

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2025-09

AN ORDINANCE AMENDING THE BLUE RIVER MUNICIPAL CODE BY REPEALING AND REENACTING ARTICLE 1 OF CHAPTER 6, TITLED SHORT- TERM RENTAL LICENSING AND OPERATION AND DECLARING AN EMERGENCY

WHEREAS, the Town of Blue River, Colorado ("Town") is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, it is the Town's long-standing policy that the "Town of Blue River endeavors to nurture our serene mountain community by conserving our natural residential environment, promoting unity with our neighbors and surroundings, channeling the voice of our residents, and enhancing the quality of life for all;" and

WHEREAS, the Town finds that encouraging and protecting the use of property by full-time or part-time resident homeowners and long-term renters protects the Town's single-family residential character, creates a greater sense of community, interpersonal relationships and connections between residents, and an understanding among residents of the need to reduce the impact on the natural environment and wildlife; and

WHEREAS, the Town of Blue River is predominately zoned for single family residential uses and within the Residential (R-1) Zone District and the Planned Residential (PRD) District; and

WHEREAS, commercial or business activities are prohibited in the R-1 and PRD Zone Districts, except for limited types of home occupations subject to specific regulations to limit impacts on the neighborhood; and

WHEREAS, the short-term rental of property is not a permitted use and is not a permitted home occupation in the R-1 and PRD Zone Districts; and

WHEREAS, the Town declares that the short-term rental of property is a commercial business activity or operates in a manner that is substantially identical or substantially similar to a for-profit commercial business and that such activity adversely impacts the community and surrounding area, and the character of single-family residential neighborhoods; and

WHEREAS, the operation of a short-term rental business can provide a housing alternative within a community, and such business activity may be desired by some property owners both within and near communities that experience significant tourism and vacation visitation; and

WHEREAS, pursuant to the Colorado Land Use Control Enabling Act (Article 20 of Title 29, C.R.S.), Planning and Zoning (Article 23 of Title 31, C.R.S.), and the general authority and police powers provide by Article 15 of Title 31, the Town possesses the authority to regulate the use of land on the basis of the impact of the use on the community and surrounding area and to regulate the operation and licensing of businesses within its jurisdiction; and

WHEREAS, based on the experience of the Town of Blue River and other local governments, and as recognized by courts addressing the regulation of short-term rentals, the short-term rental of residential property results in impacts that are different in kind and degree than the impacts associated with a residential property; and

WHEREAS, the Town can accept the short-term rental of property as an activity if the activity is limited to the R-1 and PRD Zone Districts and the impacts of the activity can be sufficiently regulated and limited so as not to undermine the established policies of the Town, and not adversely impact the community and the character and quiet enjoyment of single-family residential neighborhoods; and

WHEREAS, the Town finds that, based on the experience of the Town of Blue River and other local governments and complaints by Blue River residents, the impacts commonly resulting from short-term rentals include, but are not limited to:

- A. A larger number of people occupying a residential dwelling unit than would be experienced at a typical residential property that is not operated for short-term rental; and
- B. A greater number of vehicles parked at a short-term rental and unlawfully parked in rights-of-way and in areas adjacent to the property used as a short-term rental than is experienced at a typical residential property not operated for short-term rental; and
- C. The generation of a greater number of vehicle trips to and from the dwelling unit used as a short-term rental than the typical residential single-family dwelling unit; and
- D. The production from the short-term rental of greater amounts of trash, and a failure to manage the storage of trash to prevent conflicts with wildlife, than the typical residential dwelling unit; and
- E. Larger gatherings of people on a more frequent or consistent basis than that experienced by a typical residential single-family dwelling unit, which gatherings produce greater noise, late night outdoor lighting, and outdoor human activities than is experienced from a typical residential property not operated for short-term rental; and
- F. Setting of outdoor wood burning fires and use of fire pits, which are often left unattended and insufficiently extinguished, creating a risk of wildfire and potential catastrophic damage to the community and the Town; and
- G. Lack of knowledge and experience of many, if not most, short-term renters concerning the impacts caused by occupying a dwelling unit in a mountain community that places a high value on: (1) the character and quiet enjoyment of residential neighborhoods; (2) the need to protect the natural environment; (3) the need to limit the risk of fire and wildfire caused by outdoor fires; and (4) the need to avoid human conflict with and to protect wildlife; and

WHEREAS, the Blue River Police Department reports that a majority of calls for law enforcement services and the need to manage conflicts are generated by, or relate to, the short-term rental of property within the Town; and

WHEREAS, the Town recognizes that nearly all full-time and part-time resident homeowners will use their dwelling unit for residential occupancy during all or a part of each year and, when not occupying their dwelling unit, some owners may make their residential dwelling unit available for short-term rental on a limited basis for limited periods of time each year – in effect, short-term rental is an ancillary or secondary purpose of the dwelling unit for such owners; and

WHEREAS, the Town finds that some property owners will own multiple dwelling units in the Town and apply for multiple short-term rental licenses in order to operate a full-time short-term rental business for profit and that such owners do not hold the property for the primarily purpose of full-time or part-time residential residency or long-term rental; and

WHEREAS, the Town finds that limiting the number of short-term rental licenses that can be held by property owner(s), and by the owners of a corporation owning property, and by the beneficiaries of a family trust owning property, will best balance owners' interests in operating a short-term rental with the Town's interest in maintaining its long-established policy of protecting residential neighborhoods and the natural environment; and

WHEREAS, the Town finds that regulations which reasonably address and limit the impacts of short-term rentals on residential neighborhoods will best balance the owners' desires to operate a commercial short-term rental business within the Town with the Town's long-established purpose and policy of protecting residential neighborhoods and the natural environment; and

WHEREAS, the Board of Trustees legislatively finds and declares that repealing the current Article 1 of Chapter 6 of the Blue River Municipal Code, and the replacement of the current Article with the attached Article for 2026 will reasonably protect the health safety, and welfare of the Town's residents and visitors.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. Article 1 of Chapter 6 Repealed and Reenacted. Article 1 of Chapter 6 titled "Short-Term Rental Licensing and Operation" is hereby repealed and reenacted as a new Article 1 of Chapter 6, also titled "Short-Term Rental Licensing and Operation" in accordance with and as provided by Section 3 below.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance and Article 1 of Chapter 6 be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, Article 1 of Chapter 6, or the Blue River Municipal Code, the intention being that the various sections and

provisions are severable.

