

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2017**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, AMENDING CHAPTERS 4 AND 6 OF THE
MINTURN MUNICIPAL CODE BY THE ADOPTION OF
NEW REGULATIONS FOR SHORT-TERM RENTALS**

WHEREAS, the Town of Minturn (“Minturn” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, C.R.S. §§ 29-20-108 and 31-23-301, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, Minturn is authorized to regulate the construction of buildings and improvements within the Town, C.R.S. § 31-15-601, and to enact building codes and other regulations; and

WHEREAS, the Town is authorized to exercise reasonable financial and police powers to permit and regulate commercial activities and businesses within its boundaries; and

WHEREAS, after public hearings by and before the Minturn Town Council and Planning Commission, the Town Council finds and declares that it is in the interest of the public health, safety, and welfare to amend the Town Code to provide for the reasonable regulation of short-term rentals within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Chapter 4 Amendments. Chapter 4 of the Minturn Municipal Code is amended as follows, with double underlined text added:

Sec. 4-4-30. - Definitions.

When not clearly otherwise indicated by the context, the following terms, words and phrases as used in this Article have the following meanings:

Lodging accommodation means any room in a hotel, apartment hotel, lodging house, short-term rental, fractional fee club, time share, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, trailer court and park or any such similar place.

Lodging customer means any person who, through a taxable lodging transaction, acquires lodging services from a lodging provider.

Lodging price means the gross price paid, exclusive of other taxes paid or value given, by the lodging customer for the lodging services.

Lodging provider means any person furnishing lodging services or such provider's authorized agent.

Lodging services means the furnishing of rooms or accommodations by any person, partnership, association, corporation, estate, representative capacity or any other combination of individuals by whatever name known to a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel, apartment hotel, lodging house, short-term rental, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp or trailer court and park, for a period of less than thirty (30) consecutive days under any concession, permit, right of access, license to use or other agreement, or otherwise.

Lodging tax means an excise tax payable by the purchaser of lodging services or the aggregate amount of taxes due from a lodging provider during the period for which such person is required to report the collections of lodging tax as herein specified.

Lodging transaction means the furnishing of lodging services to any person who, for consideration, uses, possesses or has the right to use or possess any lodging accommodation under any concession permit, right of access, license to use or other agreement, or otherwise

Short-Term Rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered Short-Term Rentals.

3. Chapter 6, Article 7 Adoption. Chapter 6 of the Minturn Municipal Code is hereby amended by the adoption of a new Article 7, "Short Term Rentals" consistent with the following double underlined text:

Sec. 6-7-10. – Applicability and purpose.

The purpose of this Article is to establish within the Town of Minturn reasonable regulations and procedures for the licensing of Short-Term Rentals. As a mountain community geographically limited in growth, the Town of Minturn is impacted by high costs of land and development, which adversely affect the stock of affordable, work-force housing and the residential, community-oriented nature of the Town. By reasonably regulating Short-Term Rentals, the negative impacts of transiency and added commercial activity and business enterprises in residential zone districts, including the impacts on long-term housing, community character, code compliance, and system and infrastructure deterioration can be addressed while protecting the rights of the Town's citizens and property owners.

Sec. 6-7-20. – Definitions.

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this Article have the following meanings:

Building Code includes the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Performance Code, Uniform Code for the Abatement of Dangerous Buildings and the National Electrical Code, as adopted by the Town.

Building Official means the Building Official as defined in the Building Code as adopted by the Town, or his or her designee.

Short-Term Rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered Short-Term Rentals. Short-term rentals are considered lodging accommodations under Chapter 4, Article 4 of this Code.

Local Property Manager means any person or entity with a physical place of business located or residing within 50 road miles of the Town of Minturn, Colorado and identified on a Short-Term Rental License as the local property manager and who is a contract person responsible for the handling of maintenance of the short-term rental, snow removal, and complaints associated with the short-term rental property. If the Local Property Manager is a person or entity other than the owner of the property, the Local Property Manager shall be licensed as may be required under Colorado law.

License means a Short Term Rental License, as prescribed in this Article.

Sec. 6-7-30. – License Application.

(a) License required. All Short-Term Rentals shall be registered and licensed under the terms and provisions of this Article prior to renting the property identified as a Short-Term Rental or listing the Short-Term Rental in any advertisement or with any brokerage or listing agency.

(b) Lodging and sales tax license. Prior to the issuance of a Short-Term Rental License, the owner of the property shall provide to the Town proof of an active lodging, local and state sales tax licenses. A separate Minturn business license is not required if a Short Term Rental License is issued.

(c) Proof of ownership. The property owner shall provide evidence ownership of the Short Term Rental property.

(d) Fee. In addition to any sales tax license, a fee of \$300.00 shall be paid to the Town for any Short-Term Rental License issued under this Article. The \$300.00 fee shall be inclusive of any inspection fees applicable under this Code. If the Short-Term Rental License is denied, the applicant shall be refunded the \$300.00 fee minus all fees attributable to inspections.

