

**CITY OF LEADVILLE, COLORADO**

**Ordinance No. 6**

**Series of 2020**

**AN ORDINANCE AMENDING CHAPTER 5.12 OF TITLE 5 AND VARIOUS SECTIONS OF TITLE 17 OF THE LEADVILLE MUNICIPAL CODE CONCERNING SHORT-TERM RENTALS**

**WHEREAS**, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

**WHEREAS**, the City previously adopted short-term rental regulations via Ordinance No. 1, Series 2019 and codified in Chapter 5.12 of Title 5 of the Leadville Municipal Code (“Code”); and

**WHEREAS**, the City has determined it necessary to address issues in the implementation and interpretation of its short-term rental provisions and address apparent inconsistencies between Title 5 and Title 17 concerning short-term rentals; and

**WHEREAS**, the City Council also finds that the revisions to the Code set forth in this Ordinance will further the original purposes of Ordinance No. 1, Series 2019 by assisting in addressing adverse impacts of short-term rentals on neighboring residential dwelling units and the community at large and ensuring that such accommodations are operated in a manner consistent with the character of the Leadville community and neighboring residential uses; and

**WHEREAS**, the City Council therefore desires to amend Chapter 5.12 of Title 5 and Chapters 17.08, 17.48, and 17.60 of Title 17 of the Code to provide for the regulation of short-term rental units and the administration of licenses for short-term rental units within the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:**

**Section 1. Amendments to Chapter 5.12.** Chapter 5.12, entitled “Short-Term Rentals”, is hereby amended to read in full as follows with additions shown in bold, underlined text and deletions shown in strikethrough text:

**5.12.010 - Purpose.**

The purpose of this ~~Chapter~~ 5.12 is to safeguard the public health, safety and welfare by establishing regulations to control the licensing, use, occupancy, and maintenance of short-term rental ~~properties~~**units** in the City.

### 5.12.020 – Applicability and Interpretation.

This ~~Chapter~~ 5.12 applies to short-term rental units only, as that term is hereinafter defined, within any zone district where such use is permitted. This chapter does not apply to hotels, motels, lodges ~~or vacation lodges~~, bed-and-breakfast establishments, or ~~properties with long-term leases~~ long-term rental units, as those terms are defined in chapter 17.08 of this code. This ~~Chapter~~ 5.12 does not supersede any private covenants or restrictions prohibiting short-term rental units. This chapter shall not regulate a ~~property for which a short-term rental license is issued pursuant to this chapter~~ short-term rental unit during periods when the property is not being used as a ~~short-term rental~~ short-term rental unit and is instead being used solely for personal use by the owner of such property. This chapter shall not be construed to prohibit the leasing of properties within the City for more than thirty (30) days.

### 5.12.030 - Definitions.

*Accessory Dwelling Unit* has the same meaning as set forth in chapter 17.08 of this code.

*Dwelling Unit* has the same meaning as set forth in chapter 17.08 of this code.

*Guest Unit* has the same meaning as set forth in chapter 17.08 of this code.

*Local agent* means a management company or individual who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is available twenty-four (24) hours per day, seven (7) days per week to respond as the initial point of contact for the ~~short-term rental~~ short-term rental unit and who is able to respond to emergencies at the ~~short-term rental property~~ short-term rental unit within one (1) hour of the agent's receipt of notice of the emergency. The local agent may be the owner of the ~~short-term rental property~~ short-term rental unit and must have access to the ~~short-term rental~~ short-term rental unit, authority to assume management of the ~~short-term rental~~ short-term rental unit, and the ability to take remedial measures as necessary.

*Owner* means the owner of a property within the City who intends to lease or leases the property or a portion thereof as a ~~short-term rental~~ short-term rental unit.

*Owner-occupied* means a property on which an owner uses a dwelling unit of any kind, or portion thereof, ~~which an owner uses~~ as the owner's legal, primary residence.

**Parcel means an area of land which is capable of being described with such specificity that its location and boundaries may be established and which has been or may be developed as a single unit of land.**

*Renter* shall mean the party to a lease that has obtained the temporary right to use and occupy a ~~short-term rental property~~ **short-term rental unit** or a portion thereof.

~~Short-term rental property means a separate and distinct living unit or area, including a townhouse, house, condominium, duplex or other multi-family structure, trailer, studio unit, lock-off unit, or any other similar building, room, group of rooms or any portion or room thereof or therein, that is designed for or used as a dwelling and that is available for lease for a term of less than thirty (30) consecutive days. The terms *vacation rental* and *short-term vacation rental* as used elsewhere in this code, including in Titles 10 and 17, shall mean *short-term rental* as defined in this chapter.~~  
**Short-term rental unit has the same meaning as set forth in chapter 17.08 of this code**

#### 5.12.040 - License Required.

It is unlawful for an owner to lease, advertise for lease, or permit the leasing of any ~~short-term rental property~~ **short-term rental unit** within the City without a valid license issued by the City pursuant to this chapter. No person who has obtained a license pursuant to this Chapter 5.12 shall be required to obtain a general business license pursuant to Chapter 5.04 of this code for the same business activity.

#### 5.12.050 - Classes of Licenses.

An owner must obtain a license for each ~~short-term rental property~~ **short-term rental unit** within the City. There shall be ~~three~~ **two** separate classes of licenses available for owners to operate ~~short-term rental property~~ **short-term rental units** within the City:

- A. **Class 1:** A Class 1 License is required to operate **any dwelling unit, including an accessory dwelling unit, or portion thereof** ~~single~~ **as an owner-occupied short-term rental unit on an owner-occupied property** where the owner has no other short-term rental property within the City.
- B. **Class 2:** A Class 2 License is required to operate **any dwelling unit, including an accessory dwelling unit, or portion thereof** ~~as a~~ **single short-term rental unit on a**

property within the City that is not owner-occupied~~that is not owner-occupied where the owner has no other short term rental property within the City.~~

~~C. Class 3: A Class 3 License is required to operate multiple short term rental properties within the City, with each short term rental property requiring a separate license. An owner who desires to operate multiple short term rentals within the City must obtain a Class 3 License for each short term rental even if one such short term rental is owner-occupied.~~

#### 5.12.060 - Application Requirements.

A. Contents of Application. A complete application for a short-term rental license must be submitted to the City. The application shall be in writing on forms provided and approved by the City. ~~One application may be used for multiple short term rental properties owned by the same owner. For the purposes of this section 5.12.060, the terms *short term rental* and *short term rental property* shall mean the singular or plural, as applicable for any given application.~~ The following documents and information must be included with the application for the application to be considered complete:

1. The name, address and other contact information of the owner of the ~~short term rental property~~short-term rental unit;
2. The address of the proposed ~~short term rental property~~short-term rental unit;
3. A description of the property and dwelling unit or portion thereof that will be available for lease;
4. The name, address, and contact information of the local agent for the proposed ~~short term rental~~short-term rental unit;
5. A site plan that identifies the location of the trash receptacles and available parking for the proposed ~~short term rental~~short-term rental unit;
- ~~6. Snow and ice removal information and any instructions for renters;~~
6. An acknowledgement, signed by the owner and local agent, that the owner and local agent have read and understand all regulations pertaining to the operation of ~~short term rental~~short-term rental units within the City and that, following issuance of a license, the City may contact the owner if the City deems it necessary or

**appropriate even if there is a separate local agent for the short-term rental unit;**

7. Proof of ownership of the proposed ~~short-term rental property~~**short-term rental unit;**
  8. **For owners that are business entities, proof of authorization signed by all applicable members of the business entity showing the applicant may submit a short-term rental license application on behalf of the business entity;**
  9. A copy of a current and valid State sales tax license issued to the owner **or local agent** for the proposed ~~short-term rental~~**short-term rental unit;**
  10. A copy of a current and valid Lake County sales and lodging tax license issued to the owner **or local agent** for the proposed ~~short-term rental~~**short-term rental unit;**
  11. Proof that all property tax payments for the **property on which the** proposed ~~short-term rental property~~**short-term rental unit is located** are current;
  12. An affidavit, on forms provided and approved by the City, signed by the owner attesting that the ~~short-term rental~~**short-term rental unit** has appropriate safety features;
  13. Proof of insurance covering the proposed ~~short-term rental property~~**short-term rental unit** sufficient to operate a ~~short-term rental~~**short-term rental unit;**
  14. **A copy of a conditional use permit issued by the City, if required under section 5.12.070 of this chapter or title 17 of this code;**
  15. The applicable fee(s) as set forth in the City's fee schedule; **and**
  16. **Such other information determined necessary or desirable by the City to evaluate the compliance of the application, licensed premises or proposed short-term rental activity with the requirements of this code, including but not limited to proof of primary residence acceptable to the City for Class 1 license applications.**
- B. **License Fee. All fees and fines set forth in this chapter**The license fee(s) for a short-term rental license application shall be set by the City Council by resolution and shall be included in the City's fee schedule.

- C. Parking. Each site plan must show the parking available for the ~~short term rental~~**short-term rental unit**, which may be on-street parking, off-street parking, or a combination of both, for the purpose of indicating to renters where parking is available during their stay. The requirement to include available parking in the site plan does not obligate the owner to provide off-street parking for renters.
- D. Application Meeting. The City may require a meeting with the applicant prior to approval or denial of the license to address any issues or questions regarding the application and assist the applicant in resolving any application deficiencies.

#### **5.12.070 - Application Approval.**

- A. Approval Criteria. Short-term rental license applications shall be reviewed and approved administratively by the City Designee. The City Designee is the City staff person designated by City Council to review applications and administer short-term rental licenses. The City Designee shall not approve an application for a short-term rental license or issue a short-term rental license unless:
1. The applicant has submitted a complete application, including the payment of all applicable fees, as set forth in section 5.12.060 of this chapter;
  2. The proposed ~~short term rental~~**short-term rental unit** is within a zone district that allows ~~short term rental~~**short-term rental units**; and
  3. The site plan and other information provided with the application show that the property is in compliance with all **applicable** City ordinances and **all applicable** regulations regarding safety, parking and trash collection; **and**
  4. **The applicant has obtained a conditional use permit, if and as required by this code.**
- B. ~~List of Licensed Properties~~. ~~A current list of all short term rental properties for which the City has issued a short term rental license shall be maintained by and available to the public through the City.~~

#### **5.12.080 - Term of License, ~~and Renewal~~, and Show Cause Hearings.**

- A. Term. Short-term rental licenses shall be effective from ~~February~~ **May 1** until ~~January~~ **31 April 30** each year. Applicants who apply for and obtain a short-term rental license any

time on or after ~~May~~February 1 shall be responsible for paying the entire license fee. Any license issued after ~~May~~February 1 shall expire on the ~~January 31~~**April 30** following the date of issuance regardless of the issuance date.

B. **Renewal.** All short-term rental licenses must be renewed annually. All renewal applications must be submitted prior to ~~January 31~~**April 30 each year** on forms provided and approved by the City. **For short-term rental licenses subject to the annual cap set forth in section 5.12.090 of this code, all renewal applications meeting the requirements herein and submitted by the deadline set forth in this paragraph, with applicants who are in good standing, will be approved. Notwithstanding the foregoing, any license renewal applications received after the deadline set forth in this paragraph will be considered on a first-come, first-served basis.** The City shall approve a renewal application if:

1. The renewal form is complete and does not omit any required information;
2. The renewal fee has been paid;
3. The owner **or local agent** has submitted a new, current safety affidavit;
4. Neither the owner, **the local agent**, nor the ~~short-term rental property~~**short-term rental unit** is currently in violation of any applicable law, rule, or regulation, including the provisions of this code;
5. The owner has not been cited by the City for or convicted by the Leadville Municipal Court or other court of competent jurisdiction of more than one (1) violation related to the owner's ~~short-term rental~~**short-term rental unit** in the last twelve (12) months; and
6. **For any licenses subject to the annual license cap set forth in this chapter, the short-term rental unit was rented for at least fourteen (14) days during the previous license term. If the short-term rental unit was not rented for at least fourteen (14) days during the previous term, the renewal application shall not be approved. Notwithstanding the foregoing, an owner or local agent may complete an affidavit of non-use declaring the reasons for failing to rent the short-term rental unit as required in this paragraph. If a renewal application including such affidavit meets all other requirements of this code, then the City will approve the renewal application. Affidavits of non-use will not be allowed for subsequent renewal applications.**

C. Show Cause Hearings.

- 1. At any time during the term of a license, if the City's records show that a licensee has had at least three (3) complaints, with each complaint related to a separate incident, concerning the operation or maintenance of the short-term rental unit brought to the attention of the City during the current license term, which complaints would each constitute a violation of this code and have been substantiated or verified by the City, the City may notify the licensee in writing of the date and time established for a show cause hearing before the City Council. At the show cause hearing, the licensee shall be required to show cause why its license should not be suspended or revoked. Notice of such hearing shall contain a brief description of the grounds for conducting the hearing, which shall include the list of code violations charged. The hearing shall be held no sooner than ten (10) business days after notice has been delivered to the licensee.**
- 2. At the hearing, the City shall present matters into evidence, and the licensee shall have an opportunity to present evidence on the licensee's behalf and to comment upon the evidence. The City shall furnish the licensee its decision in writing within thirty (30) days following the hearing. In the event of suspension or revocation of the license, no portion of any licensing fees paid shall be refunded.**
- 3. In all cases where the evidence presented at a show cause hearing demonstrates that a violation of this code occurred, the City shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but shall not be limited to, the following factors:**

  - a. Seriousness of the violation;**
  - b. Corrective action taken by the licensee after the violation;**
  - c. Prior violations at the short-term rental unit by the owner, local agent or renters and the effectiveness of prior corrective action;**



- d. **Whether the violation is part of a repeated course of conduct or is an isolated occurrence;**
  - e. **Likelihood of recurrence;**
  - f. **All circumstances surrounding the violation;**
  - g. **Willfulness of the violation;**
  - h. **Length of time the license has been held by the licensee;**
  - i. **Previous sanctions imposed against the licensee; and**
  - j. **Other factors making the situation with respect to the licensee or the licensed premises unique.**
4. **The licensee shall be permitted to give evidence and statements in defense, explanation and mitigation at the show cause hearing if then prepared to do so. If such evidence is not available at the show cause hearing but can be obtained by the licensee, the licensee shall state the substance of such evidence and, upon the licensee's request, the hearing may be continued for not more than ten (10) business days to a date certain.**

#### **5.12.090 - Limitations and Requirements.**

- A. **Local Agent.** The local agent for a ~~short-term rental~~**short-term rental unit** shall have access to and authority to assume management of the ~~short-term rental~~**short-term rental unit** and take remedial measures as necessary. The local agent shall be available to respond to tenant or neighbor concerns regarding the property twenty-four (24) hours a day, seven (7) days a week. **Local agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours.**
- B. **Renter Information Notice.** Each ~~short-term rental property~~**short-term rental unit** shall have a sign displayed in a conspicuous place within the ~~short-term rental~~**short-term rental unit** that contains the following information:
  - 1. Name and contact information of the local agent;
  - 2. The ~~owner's~~ short-term rental license number;
  - 3. The physical address of the ~~short-term rental property~~**short-term rental unit**;

4. The occupancy limit for the ~~short term rental~~ **short-term rental unit**;
  5. The available parking for the ~~short term rental~~ **short-term rental unit**;
  6. A statement that all vehicles must be parked in the indicated available parking spaces unless such spaces are unavailable;
  7. Contact information for police, fire and ambulance service in case of an emergency; and
  8. The location of all fire extinguishers, fire escape routes, and contact information for renters to report safety concerns.
- C. **Occupancy Limits**. The occupancy limit for each ~~short term rental~~ **short-term rental unit** shall be two (2) persons per bedroom available for lease within the ~~short term rental~~ **short-term rental unit** and two (2) additional persons. By way of example and not limitation, a short-term rental that has three (3) bedrooms available for lease has an occupancy limit of six (6) persons plus two (2) additional persons for a total occupancy limit of eight (8) persons.
- D. **Parking**.
1. **Good Neighbor Parking Information**. Upon license issuance, the City will provide to the owner “good neighbor” parking information that outlines, among other things, information on parking limitations and best practices for parking recreational vehicles, trailers, and other similar vehicles. The owner shall post this information in the ~~short term rental~~ **short-term rental unit** in a conspicuous place and, if possible, shall provide this information to renters prior to their arrival at the ~~short term rental property~~ **short-term rental unit**.
  2. **Parking Notice in Advertising**. The owner shall include in all official listings of a ~~short term rental~~ **short-term rental unit** a reference to the available parking for the ~~short term rental property~~ **short-term rental unit** and the location of any designated parking area or spaces.
  3. **Limitations**. Parking is prohibited in any landscaped area, in any manner that blocks ingress or egress for adjacent properties, or in any manner that blocks access to mailboxes of adjacent properties.