Section 3. General Repeal; Repeal of Current Article 1 of Chapter 6 Delayed. Any and all ordinances or codes or parts thereof in conflict or inconsistent with this Ordinance are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision that was previously repealed or superseded, provided that:

The currently effective Article 1 of Chapter 6 of the Blue River Municipal Code shall remain effective and shall not be repealed until December 31, 2025, at 11:59 p.m. in order to manage and regulate short-term rental licenses issued in 2025 and which expire on December 31, 2025, at 11:59 p.m.; and

The attached new Article 1 of Chapter 6 shall be effective immediately for the purpose of submitting, reviewing, and processing applications for: (1) the renewal of licenses issued in 2025 for the upcoming calendar year 2026; and (2) new licenses for calendar year 2026.

Section 4. Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the adopted or the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Emergency Declaration and Effective Date. The Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of public health, safety, or welfare. Specifically, the passage of this Ordinance as an Emergency Ordinance is necessary to guarantee or ensure the continued and timely administration of the Town's short-term rental program so as to not impair the citizen's right to submit new applications and renewal applications, to receive timely processing, and to receive licenses upon determination that the applications meet the requirements of the newly enacted Ordinance. Absent the emergency nature of this Ordinance, the citizens will not be authorized to apply for or be issued new and renewed licenses by the end of 2025 which license are effective on January 1, 2026, and citizens currently holding licenses will be required to immediately cancel short-term rental reservations or risk violation of the law.

Upon passage by at least six (6) members of the Board of Trustees in office as required by C.R.S. § 31-16-105, this Ordinance is:

READ, AMENDED, PASSED, ADOPTED, MADE EFFECTIVE, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 18th day of November, 2025.



Nick Decicco, Mayor

ATTEST:



John DeBee, Deputy Town Clerk

Published in the Summit Daily News on November 28, 2025.

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 lawfully existing residential dwelling units within the R-1 and PRD Zone Districts to offer to the public all or a portion of the owner's residential dwelling unit for short-term rental. Short-term rental of a residential dwelling unit is a business or commercial activity or operates in a manner that is substantially identical or substantially similar to a for-profit commercial business. Short-term rental of a residential dwelling unit is antithetical to the residential purposes of the R-1 and PRD Zone Districts due to the potential for adverse impacts upon the quiet enjoyment of neighboring residential properties. Short-term rental can be an acceptable activity in the R-1 and PRD Zone Districts, but only subject to licensing and the Owner's compliance with this Article. As a privilege, a license to operate a short-term rental 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. Owners should not rely on the future availability of the short-term rental program or on the potential for future license renewals. The Town may alter, modify, suspend, or revoke the availability of a short-term rental licensing program.

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.

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

Determination of Number of Bedrooms. For purposes of this Article, the total number of bedrooms for a property shall be initially established from the real property records for the property available through the Summit County Assessor's

Office.¹ Notwithstanding the Assessor's Office's recorded number of bedrooms, the Town reserves the right to administratively set the recorded number of bedrooms based on records available to the Town including, but not limited to, Town building records, total bedrooms authorized for service capacity by water and wastewater utility providers, and/or physical inspection of the property.

Closet means a built-in permanent part or portion of a bedroom consisting of drywall and a built-in clothes storage area permanently affixed to a wall of the bedroom which would require repairs to the bedroom should the storage area be removed. Built-in bunk beds with built-in clothes storage space may constitute a closet, but drawers incorporated into a stand-alone bunkbed commonly available from a furniture store shall not constitute a closet, nor shall an armoire, regardless of the bunkbed or armoire being affixed or attached to a wall of the bedroom.

Corporation means any legally recognized form of business or commercial organization or entity, whether incorporated or unincorporated, and including partnerships, corporate trusts, and real estate investment trusts (REITs) operating within IRS rules for REITs, but excluding a family trust.

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

Guest means, collectively, all persons renting a short-term rental and all individuals invited by or accompanying a renter at a short-term rental.

Hosting platform means any manner through which a person may advertise or offer a dwelling unit, or portion thereof, for short-term rental (a "host"). A hosting platform includes, but is not limited to, an internet-based or web-based platform that allows or permits a host to advertise and potentially arrange for the temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays or provides rent directly to the host, hosting platform, or another person. By way of examples, a hosting platform includes privately owned or operated website addresses and commercial platforms such as VRBO, Airbnb, HomeAway, and Booking.com.

Individual (or *individuals*) means a human being or, when plural, human beings.

Family trust means a trust created to own property as an estate planning tool for the benefit of family beneficiaries only.

Licensed premises means the property or lot and the dwelling unit that is identified in an approved application for a short-term rental license pursuant to this Article.

¹ See <https://www.summitcountyco.gov/services/assessor/index.php> at Property Information Search and Maps.

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

New license means a license issued or to be issued to an Owner in accordance with this Article for property which is not licensed for a short-term rental.

Operation of (or to operate) a short-term rental means the renting of a property as a short-term rental and the management and control of the rental and the activities and actions of renters.

Overnight occupancy means the number of people permitted by this Article to be present at a short-term rental between the hours of 9:00 p.m. and 7:00 a.m.

Owner (as capitalized) means the individual(s), corporation, or family trust listed or identified as the owner of property in the real property records of the Summit County Assessor's Office² (the "record owner"). When property is owned by two or more owners, the term *Owner* shall collectively refer to all owners. In addition and for purposes of Section 6-1-50(c) and 6-1-60 only (Owners limited to one license), *Owner* shall also include:

For a corporation identified as the record owner, all individual(s) and other corporation(s) owning a twenty-five percent (25%) or greater ownership interest in the corporation; and

For a Family Trust identified as the record owner, all beneficiaries of the Family Trust.

Owner's Representative means an individual identified by the Owner in the license application as the Owner's Representative and is granted the authority by the Owner to make decisions on behalf of the Owner regarding the operation of the short-term rental, to communicate with the Town on behalf of the Owner, to receive notices and information from the Town, and to take action on behalf of the Owner.

Person (or persons) means an individual, individuals, corporation, or family trust.

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

Renter means the person(s) renting a short-term rental.

Responsible Agent means the individual identified by the Owner as responsible for immediately addressing and remedying a renter's actions which violate the operational requirements of this Article and communicating with the Town on behalf of the Owner as required by Section 6-1-140.