(e) Site plan. The owner shall provide to the Town a site plan for the property showing the number of on-site parking spaces and bedrooms. The number of bedrooms shall be determined according to the records of the Eagle County Assessor.

(f) If a property was constructed before the adoption of the 1982 Zoning Codes, and does not meet the parking requirements, it is at staff discretion to approve the Short Term Rental License without meeting on-site parking requirements.

(g) Management. Proof of a contract or agreement with a Local Property Manager that resides within 50 road miles of the Town of Minturn shall be provided to the Town.

(h) Initial Inspection. Upon filing a complete application for a Short-Term Rental License under the terms and provisions of this Article, the property owner shall schedule inspections of the property with the Building Official and Code Enforcement for fire and CO Inspection and with the Code Enforcement Officer for on-site parking compliance. No property shall be granted a Short-Term Rental License unless certified to be in compliance with all applicable provisions of the Minturn Municipal Code, including adopted codes and regulations.

(i) Annual Inspection. The owner shall schedule and permit the Town to inspect the property annually at least 60 days prior to the renewal date of a Short-Term Rental License. Such inspection shall include inspection of the property's fire and CO detectors as well as parking and Town building and zoning code compliance. The owner shall pay an inspection fee in the amount included with the license fee established by the Town.

(j) Each Short-Term Rental property shall post the local license number and any license conditions (i.e. maximum occupancy, parking limitations) within the residential unit; the same information shall be featured prominently on any advertisement for the Short-Term Rental, whether such advertisement is printed or in digital/online format.

(k) Each Short-Term rental property shall post the physical property address of the unit and maintain a working fire extinguisher within the unit for emergency purposes.

(l) In addition to the requirements of this Article, the Town Clerk may require such additional information as the Town Clerk deems reasonably necessary to effectuate the purpose and intent of this Article.

Sec. 6-7-40. – License restrictions.

(a) Zoning. A Short-Term Rental License may be issued in all zone districts.

(b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.

(c) Number of inhabitants. No more than three (3) people per bedroom, including children, shall be permitted to occupy a Short-Term Rental.

(d) Two-year ownership. No property shall be licensed as a Short-Term Rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two years of ownership. The short term rental license is non-transferable with the sale of the property

(e) Housing stock. No more than 10% or 50, whichever is fewer, of the residential housing units shall be licensed as Short-Term Rentals in the Town at any time.

Sec. 6-7-50. – License Contents.

The Town Clerk shall issue a license upon confirming compliance with the application requirements. The Short Term Rental License shall include: the name and contact information for the property manager, the maximum number of occupants of the property, conditions related to parking (if any) and the date of issuance and expiration of the license.

Sec. 6-7-60. – Duration and renewal.

(a) Short-Term Rental Licenses issued under this Article shall be valid until March 31 of the succeeding year. A license holder may submit an application for renewal of a Short-Term Rental License no more than thirty (30) days prior to expiration and may rely on the same application materials previously submitted when seeking renewal of an expired license, unless circumstances have materially changed. Short-Term Rental Licenses shall not represent or convey to License holders any property interest in the renewal thereof.

(b) Short-Term Rental Licenses are non-transferrable and non-assignable.

Sec. 6-7-70. – Taxes.

A Short-Term Rental License holder must collect and submit all applicable taxes in conformance with local, state, and federal law, including local sales and lodging taxes established under Chapter 4 of this Code.

Sec. 6-7-80. – Enforcement and revocation.

(a) Code Enforcement. The property owner of any property licensed as a Short-Term Rental shall be liable for any violation of Chapters 4, 6, 7, 11, 13, 16, and 18 of the Minturn Municipal Code upon the property, and shall abate any nuisance or other violation as required under the Code.

(b) Revocation. Three (3) or more violations of the Code or license upon the licensed property shall be grounds for revocation of a Short-Term Rental Licenses, and the licensed property shall not be eligible for a Short-Term Rental License for a period of two (2) years following revocation.

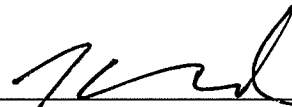
(c) Appeal. Appeal of an administrative decision to revoke a Short-Term Rental license shall be in accordance with Section 6-1-80 of this Code.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 7th DAY OF JUNE, 2017. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 21ST DAY OF JUNE, 2017 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO


Matt Scherr, Mayor


ATTEST:

By: 
Jay Brunvand, Town Clerk

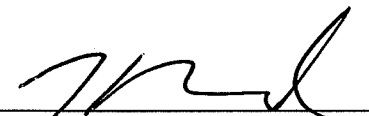


THE TOWN OF MINTURN, COLORADO, ~~ORDAINS THIS~~ ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 21ST DAY OF JUNE, 2017.

TOWN OF MINTURN, COLORADO


Matt Scherr, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk

