

TOWN OF MT. CRESTED BUTTE  
ORDINANCE NO. 10  
SERIES 2021

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING ORDINANCE NO. 7, SERIES 2021**

WHEREAS, the Town of Mt. Crested Butte, Colorado is a home-rule municipality organized under Article XX of the Colorado Constitution; and

WHEREAS the Town is authorized to enact land use and licensing regulations; and

WHEREAS, the Town Council of the Town of Mt. Crested Butte, Colorado determined that the short-term rental of accommodation units has impacts upon adjacent properties, public services and the public health, safety, and welfare generally, and

WHEREAS, the Council determined that licensing and regulation of short-term rentals is necessary to address those impacts and adopted Ordinance No. 9, Series 2019 to regulate and license short-term rentals; and

WHEREAS, the Council amended Ordinance No. 9, Series 2019 by Ordinance No. 7, Series 2021, to address necessary modifications to the short-term rental regulations; and

WHEREAS, the Council has, determined that certain additional modifications are necessary to clarify certain provisions and to further address enforcement related to properties being advertised or short-term rented without a license.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AS FOLLOWS:

**Section 1.** Section 11-3 Short-Term Rental License Requirements, is amended to read as follows:

1. License required.

All Short-Term Rentals shall be licensed under the terms and provisions of this Article prior to renting a property or listing it as a Short-Term Rental in any fashion, whether individually, or through a broker or other advertising site. A Short-Term Rental License may be issued in all zoning districts. Short-Term Rental Licenses are valid only for the property for which the License is issued and are not transferrable upon conveyance of the property.

A license application for which no license has been issued within 60 days of the date the application is submitted to the Town shall be deemed terminated and no further action by the Town shall be undertaken, unless an extension is granted by the Town for good cause shown. Upon conveyance of a licensed property to a new owner, the new owner shall have sixty (60) days to receive a new License from the Town without being in violation of this chapter.

The Town shall maintain a document entitled "STR Guide" that is consistent with the terms of this Article, and which is intended to assist owners in obtaining a short-term rental license, as well as written policies to address whether an extension may be warranted.

In order to obtain a License, an owner must submit or obtain:

- a) Sales Tax and Business and Occupational License Tax. Prior to the issuance of a Short-Term Rental License, the owner of the property shall provide to the Town proof of current sales tax and business and occupational license fee (BOLF) licenses.
- b) Proof of Ownership/Right to Possession. The property owner or lessee shall provide evidence of ownership or right to possession of the proposed Short-Term Rental property. Owner name shall match name on Warranty Deed. Any property owned by someone other than the applicant for a Short-Term Rental License must provide written authorization by the owner of the property to allow Short-Term Rental.
- c) Homeowner Association Approval. Any property governed by a homeowners' association must provide written confirmation that short-term rental is an allowed use from the association prior receiving a Short-Term Rental License from the Town.
- d) Fee. A fee in the amount set by the Town Council by Resolution shall be paid to the Town annually for a Short-Term Rental license. The initial inspection and one follow-up inspection are included in the fee. Any further inspections necessary to obtain compliance with the Town Code shall be at an additional cost set by Town Council by Resolution. Fees are non-refundable.
- e) Self-Compliance Affidavit. No license shall be issued without a notarized affidavit, signed by the owner under penalty of perjury, certifying that the short-term rental property is in habitable condition and complies with the health and safety standards identified in the Self-Compliance Affidavit form, and certifying that no additions of square footage, bedrooms, bathrooms, or pillow counts have been made to the property.
- f) Parking Plan. The owner of the property shall provide to the Town a site plan for the property showing the number of on-site parking spaces. If the property is governed by a homeowners' association, the parking plan must be approved by the association.
- g) Bedroom Count. The number of bedrooms, or sleeping rooms and pillows, shall be confirmed by the Zoning Administrator. Any increase in bedrooms or pillows shall require a new inspection and be subject to the additional inspection fee.
- h) Local Representative. The owner must identify and provide contact information for a local representative located within a forty-five (45) minute drive of the property. The local representative shall be on call full time (24/7), shall have physical access to the accommodation unit, and shall be authorized to make decisions regarding the accommodation unit on behalf of the licensee. The local representative may be a property

management company. It is the owner's responsibility to update this information throughout the term of the License. An owner must submit a new local representative form within 10 days of a change in their local representative.