² Id.

Short-term rental means the renting for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit for a period of time less than thirty (30) consecutive days. 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, law enforcement, code enforcement, or other form of action depending on the context. "Town" shall not 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.

Town Manager means the individual employed or appointed by the Board of Trustees to serve as the Town's chief administrative officer or manager. For purposes of this Article, *Town Manager* includes a person designated by the Town Manager to perform duties delegated by the Manager.

Utility or utilities, for purposes of determining occupancy limits for a short-term rental property, means public and private service(s) both necessary and commonly found to be associated with the 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, telecommunication, or cable services.

Sec. 6-1-30. Short-term rental generally.

Short-term rental of property is prohibited except for the short-term rental of a dwelling unit located in the Single Family Residential (R-1) or Planned Residential (PRD) Zone District for which a short-term rental license has been issued in accordance with this Article.

Sec. 6-1-40. Reserved.

Sec. 6-1-50. License required, exemptions, and eligibility.

- (a) License Required. Commencing January 1, 2026, at 12:00 a.m., all short-term rentals require a short-term rental license issued in accordance with this Article.
- (b) Exemptions.
 - (1) Long-Term Rental. A license issued pursuant to this Article is not required for the rental of a lawfully existing dwelling unit for a period equal to or greater than thirty (30) consecutive days to the same person. Two or more agreements for the rental of a dwelling unit to the same person for less than thirty (30) days shall not be combined or aggregated for the purpose of evading short-term rental licensing or regulation.

- (2) Single Room Rental. A license issued pursuant to this Article is not required for the rental for less than thirty (30) days of only one (1) of all of the bedrooms within a dwelling unit in the R-1 or PRD Zone Districts provided that:
- a. The bedroom rental is limited to maximum occupancy by not more than two (2) adult individuals (over age 18) and children; and
 - b. The rental does not include the exclusive rental of a kitchen or kitchenette facility (although the rental may include exclusive use of a bathroom); and
 - c. The remainder of the dwelling unit, including all other bedrooms within the dwelling unit, is not licensed or rented as a short-term rental.

(c) Eligibility for License

Only Owners of property within the R-1 and PRD Zone Districts may be issued a short-term rental license; provided that:

- (1) For a Family Trust that was issued a short-term rental license as the Owner of property, the beneficiaries of the Family Trust shall not be eligible for the issuance of a new or renewed short-term rental license.
- (2) For a corporation that was issued a short-term rental license as the Owner of property, the individuals or other corporations owning a twenty-five percent (25%) or greater ownership interest in the corporation shall not be eligible for the issuance of a new or renewed short-term rental license.
- (3) The renter of a dwelling unit (whether a short-term or long-term rental) shall not be eligible for the issuance of a short-term rental license for that rented dwelling unit.
- (4) An owner of a dwelling unit 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 that is unrestricted and available for use as a dwelling unit and to recognize that short-term rental of a dwelling unit may defeat the purpose of reserving the dwelling unit for affordable housing, employee housing, long term rental housing, and low-income residents.

- (d) License Issued to Owner. A short-term rental license shall be issued in the name of the Owner of the property. For property owned by two or more owners, the license shall be issued in the names of all Owners.

Sec. 6-1-60. Owner limited to one license.

- (a) Beginning January 1, 2027, and thereafter, no Owner may hold more than one (1) Town-issued short-term rental license.
- (b) For 2026:
 - (1) An Owner holding one or more valid and effective licenses as of December 31, 2025, may elect to renew one or more of such licenses for 2026, but shall not be issued a new license for all or any portion of 2026.
 - (2) An Owner holding one or more valid and effective short-term rental licenses as of December 31, 2025, and who elects not to renew any of such license(s) for 2026, may be issued one new license in 2026.
 - (3) An Owner that did not hold a short-term rental license at any time during 2025 may be issued not more than one new license for 2026.

Sec. 6-1-70. License nontransferable.

- (a) Generally. Short-term rental licenses are nontransferable.
- (b) Change of Property Ownership. Any change of ownership of property for which a short-term rental license was issued and is effective shall automatically void the license.
- (c) Attempt to Transfer License. It shall be unlawful and a violation of the Municipal Code for any person to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license or an interest in a short-term rental license to another person, or to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another location.
- (d) Penalty for Unlawful Transfer. Any attempt by an Owner to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another person or to another location shall automatically void the license.

Sec. 6-1-80. License violations and penalties.

(a) Violations.

- (1) It shall be unlawful and a violation of the Municipal Code for any person to operate a dwelling unit as a short-term rental in the Town of Blue River without a license issued pursuant to this Article.
- (2) It shall be unlawful and a violation of the Municipal Code for any person to operate a dwelling unit as a short-term rental in the Town of Blue River during any period where a previously issued license was suspended.
- (3) It shall be unlawful and a violation of the Municipal Code for any person to advertise a short-term rental of a dwelling unit in the Town of Blue River without a valid and effective short-term rental license issued pursuant to this Article for the advertised dwelling unit.
- (4) Except as provided by Section 6-1-60(b) for 2026, it shall be unlawful and a violation of the Municipal Code for any Owner to hold more than one license or to hold an interest in more than one license. Upon finding that an Owner holds more than one license or an interest in more than one license, the Town Manager shall administratively revoke all licenses held by the Owner.

(b) Nature of Violation.

- (1) Each separate act in violation of this section shall be a separate offense or violation.
- (2) Each calendar day that a violation exists shall be a separate offense and violation of this Article.

(c) Penalties for License Violations.

- (1) Upon an administrative finding by the Town or upon an order or decision of the Municipal Court, any person who violates a subsection of this Section 6-1-80, the minimum monetary penalty for each violation shall be:

(i) for the first violation	Five Hundred Dollars (\$500)
(ii) for the second violation	One thousand five hundred dollars (\$1,500)
(iii) for the third and each additional violation	Maximum monetary penalty authorized by law pursuant to Section 1-4-20

- (2) Nothing in this section shall prohibit or preclude the imposition of other penalties for violations authorized by this Article or the Blue River Municipal Code, provided that not more than one (1) monetary penalty shall be imposed against the same person for the same violation or offense.
- (3) License revocation or suspension, the voiding of a license, injunctive relief, and imposing periods of ineligibility for the issuance of a short-term rental license shall not bar the enforcement of a monetary penalty provided by this Article.

Sec. 6-1-90. Period of ineligibility for short-term rental license.

The following periods of ineligibility for the issuance of a short-term rental license shall apply to the following Owners:

(1) An Owner that violated, was convicted or, or plead no contest to an offense provided by Section 6-1-80(a)(1) (operate without license) or 6-1-80(a)(2) (rent while license suspended) shall be ineligible:	For a period of three (3) years following the date of entry of such conviction or plea.
(2) An Owner that violated, was convicted or, or plead no contest to an offense provided by Section 6-1-80(a)(3) (advertising without license) shall be ineligible:	For a period of three (3) years following the date of revocation.
(3) An Owner that unlawfully held more than one license as prohibited by Section 6-1-80(a)(4) shall be ineligible:	For a period of eighteen (18) months following the date of license revocation.

(4) An Owner that held a license that was revoked pursuant to Section 6-1-230(b) (revoked for non-compliance with operational standards) shall be ineligible:	For a period of eighteen (18) months following the date of revocation.
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Sec. 6-1-100. Reserved.

Sec. 6-1-110. Application for new short-term rental license.

- (a) License Application. An Owner seeking a new short-term rental license shall submit an application to the Town Manager in a form approved by the Town Manager.
- (b) Accuracy of Application Information. An Owner shall not submit an application for the issuance of a new short-term rental license that contains false, inaccurate, or incorrect information that is deemed by the Town Manager to be material to the Town's decision to issue a license. Such submission shall justify the Town's revocation of a license that was issued based on such information.
- (c) License Application Contents. To be accepted for review by the Town, the Town Manager must find the application is complete and contains at a minimum the following:
- (1) The street address of the property for which the license would be issued.
 - (2) The full name of the individual(s), corporation, or family trust identified as the Owner(s) of the property by the Summit County Assessor's Office and who will hold the license.³
 - (3) The mailing address, electronic mail address, and telephone number of the Owner(s)
 - (4) The full name, mailing address, electronic mail address, and telephone number of an individual who will serve as the Owner's Representative for communication with the Town concerning the application and the licensed short-term rental. See Section 6-1-20 and 6-1-160(b).
 - (5) The name and contact information for the Responsible Agent. See Section 6-1-140.
 - (6) The full names of the following:

³ The Summit County Assessor's Office lists or identifies the owner(s) of properties within Blue River. See <https://www.summitcountycolorado.gov/services/assessor/index.php> at Property Information Search and Maps.

- a. Where the Owner is a Family Trust, all beneficiaries of the family trust.
 - b. Where the Owner is a corporation, all individuals and other corporations owning a twenty-five percent (25%) or greater ownership interest in the corporation seeking the license.
 - (7) If requested or required by the Town Manager, a copy of the currently valid deed for the property recorded with the Summit County Clerk and Recorder's Office.
 - (8) Proof of at least \$500,000 in liability insurance for the property for which the license would be issued (proof can be provided by hosting platform contract acknowledging insurance coverage through the platform i.e. Airbnb/VRBO, policy information, or other documentation).
 - (9) A statement, description, or illustration of the area(s) of the property that:
 - a. Will be used for short-term rental purposes; and
 - b. The total number of bedrooms claimed by the Owner to be available for short-term overnight accommodations (See Section 6-1-20, definition of "Bedroom - Determination of Number of Bedrooms"); and
 - c. The location and the maximum number of off-street parking spaces which will be reserved and made available during the period of any short-term rental. (See Section 6-1-200(b)).
- Illustrations need not be drawn to scale but should be sufficiently detailed and illustrative of the property, improvements, and parking areas to enable the Town's verification that the proposed short-term rental will comply with the requirements of this Article.
- (10) Payment of all fees and charges as required by resolution of the Board of Trustees.
 - (11) Documentation evidencing that the Owner has applied for or already possesses a current sales tax license from the Colorado Department of Revenue.
 - (12) A short-term rental self-inspection form confirming compliance with specific standards of this Article as established by the Town Manager.
 - (13) A list of all hosting platform(s) to be used for the short-term rental. (See Section 6-1-20 for definition of Hosting Platform). If the Owner or another person will maintain an independent or personal website address for the short-term rental whether used for information to renters or to schedule rentals, the internet address of such website is required.

- (14) Such other information determined necessary by the Town Manager to evaluate the compliance of the Owner and the licensed property with the requirements of the Municipal Code.

Sec. 6-1-120. New 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 a reasonable period of time. A final decision on an application shall depend on the Town's available staffing, but the Town will endeavor to make a final decision within forty-five (45) days from the date of the Town's receipt of a complete application. The Town Manager shall mail the Town's decision to the Owner's mailing address and may, as a courtesy, send the decision to the electronic mail address (if any) of the Owner. The decision shall include any conditions imposed on approval or reason for any denial.
- (b) Special Conditions of License Issuance. In addition to the standard conditions required by Section 6-1-160, the Town Manager may impose other conditions on the issuance of any license which conditions are found by the Town Manager to be either: (1) reasonable or necessary to ensure compliance with the requirements of the Municipal Code or other law; or (2) recommended by any utility service provider 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 6-1-200(a), upgrading of service facilities, or payment of fees or charges to a service provider to accommodate and serve the proposed short-term rental occupancy.
- (c) License Term. All new short-term rental licenses shall be issued for a term to commence on the later of January 1 or the date of issuance and to expire on December 31 of the year in which the license was issued.

Sec. 6-1-130. Reserved.

Sec. 6-1-140. Responsible Agent.

- (a) Generally. The Owner shall secure the services of a management company, rental agency, or individual (the "Responsible Agent") to be available twenty four (24) hours every day, seven (7) days every week, to respond to any complaint made by the Town, filed directly with the Town, or filed with the Town through a website provided by the Town for such purpose, and which complaint concerns a short-term rental's violation or lack of compliance with the requirements of this Article or the Municipal Code.
- (b) Contact Information. The Owner shall inform the Town in writing of the name and contact information of the Responsible Agent (telephone number(s) for both direct communication

and text messaging, and electronic mail address). The Owner shall immediately notify the Town, in writing, of any change of the Responsible Agent and changes in the Responsible Agent's contact information.

- (c) Town Discretion on Complaints. The Town Manager is authorized to evaluate a complaint for the purpose of determining whether the complaint: (1) sufficiently alleges a violation or a lack of compliance with a requirement of this Article or the Municipal Code applicable to short-term rentals; and (2) whether the complaint warrants a more immediate response by the Responsible Agent or may be addressed through communication with the Owner or Owner's Representative. The Town Manager may use discretion in determining the appropriate response to a complaint.
- (d) Response Required. The Responsible Agent shall respond to the Town's notice of a complaint within sixty (60) minutes of receiving notice. For purpose of this section:
 - (1) Notice shall include direct person-to-person telephone communication with the Responsible Agent or with a person associated with the Responsible Agent, or the sending of a phone message, text message, or email message to the Responsible Agent using the contact information provided by the Owner.
 - (2) To respond shall mean that the Responsible Agent contacted, in person, by telephone or by text message, the person making the complaint and/or the occupants of the short-term rental and engaged in a good faith effort to both understand the complaint and to commit to a remedy or resolution of the complaint within a reasonable period of time.
- (e) Reporting Required. The Responsible Agent, Owner, or Owner's Representative shall report to the Town how the Responsible Agent communicated with the person making the complaint and/or the occupants of the short-term rental and the steps taken to resolve or address the complaint. The report shall be made by telephone or electronic mail within 24 hours of the time that notice of the complaint was made or sent to the Responsible Agent.

Sec. 6-1-150. Renewal and renewal term.

- (a) Renewal Authorized. A valid and effective short-term rental license which expires on December 31 of the year of issuance may be renewed by the Owner for the next year in accordance with this section. The Town Manager may, as a courtesy, advise an Owner of the need and obligation to renew a previously issued license; however, the obligation to timely apply for a license renewal shall be the sole responsibility of the Owner.
- (b) Renewal Application Submission and Deadline. A complete license renewal application shall be made in writing by submission to the Town Manager of a renewal application form.

- (1) For renewal applications for licenses to be issued for 2026, renewal applications shall be submitted prior to December 19, 2025.
- (2) For renewal applications for licenses to be issued for 2027 and thereafter, renewal applications shall be submitted no later than December 1 of the year prior to the year of license issuance.

Renewal applications submitted after the applicable deadline but not later than January 15 shall be deemed late. Late renewal applications may be accepted at the discretion of the Town Manager upon the Owner's showing of good cause or excusable neglect. The Town Manager is authorized to impose a late fee as established by resolution of the Board of Trustees on any renewal application submitted after the applicable deadline. Applications for renewal submitted after January 15 shall not be accepted and a new short-term rental application and new license shall be required if the Owner seeks to operate a short-term rental of the Owner's property.

(c) Contents of Renewal Application. At a minimum, the renewal application shall:

- (1) Confirm the accuracy of the information provided in the original application as the information may have been amended or changed by subsequent renewal applications; and
- (2) Correct or update any outdated information provided in the prior year's application; and
- (3) Provide (if not previously provided) or update:
 - a. For a Family Trust, the full names of all beneficiaries.
 - b. For a corporation, the full names of all individuals and other corporations owning a twenty-five percent (25%) or greater ownership interest in the corporation seeking the license.
- (4) Include payment of all fees and charges as required by resolution of the Board of Trustees.
- (5) If required by the Town Manager, a new short-term rental self-inspection form confirming compliance with specific standards of this Article.

(f) Correcting Application Information. A renewal application shall not contain false, inaccurate, or incorrect information that is deemed by the Town Manager to be material to the Town's decision to issue a license. Such submission shall justify revocation of a license that was issued based on such information.

- (g) Application Review. Upon receipt of a timely renewal application, the Town Manager will review the application and administratively approve the renewal of the license, provided the Town Manager finds that the application fully satisfies the following criteria:
- (1) Threshold Determination. No renewal application shall be processed and a license shall not be renewed by the Town if the licensed premises was not rented for at least ten (10) days during the immediately prior year.
 - (2) Eligibility Determination. Following compliance with the threshold determination, the Town Manager shall review the application for eligibility for license renewal. The application must evidence that:
 - a. The license to be renewed will be issued to the same Owner(s) that were issued the original license;
 - b. The license to be renewed is valid and effective;
 - c. The application includes full payment of fees and charges due for a renewal application;
 - d. The Owner of the property and the license to be renewed is not subject to a period of ineligibility for the issuance of a license pursuant to Section 6-1-90;
 - e. The short-term rental and the property which is the subject of the renewal is not known by the Town to be presently in violation of the operational requirements imposed for a new license by Section 6-1-200, this Article, other provisions of the Municipal Code, and conditions imposed upon the license. The Town's approval of a renewal application and issuance of a license shall not preclude the Town from finding that a violation existed or exists where information is later obtained by the Town that establishes a violation;
 - f. The Owners of the property and the short-term rental was not determined to be in violation of a provision of this Article, another provision of this Municipal Code, or a condition imposed upon the license more than two (2) times during the year preceding the year of renewal. For purposes of this Section, "determined to be in violation" includes the Town's issuance of a notice of violation, or a summons and complaint for which the defendant entered a plea of guilty or no contest to, or for which a court, hearing officer, or the Town has made a finding that a violation occurred, and that finding has not been overturned on appeal;

- g. The Owner has not received three (3) or more administrative penalties during the prior licensing period which were not overturned on appeal; and
- h. There are no known outstanding and unpaid or delinquent administrative penalties, local tax, or state tax obligations for the Owner or the property.

If any one of the conditions of this subsection (2) are not satisfied, the Town Manager shall deny the renewal application.

- (3) Conditional Renewal. The Town Manager is authorized to issue a conditional license requiring the Owner to promptly remedy or resolve issues that otherwise would necessitate rejection or denial of the application or license renewal. The Owner's failure to timely satisfy a condition of license renewal shall, without any formal action other than notice to the Owner, result in the revocation of the conditional license as if the application for renewal was denied following review and never issued.
 - (4) Right to Appeal. An Owner whose application for renewal is rejected or denied pursuant to subsection (f)(1), (f)(2) or (f)(3) of this section may appeal the Town Manager's decision in accordance with Section 6-1-240.
- (h) Term of Renewed License. A renewed license, if issued, shall be deemed effective as of January 1 following the date of the timely submission of a complete application and shall expire on December 31 of the same year. Licenses issued after January 1 (e.g., due to submission of a late application or due to the Town's inability to renew a license prior to January 1) shall be retroactively effective as of January 1 and shall expire on December 31 of the same year.

