

ORDINANCE # 726

AN ORDINANCE OF THE TOWN OF DEL NORTE, COLORADO AMENDING THE DEL NORTE MUNICIPAL CODE BY ADDING "SHORT-TERM RENTAL" AS ARTICLE THIRTEEN OF THE ZONING CODE

WHEREAS, the Municipal Code of the Town of Del Norte contains a comprehensive zoning code under Chapter 16, and

WHEREAS, the Del Norte Town Planning Commission has studied the subject of "Short-term Rental" dwelling units during the past year and has held numerous meetings and received public input which has included review of the provisions of other jurisdiction rules, code, and regulations as well as issues which are particular to the Town, and

WHEREAS, the Planning Commission concluded its discussion and composed a final draft (with the assistance of the Town Attorney) of an amendment to the Code implementing short-term rental (STR) regulations on October 20, 2020, and

WHEREAS, certain members of the Town Board of Trustees (including the Mayor, Mayor Pro-tem, and an additional Town Trustee) have participated, as members of the Planning Commission, in the discussion and drafting of such rules and regulations which it now recommends for passage by the Town Board of Trustees.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Del Norte, that an amendment be made to the Del Norte Municipal Code by addition of the following Article to Chapter 16 of the Del Norte Municipal Code and that Table 16-4A (Use Chart) be amended to include short-term rentals as a conditional use, immediately after "self storage units", in all zoned districts of the Town and that said table include the starred item "***STR's shall not exceed 10 in CH and 10 in CB districts", under the category in the table and the starred footnotes thereafter:

ARTICLE 13 **Short-term Rentals**

Sec. 16-13-10. Definition and Purpose.

- (a) Definition:** A "short-term rental" (STR) is the renting out of a furnished house, a condominium, multi-family dwelling, apartment or room(s) within an owner-occupied house for a short-term stay for periods of no longer than thirty days, either on a weekly or daily basis. Short-term rentals are not allowed in buildings within public or subsidized housing.
- (b) Purpose:** Short-term rentals of dwelling units in any zoned district in the Town for a period of thirty (30) or less consecutive days shall be allowed only as a conditional use in accordance with the procedures in Article 8 (Conditional Use Review Procedures) of this Chapter. Short-term rentals shall not be applicable to trailer coaches, motor homes, camper coaches, camper trailers, fifth wheel trailers, recreational park trailers, recreational vehicles, travel trailers, or truck campers as the same are defined in the Colorado Revised Statutes.

Sec. 16-13-20. Permits, insurance, and taxes.

- a. Before issuing a short-term rental related permit, all owners of said property within three hundred feet (300') of the proposed short-term rental property shall be notified of their opportunity to make comments or objections on the applications as provided in the conditional use review process. The notices shall contain the property location, that the full application may be copied and reviewed at Town Hall, and the date (at least fifteen (15) days from the date of the Notice) by which comments must be received. The Notice shall be posted on the property and at the Town Hall and mailed.**
- b. Upon approval of a short-term rental the owner shall obtain a permit from the Town Administrator. The permit application must include the owner or lessee's name, address, the short-term rental address, the maximum number of guests, the owner or lessee's representative and contact information, a parking plan for guests, evidence of property and liability insurance, and be accompanied by an application fee set forth in the consolidated fee schedule (Appendix 2-F of this Code). The permit will expire at the end of the year in which it was issued and may be renewed at the beginning of the following year upon the approval of the Town Administrator and payment of the yearly fee. In determining whether to renew a permit the Town Administrator will consider the history of any violations of the STR license and any documented complaints from nearby property owners or lessees. The parking plan shall comply with all provisions of the residential or commercial zone for parking in which the short-term rental is located.**
- c. The number of short-term rentals within the Commercial Highway zoned corridors and commercial business districts shall not exceed ten (10) each for said districts.**
- d. Short-term rentals in residentially zoned areas (RU, R1, and R2) are limited to renting, furnished rooms, and furnished portions of an owner-occupied dwelling. The number of short-term rentals within RU, R1, and R2 shall not exceed one (1) per block. Those units being utilized as short-term rentals upon the effective date of this article, shall first be eligible to be issued permits under this section. An apartment within R1 and R2 is defined as a furnished, self-contained dwelling unit or attached to a dwelling structure. Short-term rentals, within residentially zoned areas must be held in the name of a natural person, and shall not be held by a corporation, LLC, or other business entity.**
- e. In order to operate a short-term rental in the Town of Del Norte, Colorado the owner must have primary residency within Rio Grande County, Colorado.**
- f. An owner can operate a maximum of two (2) short-term rental properties within town.**
- g. All owners of short-term rentals are required to collect and remit lodging tax and sales tax. Evidence of issuance of a State sales tax license number is required as a condition of the Town Administrator's consideration of a short-term rental property license application to be complete.**
- h. Short-term rental permits may be used only for the owner of the property for which they are issued and are not transferable upon sale of the property.**

