditions deemed necessary by the Town Manager to bring the operation of the short-term rental into compliance.

- (3) Assess an administrative penalty. The Town Manager may impose an administrative penalty in an amount not to exceed two hundred dollars (\$200.00) for each finding of non-compliance. Penalty assessment shall be customarily imposed upon the license holder when failing to promptly bring the operation of the short-term rental into compliance with the standards and requirements upon notice by the Town. Interest at five (5) percent each full calendar month (prorated for any partial month) shall accrue upon any outstanding and unpaid penalty assessment amount owned until the assessment is paid in full. Interest accrual shall not be stayed or suspended during any period of administrative or judicial challenge or appeal.
- (d) The Town Manager shall serve a notice of revocation, suspension, or penalty assessment by first class and certified mail to the address of the license holder. The Town Manager may also, as a courtesy, send notice to the license holder through electronic mail to any address of the license holder provided to the Town. The notice shall identify:
 - (1) The name of the license holder and the license number;
 - (2) The applicable section(s) of the violation(s) together with a description of the violation;
 - (3) The action, if any, required to correct the violation; and
 - (4) The effective date of the revocation, suspension, or penalty assessment which shall commence, or be due and owing, no earlier than fifteen (15) days after the date of the notice.

The notice shall inform the license holder of the right to appeal the decision appeal right as set forth herein. Provided that the mailed notice is properly addressed to the license holder's last known registered address with the Town, failure of the license holder to receive such mailing or to accept mailing shall not preclude or prevent the imposition of revocation, suspension, or penalty assessment including any interest owed on penalty assessment.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-140. Appeal of Town Manager decision.

- (a) A license holder may appeal a Town Manager's decision regarding a renewal, revocation, suspension, penalty assessment, or a condition of the permit issuance or renewal by submitting a written notice of appeal with the Town Manager within twenty (20) calendar days of the date of the notice of the Manager's action. An appeal shall stay (hold in abeyance) the decision to reject or condition a renewal, or revoke, to suspend, or to impose penalty assessment until a final written decision is issued by the Board of Trustees on the appeal. The notice of appeal shall state in writing specifically why the renewal decision, revocation, suspension, assessment, or condition is not warranted, justified, or based on accurate information.
- (b) Upon receipt of the appeal, the matter shall be set for a quasi-judicial (on the record) hearing before the Board of Trustees or, at the Board's discretion, an appointed independent hearing officer selected by the Town Attorney. Notice of the hearing shall be provided to the license holder by mail addressed to the license holder's mailing address provided to the Town. Notice shall also be provided to owners of record of property within two hundred (200) feet of the licensed short-term rental.
- (c) At the hearing, the license holder, the Town, and any property owners of record of property within two hundred (200) feet of the licensed short-term rental may present evidence and testimony concerning the renewal or violation(s). In determining whether to uphold the revocation, suspension, or penalty assessment, or modify its terms, the Board of Trustees shall determine whether the Town Manager's decision to revoke,

suspend, or assess was unreasonable, arbitrary or capricious, or not based on sufficient evidence. The Board may consider the severity of the violation(s), the culpability of license holder, any measures taken to remedy the violation to ensure it will not reoccur. For renewals, the Board may instruct the renewal to be issued subject to reasonable conditions which will ensure ongoing conformance of the short-term rental with the requirements of this Article and other provisions of the Municipal Code.

- (d) Following the conclusion of the hearing, the Board of Trustees shall issue a written decision which constitutes the final decision for purpose of any further appeal pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No stay shall be afforded to any license holder upon a denial of renewal, revocation, suspension, or penalty assessment during any further appeal of the Board of Trustee's decision.

(Ord. No. 2020-15, § 3, 9-15-2020)

ARTICLE IA Accommodation Rental Registration Fee¹

Sec. 6-1A-10. Registration required—Fee—Application.

- (a) It is unlawful for any person or corporation to lease, rent or furnish any room or other accommodation within the Town for less than thirty (30) days without first having filed with the Town Clerk an accommodation rental registration on a form furnished by the Town Clerk.
- (b) The accommodation rental registration shall be renewed annually on or before each anniversary.
- (c) In the event that there is any change to the information required to be provided on such accommodation rental registration filing form, an updated form shall be filed with the Town Clerk before any person or corporation leases, rents or furnishes any room or other accommodation for less than thirty (30) days within the town.
- (d) The filing of each initial accommodation rental registration form shall be accompanied by payment of a fee of two hundred dollars (\$200.00), and the annual renewal of the same shall be accompanied by payment of a fee of one hundred and fifty dollars (\$150.00).
- (e) The registration form shall include the name and mailing address of the person or corporation leasing, renting or furnishing any room or other accommodation and shall include the physical address of the room or accommodation and such other information as shall be reasonably required.

(Ord. No. 2020-07, § 2, 3-11-2020; Ord. No. 2020-15, § 1, 9-15-2020)

Sec. 6-1A-20. Interest and penalties.

If remittances and reports are not received on the due dates specified in Section 6-1A-10, a penalty shall be imposed in the amount of ten (10) percent of the liability for the fee, and the total amount due, including tax and penalty, will bear interest at the rate of one and one-half (1½) percent per month or fraction thereof until such reports and remittances are received by the Town Clerk.

(Ord. No. 2020-07, § 2, 3-11-2020; Ord. No. 2020-15, § 1, 9-15-2020)

¹Editor's note(s)—Ord. No. 2020-07, § 2, adopted March 11, 2020, repealed Art. I, §§ 6-1-10—6-1-40, and enacted a new Art. I, §§ 6-1-10 and 6-1-20, as set out herein. The former article pertained to similar subject matter and derived from Ord. 10-06-a § 1, adopted 2010; and Ord. No. 14-02, § 1, adopted Feb. 18, 2014. Subsequently, Ord. No. 2020-15, §§ 1, 2, adopted September 15, 2020, renumbered Art. I, §§ 6-1-10 and 6-1-20 as Art. IA, §§ 6-1A-10 and 6-1A-20, as set out herein. Effective at 11:59 p.m. on December 31, 2020, Art. IA shall be repealed.

ARTICLE II Business Registration Fee

Sec. 6-2-10. Required—Fee—Application.

- (a) It is unlawful for any person or corporation to engage in any business or occupation without first having filed with the Town Clerk a business registration form on a form furnished by the Town Clerk.
- (b) The filing of each business registration form, including each updated registration form, shall be accompanied by payment of a fee of fifty dollars (\$50.00) and a yearly renewal fee of fifty dollars (\$50.00).
- (c) The registration form shall describe the name of the business and shall include the name and address of the person or corporation conducting the business.
- (d) Section 6-1-10 of this Chapter and not this Section shall apply to the leasing, rental or furnishing of any room or other accommodation.

(Ord. 13-12 §2, 2013)

Sec. 6-2-20. Annual update.

It shall be the duty of each person or corporation filing a business registration form on or before each anniversary of such filing to file, on a form furnished by the Town Clerk, an updated registration form containing current information. Refusal to comply with the requirements of this Section shall be deemed a violation of this Article.

Sec. 6-2-30. Violation—Penalty.

Any person violating any of the provisions of this Article shall be deemed to have committed a violation for each and every day or portion thereof during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Section 1-4-20 of this Code.

ARTICLE III Marijuana Establishments²

Sec. 6-3-10. Marijuana establishments prohibited.

It is unlawful for any person to operate a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store within the Town.

Sec. 6-3-20. Violation, penalty.

Any person violating any of the provisions of this Article shall be deemed to have committed a violation for each and every day or portion thereof during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Section 1-4-20 of this Code.

² Section 2 of Ordinance No. 13-11, 2011, provides that this Article shall be reconsidered by the Board of Trustees no later than September 16, 2014.