Sec. 6-1-160. Standard Conditions for Every License.

Every new or renewed short-term rental license issued by the Town shall be subject to the following standard conditions which, by the acceptance of a license, the Owner consents to and accepts the conditions and agrees to comply with the conditions in the operation of the short-term rental:

- (a) License is a Privilege. The issuance of a license to engage in short-term rental of residential property is a privilege to conduct an activity that is otherwise prohibited in the Town of Blue River. Issuance of a license shall not establish a right to continue the activity beyond the term of any license subject to compliance with all applicable regulations. Owners shall not rely on the potential for future license renewals, and the Town may alter, modify, suspend, or revoke the availability of the short-term rental licensing program at any time. Accepting or scheduling reservations for a short-term rental beyond the term of a license will require the Owner's cancellation of such reservations should the license not be renewed for any reason.

- (b) Authority of Owner's Representative. The individual identified in the application as the Owner's Representative is granted the authority by the Owner to make decisions on behalf of the Owner regarding the operation of the short-term rental, to communicate with the Town on behalf of the Owner, to receive notices and information from the Town, and to take action on behalf of the Owner. Actions taken and representations made by the Owner's Representative are binding on the Owner.
- (c) Owners Jointly and Severally Responsible. Where property for which a short-term rental license was issued is owned by two or more individuals, corporations, or family trusts, all Owners shall be jointly and severally responsible for the compliance or non-compliance of the short-term rental with the requirements of this Article.
- (d) Update of Application Information. The Owner holder shall notify the Town Manager within ten (10) days after knowledge of a change in the information provided in an application. Notification of a change in information shall not authorize the continued operation of a short-term rental where such change would otherwise render the Owner(s) or the property ineligible for a license. A change in information that would render the Owner or the property ineligible for a short-term rental license shall justify the Town's revocation of the license.
- (e) Required Equipment. The property shall be continuously equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by standards set by the Town Manager.
- (f) Inspections for Compliance. The property shall be subject to pre-arranged and periodic inspections by building, fire, zoning, and other officials to confirm the property and the Owner's compliance with this Article. Notice of the date and time of inspection shall be deposited in the regular U.S. Mail addressed to the Owner's mailing address not less than ten (10) days prior to the date of the scheduled inspection. As a courtesy, notice may also be sent to the last known electronic mail address (if any) of the Owner and/or the Owner's Representative. Refusal to permit inspection at the scheduled date and time shall, in the discretion of the Town Manager, justify and result in a suspension of the short-term rental license pursuant to Section 6-1-230 of this Article. Nothing in this section shall preclude or limit the Town's authority for immediate entry for inspection as permitted by law or by a warrant issued by the Municipal Court or other court or administrative or regulatory body.
- (g) Owner's Consent to Removal of Non-complying Advertisement. The Town is authorized to contact a hosting platform and demand the removal of any advertisement, offer, or listing when determined by the Town that the advertisement, offer, or listing fails to comply with the requirements of this Article or other provision of the Town's Municipal Code. In the Town's contact with a hosting platform, the Town is authorized by the Owner to represent to the hosing platform that the Owner consented to the removal of the non-complying advertisement, offer, or listing.

Sec. 6-1-170 to 6-1-190. Reserved.

Sec. 6-1-200. 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 Owner conform to each of the operating standards and requirements set forth in this Section:

(a) Occupancy Limitations.

- (1) Overnight (Lodging) Occupancy. From 9:00 p.m. and 7:00 a.m. during the period of any short-term rental, the dwelling unit may not exceed an overnight occupancy of two (2) individuals for each bedroom (as defined by Section 6-1-20) plus a total of two (2) additional individuals. For example, a two-bedroom residence shall be limited during the period of any short-term rental to a total overnight occupancy of six (6) individuals.

The Town Manager may reduce the maximum permitted overnight 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 overnight occupancy; or (2) that a utility service provider has established a lower maximum permitted occupancy for the short-term rental property for utility purposes; or (3) building, construction permitting, or other publicly available records establish that the short-term rental property did not receive required approval of one or more of the bedrooms claimed by the Owner to be available for overnight occupancy.

- (2) Total Property Occupancy Limit. From 7:00 a.m. to 9:00 p.m. during the period of any short-term rental, the total number of people present at the short-term rental for any reason shall not exceed the permitted total overnight occupancy plus four (4) people.

(b) Parking Limitations and Requirements.

- (1) Maximum Outdoor Parking. No more than five (5) motor vehicles may be parked outside of a closed garage on any property during the period of any short-term rental. The Town may reduce the maximum allowable number of vehicles where the Town determines that the property's off-street parking area cannot accommodate five (5) vehicles without encroaching onto road easements, rights-of-way, neighboring properties, or will likely require vehicles to park outside of the designated parking area. The Town may reduce the allowed parking for a short-term rental during the license term where the Town finds that the Owner's renters and guests have, during the license term on more than one occasion, parked outside

of the approved parking area or within road easements, rights-of-way, or on neighboring property.

- (2) Use of Other Property for Parking Prohibited. Parking for a short-term rental shall not be permitted on property other than the property licensed for the short-term rental notwithstanding any agreements or easements for the use of other property for parking.
- (3) Parking Area. Parking of motor vehicles during the period of a short-term rental shall be limited to the parking area described in the approved short-term rental application and approved by the Town. The parking area shall meet the following requirements:
 - a. A property licensed for a short-term rental shall provide and maintain a recognizable and readily identifiable parking area to serve as the required parking area for motor vehicles. Such standard shall be met by the formal creation of an area that is visually distinguishable from other areas of the property by leveling, grading, and surface improvement (paving, gravel, or other non-native surface condition). Areas designated for required parking shall not be unimproved natural areas indistinguishable from the general character of the property.
 - b. No part of any parking area shall extend into a public right-of-way or road easement.
 - c. No part of any parking area shall extend beyond the boundaries of the property licensed for the short-term rental.
- (c) Advertising Requirements. Advertising to the public for a licensed short-term rental by any means or method, including hosting platforms, shall prominently display:
 - (1) The current Town-issued license number;
 - (2) The maximum overnight 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 and a violation of this Article to advertise that the short-term rental is available for a greater overnight occupancy or greater parking than that established by the Town for the property, or to not include the Town-issued license number.