- i) Good Neighbor Policy. Complete the Good Neighbor Policy form.
- j) Personal Property Declaration Form. Owners must complete the personal property declaration form, available on the Gunnison County Assessor's Office website (<https://gunnisoncounty.org/132/Assessors-Office>), and submit it to the Gunnison County Assessor's Office in accordance with state statutory requirements.
- k) Initial Inspection. Upon filing a complete application, the property owner shall schedule an inspection of the property with the Zoning Administrator. The inspection shall include Building Code Compliance related to life safety issues, as well as compliance with the approved parking plan. No property shall be granted a Short-Term Rental License unless determined to be in compliance with applicable provisions of the Town of Mt. Crested Butte Municipal Code. A property that has been issued a certificate of occupancy for improvements permitted by the Town and to which modifications cannot be reasonably made as to life safety Building Code provisions, shall be deemed to be in compliance with Town Code, subject to written acknowledgement by the owner or lessee of the property accepting liability and agreeing to indemnify the Town against any claim for any injury occurring on the property due to such issues. The Town may require modifications to any property seeking a License including, but not limited to the addition of fire extinguishers, ladders, handrails, or other life/safety equipment.

## 2. Requirements Following Licensure.

a) Periodic Life-Safety Inspections. Because Short-Term Rentals are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the Town's ability to inspect Short-Term Rentals is in the interest of public safety. Therefore, whenever it is necessary or desirable to perform an inspection to enforce the requirements of this ordinance or for Town building or zoning code compliance, the Zoning Administrator or designee may enter such accommodation unit at all reasonable times to inspect for the purpose of enforcing such special conditions. Provided, that if such Short-Term Rental is occupied, the Zoning Administrator shall first present the proper credentials and request entry, and if such Short-Term Rental is unoccupied, shall first make a reasonable effort to locate the owner, the Local Representative, or other person having charge or control of the Short-Term Rental and request entry. If such entry is refused, or if the Short-Term Rental is locked, the Zoning Administrator shall have recourse to every remedy provided by law to secure entry. When the Zoning Administrator has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or any other persons having charge, care, or control of any Short-Term Rental shall fail or refuse, after proper request is made herein provided, to promptly permit entry therein by the Zoning Administrator for the purpose of inspection of the Short-Term Rental. No inspection warrant or permission shall be required for the Zoning Administrator

to enter and inspect a Short-Term Rental in the case of an emergency involving the potential loss of property or human life.

b) Posting of Documents. Each Short-Term Rental property shall post the Short-Term Rental License number, maximum pillow count, approved parking plan, and local representative contact information on any advertisement of the property. Each Short-Term Rental property shall post in a conspicuous location inside the property a copy of the Short-Term Rental License number, maximum pillow count, approved parking plan, local representative contact information, Self-Compliance Affidavit, the Good Neighbor Policy, and trash instructions. Property owner agrees that the Town may post to the Town website the property address, owner name, local representative and phone number, and number of parking spaces allowed by the license.

**Section 2.** Section 11-6 Enforcement, is amended to read as follows:

The property owner of any property licensed as a short-term rental shall be liable for any violations of this Article as well as applicable provisions of the Town of Mt. Crested Butte Town Code.

The failure to license a short-term rental constitutes a violation of this Article in addition to any other violations.

The town may enforce the requirements of this article by any or all of the following means:

(a) The town may issue a warning letter pursuant to section 11-7 to any person or entity renting a property as a short-term rental without a license, or for any other violations of the Town Code, providing a date for cessation or compliance and providing an invoice detailing sums due to the town for such violation, including attorney fees and costs incurred by the town in attempting to obtain compliance.

(b) The town may suspend, revoke or refuse to renew a short-term rental license.

(c) The town may prosecute a civil action pursuant to Town Code provisions applicable to the violation.

(d) Fines for violation of this Article are:

1. Advertisement or rental of a Short-term rental property without a license – current annual license fee plus \$1,000.00 per day the unit is advertised or rented;

2. Online listing missing STR number or failure to post required items in listing - \$200.00;

3. Violation of any other provision of the Article or Code shall subject the owner of the property to a fine of not more than \$2,650.00, such fine amount to be determined by the municipal court judge, plus attorney fees and costs.

Each day any violation of any provision of the Code shall continue shall constitute a separate violation for which fines may be assessed.

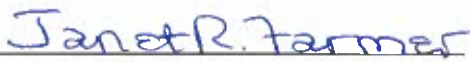
If a license is revoked an owner may not reapply for a period of two years from the date of revocation. A new license application is required following the two-year period. The town shall not accept an application for a new license for the same property for a period of twenty-four (24) months from the date a license is revoked, unless ownership of the property has transferred to a new owner with no legal or other affiliation to the current ownership.

**Section 3. Severability.** Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 2nd day of November, 2021.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 16<sup>th</sup> day of November, 2021.

TOWN OF MT. CRESTED BUTTE, COLORADO

  
By: Janet R. Farmer, Mayor

ATTEST:  
  
Tiffany O'Connell, Town Clerk