Sec. 16-13-30. Occupancy.

Number of inhabitants: The owner is required to submit a floor plan and site sketch plan with property dimensions, buildings, designation of the number of bedrooms and beds (with a maximum of two persons per bed, and up to a maximum of eight (8) persons per dwelling unit), parking, trash disposition, fire egress, location of smoke and CO alarms and fire extinguishers.

Sec. 16-13-40. Licensing.

Business license: The owner of a short-term rental property must possess a current Town business license for each such short-term rental property which will be issued concurrently with the payment of the fee specified in §16-13-20(a). The business license must be renewed concurrently for every year the owner desires to let the premises as a short-term rental in accordance with Sec. 16-13-10(a).

Sec. 16-13-50. Safety and operations.

1. Safety and Operations. All short-term rentals shall comply with the following safety and operational requirements:

(a) There shall be an owner (or representative) who shall reside within Rio Grande County, who shall be on call full time (24/7) to manage the property during any period within which the property is occupied as a short-term rental. The name, address, and phone number of the owner representative shall be listed on the business license which is on file at Town Hall, and shall be prominently posted inside and outside of the rental property. The short-term rental property license number and the number assigned by all online companies advertising the property will be posted outside the property and will be on file at Town Hall. It is the responsibility of the owner representative to inform short-term rental tenants regarding Town ordinances including but not limited to pets, parking, trash, and noise and to specifically make them aware of Town nuisance ordinances which are applicable to all short-term rentals. In addition, quiet times beginning at ten (10) p.m. will be strictly enforced.

(b) No trash or garbage shall be left outside the unit except in commercial type containers as utilized by commercial trash collectors.

(c) The owner shall ensure compliance with the parking plan approved as part of the application.

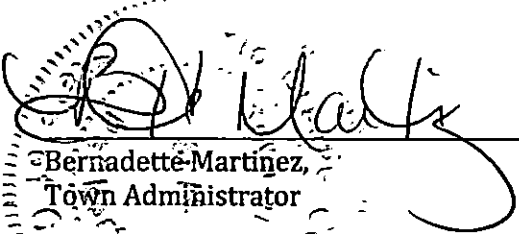
(d) A life safety inspection shall be ordered by the owner, at the owner's expense, and provided to the Town prior to issuance of the initial license, and within sixty (60) days prior to each annual renewal. The inspection may be conducted by a certified inspector approved by the Town, at the owner's expense. Such inspection shall determine the following:

- Adequate fire extinguishers shall be installed and maintained together with smoke alarms and COalarms; and

- Maximum occupancy notice(s) shall be clearly posted based on square footage.

Short-term rentals shall be subject to all of the applicable provisions of the Chapters of the Del Norte Municipal Code addressing zoning regulations, nuisances, and offenses.

DONE and SIGNED this 11th day of November, 2020.

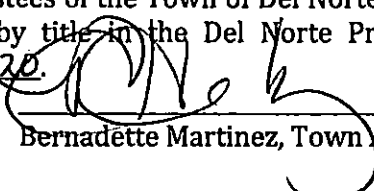

Bernadette Martinez,
Town Administrator
APPROVED AS TO FORM:


George Muncy, Mayor Pro Tem

Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Del Norte, Colorado on the 11th day of November, 2020, and published by title in the Del Norte Prospector, a legal newspaper in the Town of Del Norte on Nov. 19, 2020.


Bernadette Martinez, Town Administrator