Upon the determination of a violation of this subsection, the Town will provide notice of a violation of this section to the Owner or Owner's Representative and to any publicly available contact person for the hosting platform. The notice will include the uniform resource locator (URL), the address of the short-term rental, and the reason for the demanded removal. The Owner shall be responsible for the removal or the correction of the listing within not more than seven (7) days of receiving the notice. Nothing in this subsection shall preclude or prevent the Town from directly contacting the hosting platform and demanding removal of the violating advertisement as permitted by Section 6-1-160(g).

- (d) 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.
- (1) It shall be the responsibility of the Owner to advise renters of all laws affecting the renter's use of the dwelling unit.
 - (2) It is the Owner's responsibility to ensure the operation of the short-term rental property in conformance with this Article and all Town requirements and laws and, therefore, actions and offenses committed by the Owner's renters or guests can adversely impair or impact the Owner's privilege to hold a license. Such actions and violations may result in revocation, suspension or administrative penalty in accordance with Section 6-1-230.
 - (3) It shall not be a defense against any revocation, suspension, administrative penalty, or other action by the Town in the enforcement of this Article that the underlying offenses were committed by the Owner's renters or guests and not by the Owner or with the knowledge of the Owner.
- (e) 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 Owner shall post written notices in not less than twelve-point legible font containing the following information:
- (1) The telephone number, text, and electronic mail address for the individual serving as the Owner's Representative; and
 - (2) Telephone contact information for the Responsible Agent in the event that the Owner's Representative cannot be reached; and
 - (3) Quiet hours are 9:00 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; and

- (4) Trash and recycling schedule and instructions on how to properly dispose of trash to prevent wildlife conflicts; and
- (5) Notice that renters and guests 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 that use by renters or guests is unlawful; and
- (6) Parking restrictions and limitations for the property including instruction that the Town of Blue River prohibits parking of vehicles on all Town streets; and
- (7) Fire restrictions, if applicable; and
- (8) Water conservation expectations, if applicable; and
- (9) Evacuation directions in the event of fire or emergency; and
- (10) Location of the fire extinguisher(s); and
- (11) 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 Owner's Representative a form of notice for posting that meets the information requirements of this subsection (e). In the event that the Town provides to the Owner's Representative such notice, the failure of the Owner's Representative to post the Town-prepared notice shall constitute a violation of the requirement to post notice. Owners and the Owner's Representative are encouraged to work with the Town in preparing a posting notice tailored to meet the 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.

- (i) Safety Equipment. The Owner 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.
- (j) Outdoor Fires, Fire Pits, and Fire Tables.
 - (1) Outdoor wood burning fires and fire pits are prohibited anywhere within the property licensed for a short-term rental during any rental period. For purposes of this section, a fire pit is an area dug into the ground or an area surrounded by stones, masonry, or other materials intended to keep or contain of a wood burning fire.
 - (2) A permit issued to an Owner by the Red White and Blue Fire Protection District for an outdoor fire shall not authorize such fire during any short-term rental period

and shall not supersede the Town's prohibition of certain types of fires during any short-term rental period.

- (3) Fire tables are permitted if located no closer than 25 feet from the licensed property's boundaries, placed on a hard surface deck or hard surface patio, monitored by an individual at all times, and operated by a functioning automatic shut-off timer or external safety timer which will prevent the fire table from operating after a set period of time. For purposes of this section, a fire table means a commercially available, mobile, gas-burning, elevated surface that contains an opening for fire in the middle of the surface.
- (4) Permanent outdoor fireplaces are permitted for use during a short-term rental if the fireplace is gas operated (not wood burning) and constructed in accordance with a building permit issued by the Town and approved by the Town as complying with all Town adopted building and safety codes. Outdoor fireplaces shall be permitted by the Red White and Blue Fire District, if a permit is required.
- (k) Large Events Prohibited. Short-term rentals may not be used for a large event. For purposes of this section, a large event is defined as any gathering of people for any purpose greater than the permitted overnight occupancy of the short-term rental plus four (4) people. See Section 6-1-200(a).
- (l) Availability and Response by Responsible Agent. During the term of every short-term rental, the Responsible Agent designated by the Owner shall be available, shall respond, and shall report as required by Section 6-1-140. Failure of the Responsible Agent to meet the requirements of Section 6-1-140 for any reason shall constitute a violation by the Owner to meet the operating standards of this section and Section 6-1-140.
- (m) Payment of Taxes. The Owner shall pay all state and local taxes and fees owed to the Town in a timely manner.
- (n) Payment of Penalty Assessment. The Owner shall pay all penalty assessments imposed pursuant to this Article in a timely manner.
- (o) Notification of Change of Information. The Owner shall notify the Town Manager in writing within ten (10) days after knowledge of a material change to the information submitted with the application to the Town for the purpose or obtaining a short-term rental license.
- (p) Compliance with License Conditions. The Owner shall comply and remain in compliance with any conditions imposed on the license in accordance with this Article.

Sec. 6-1-210. Reserved.

Sec. 6-1-220. Town Manager Authority.

- (a) Forms. The Town Manager is authorized to promulgate forms, checklists, self-certification affidavits, and other documents necessary or convenient for the purpose of administering the Town's short-term rental program and ensuring conformance with this Article.
- (b) Enforcement and Penalties. The Town Manager is authorized to make administrative decisions and findings as to violations of this Article, and to impose penalties as established by this Article. The Town Manager may also direct the issuance of a summons and complaint, or other appropriate means of charging a violation, to the Blue River Municipal Court for the enforcement of this Article.
- (c) Referrals. The Town Manager may refer 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 applicable laws, regulations, standards, or rules.
- (d) Fee Schedule. The Town Manager shall recommend to the Board of Trustees a schedule of fees for the administration of this Article. Upon the Board's acceptance or modification of the Manager's recommendation, the Manager shall present to the Board of Trustees a written resolution setting the fees for the administration of this Article. If a fee schedule is not approved by resolution of the Board prior to December 1 of a calendar year, the previously approved and effective fee schedule shall govern for the following year. An approved fee schedule may be modified at any time at the discretion of the Board.
- (e) Administration of Article. The Town Manager shall hold the discretion to administratively waive or modify a requirement of this Article when deemed necessary to efficiently and fairly administer this Article and such waiver or modification will not be contrary to the intent of this Article. Such authority shall include entering into agreements with Owners and to defer a penalty pending the Owner's compliance with the requirements of the Article.
- (f) Other Authority. This section shall not be construed to limit other authority and duties of the Town Manager provided by this Chapter or the Municipal Code.

Sec. 6-1-230. License revocation, suspension, and penalty assessments.

- (a) Generally. It shall be unlawful for a Owner to operate a short-term rental that is not in compliance with the standards, requirements, and duties of this Article and the Municipal Code. An Owner that fails to meet the standards, requirements, and duties of this Article may have the holder's license: (i) revoked; (ii) suspended; and/or (iii) made subject to an administratively imposed penalty in accordance with this Section.

- (b) Compliance Investigation and Actions for Non-compliance. Upon complaint or upon reason to believe a Owner is not in compliance with the standards, requirements, and duties of this Article or the Municipal Code, the Town Manager may investigate such circumstances and render an administrative determination whether the Owner is in compliance. Upon an administrative finding of non-compliance, the Town Manager may take the following actions and shall notify the Owner of such determination:
- (1) Revoke the Owner's License. Revocation shall be limited to situations where the Town Manager determines that an Owner or Owner's Representative:
 - a. Demonstrated a flagrant disregard for the operational standards and requirements of Section 6-1-200.
 - b. Failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-200 after three (3) or more notices of non-compliance during any consecutive twelve-month period; or
 - c. Submitted false, inaccurate, or incorrect information with an application which information is determined by the Town Manager to be material to the Town's decision to issue a license and would have justified denial of the license.
 - (2) Suspend the Owner'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 the Owner failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-200 after two (2) or more notices of non-compliance. Upon the Manager's determination that the Owner demonstrates an good faith commitment to ensure compliance with this Article, the Town Manager is authorized to enter into a written agreement with an Owner to hold in abeyance any suspension pending the Owner'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 Owner when failing to promptly bring the operation of the short-term rental into compliance with the standards and requirements upon notice by the Town. Payment shall be due ten (10) business days following the date of the Town's notice. Interest at five (5) percent each full calendar month (prorated for any partial month) shall accrue upon any outstanding and unpaid penalty assessment amount until the assessment and interest is paid in full. Interest accrual shall be suspended during any period of administrative or judicial challenge or appeal. It shall be unlawful for an Owner to fail to timely pay a penalty assessment

imposed in accordance with this section. An Owner's failure to timely pay an administrative penalty assessment shall justify either revocation or suspension of the Owner's license.

- (c) The Town Manager shall serve a notice of violation, revocation, suspension, or penalty assessment by first class and certified mail to the last known address of the Owner and Owner's Representative. The Town Manager may also, as a courtesy and not as a requirement, send notice to the Owner and/or Owner's Representative through electronic mail to any addresses of the Owner provided to the Town. The notice shall identify:
- (1) The name of the Owner and the license number;
 - (2) The property address for the short-term rental;
 - (3) The applicable section(s) of the Municipal Code of the violation(s) together with a description of the violation;
 - (4) The action, if any, required to correct the violation; and
 - (5) The effective date of any 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.
 - (6) The right to appeal the decision as permitted by Section 6-1-240.

Provided that the mailed notice is properly addressed to the Owner's last known registered mailing address with the Town, failure of the Owner 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 a penalty assessment.

- (d) Revocation of a license in accordance with this section shall not affect any period of ineligibility for the issuance of a new license as provided by Section 6-1-90.

Sec. 6-1-240. Appeal of Town Manager decision.

- (a) Appeal Authorized. The Owner may appeal the Town Manager's decision regarding a license denial, a notice of violation, license renewal, revocation, suspension, or penalty assessment by submitting a written notice of appeal with the Town Manager within twenty (20) calendar days of the date of the notice. An appeal shall stay (hold in abeyance) the decision regarding a renewal (i.e., to reject, deny, or condition a renewal), or a decision to revoke, to suspend, or to impose a penalty assessment until a final written decision is issued by the Board of Trustees on the appeal. The Owner's notice of appeal shall state in writing why the license issuance decision, renewal decision, revocation, suspension, or assessment

is not warranted, justified, or based on accurate information. The Owner's notice may include a statement of why the Owner met all conditions for issuance or renewal and provide information that addresses how the Owner has taken measures to remedy the violation.

- (b) Appeal Fee. Together with submission of a timely and complete written notice of appeal, an appeal fee in an amount established by resolution of the Board of Trustees will be due to the Town Manager in order for the appeal to be processed. The appeal fee will be refunded to the Owner less a portion of the processing costs if the Owner is successful in reversing the Town Manager's decision.
- (c) Hearing Body and Notice. Upon receipt of the Owner's written notice of appeal and payment of the appeal fee, the matter shall be set for a quasi-judicial hearing before the Board of Trustees, a three-person committee of the Board of Trustees, or, at the Board's discretion, before an appointed independent hearing officer selected by the Town Attorney. Notice of the hearing shall be provided to the Owner by communication addressed to the Owner's mailing or electronic mail address provided to the Town. Notice shall also be sent to any known address for property Owners of record within two hundred (200) feet of the licensed short-term rental.
- (d) Hearing and Decision. At the hearing, the Owner, the Town, and other interested persons may present evidence and testimony relevant to the Town Manager's decision. Cross examination of anyone providing testimony shall not be permitted. In determining whether to uphold the Manager's decision or to modify the decision, the Board of Trustees or hearing officer shall determine whether the Manager's decision was unreasonable, arbitrary or capricious, or not based on sufficient evidence. The Board or hearing officer may consider in rendering a decision the severity of the violation(s), the culpability of the Owner, and any measures taken to remedy the violation to ensure it will not reoccur. For appeals of the denial or revocation of a new license or a license renewal, the Board or hearing officer may instruct the license to be issued or renewed 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.
- (e) Written Decision Required. The Board of Trustees or hearing officer's decision shall be made in writing which decision shall be final on the date of issuance.
- (f) Further Appeal. Further appeal must be made to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Sec. 6-1-250. Municipal Court authority.

Notwithstanding the authority of the Town Manager to enforce and impose penalties for violations of this Article, the Municipal Court for the Town of Blue River shall have jurisdiction concerning

all violations of this Article and the authority to impose penalties as provided by this Article in accordance with Article 4 of Chapter I, *General Penalty*.