- E. Trash Receptacles. Each ~~short term rental~~short-term rental unit shall provide trash receptacles to accommodate all garbage generated by renters. Owners shall be responsible for ensuring that all garbage is placed in covered, secured trash receptacles within twenty-four (24) hours of the end of a rental period and shall ensure that all trash is removed from the ~~short term rental property~~short-term rental unit within seven (7) calendar days of the end of any rental period.
- F. ~~Snow Removal~~. ~~Within a reasonable amount of time, snow must be removed from all sidewalks adjacent to the short term rental property~~short-term rental unit ~~and from any parking areas included in the site plan, including off street parking areas. For purposes of this subsection, a reasonable time shall be no more than twenty four (24) hours after snow has stopped falling. Snow removal may be completed by the owner, local agent, renter, or a third party snow removal service.~~
- F. ~~Functional Detectors~~Safety Features. All ~~short term rental~~short-term rental units must have an appropriate number of functional smoke detectors, carbon monoxide detectors, and fire extinguishers **and must have adequate egress and other required safety features pursuant to applicable fire or building codes**, as determined by the City's Fire Marshal **and set forth in the City's short-term rental safety checklist**.
- G. Change in Information. An owner shall notify the City of any change in ownership of the property, a change in the owner's address or contact information, or any change in local agent or local agent name or contact information within five (5) days of such change.
- H. Taxes. Owners shall be responsible for making timely property tax payments for all short-term rental ~~properties~~units, as applicable for each property. Owners shall also be responsible for keeping all applicable sales and lodging tax licenses current.
- I. Notices. Any notices or communications required or reasonably implied by this chapter may be sent to the owner and local agent by the City via U.S. mail or via electronic mail.
- J. Safety Checks. An owner or local agent of a ~~short term rental~~short-term rental unit shall allow the City access to a licensed ~~short term rental property~~short-term rental unit once per year for the purpose of verifying the information set forth in the safety features affidavit submitted with the owner's license application or renewal application. An owner or local agent shall also allow the City access to a ~~short term rental property~~short-term rental unit to investigate a safety complaint about the ~~short term rental property~~short-term rental unit. **Each safety check shall be subject to a fee set forth in the City's fee schedule**. Following a safety check, the City may provide the owner or local agent instructions on

how to bring the property into compliance with this code and a deadline for such compliance. If the City determines that the owner or local agent has not complied with the instructions by the compliance deadline, the owner ~~shall pay a fine in accordance with the City's fee schedule and~~ may be subject to the suspension or revocation or denial of a renewal application, as appropriate and in accordance with this code, of the owner's short-term rental license.

**K. Maximum Number of Licenses Per Year. There shall be a maximum number of certain licenses available per year (from May 1 through April 30), which shall equal twelve percent (12%) of the total number of residential parcels within the City. The total number of residential parcels shall be as determined by the City using information from the Lake County Assessor. The following types of licenses shall be subject to the cap set forth in this paragraph:**

- 1. All Class 2 licenses, and**
- 2. Class 1 licenses for parcels with two (2) or more short-term rental units on a single parcel.**

**Class 1 licenses for parcels with only one short-term rental unit are not subject to the cap set forth in this paragraph. Licenses issued for owner-occupied parcels with two (2) or more short-term rental units on a single parcel shall count as one license toward the license cap set forth in this paragraph. Notwithstanding the foregoing, owners or local agents must obtain a license for each proposed short-term rental unit in accordance with section 5.12.050 of this chapter.**

**L. Maximum Number of Licenses Per Parcel.**

- 1. The City shall issue no more than one license per parcel, subject to the provisions of this chapter.**
- 2. Parcels may be eligible for more than one license on a case-by-case basis if the additional licenses are approved through the conditional use permit process set forth in chapter 17.52 of this code prior to issuance of a license in accordance with this chapter. Applicants seeking two (2) or more licenses for a single owner-occupied parcel and applicants seeking three (3) or more licenses for a single parcel that is not owner-occupied must obtain a conditional use permit from the City before the City will process any such short-term rental license application.**

3. The operation of two short-term rental units on a single parcel that is not owner-occupied is prohibited. In accordance with the requirements of this chapter, the City permits the operation and licensure of one short-term rental unit on a parcel that is not owner-occupied or may permit, following the issuance of a conditional use permit as set forth in this section, the operation and licensure of three (3) or more short-term rental units on a single parcel that is not owner-occupied. The operation of two or more short-term rental units on a single parcel that is owner-occupied is permitted.
- M. Large Gatherings. Short-term rental units shall not be used to host large gatherings, which shall mean a gathering of people that exceeds the maximum occupancy limits set forth in this chapter.
- N. Nuisances. All owners, local agents, and renters are prohibited from creating, operating, maintaining or conducting any nuisance as defined in Title 8 or in other sections of this code.
- O. Eligibility. Only dwelling units and accessory dwelling units, or guest units within a dwelling unit or accessory dwelling unit, may be eligible for a short-term rental license. No vehicle shall be eligible for a short-term rental license.
- P. Signs. Signs installed on a property related to the operation or management of a short-term rental unit must comply with the requirements of the Leadville Sign Code set forth in chapter 17.80 of this code.
- Q. License Non-Transferable. No license granted pursuant to this chapter shall be transferable from one (1) person to another or from one (1) location to another. An owner that is a business entity with a short-term rental license whose membership or ownership changes must notify the City of such change and apply for a new license within thirty (30) days of such change.
- R. Limited Application of Certain Regulations to Condominium Units. Notwithstanding any provision to the contrary set forth in this chapter, the following regulations apply to condominium units.
  1. Each condominium unit is eligible for one short-term rental license.
  2. Subsection 5.12.090.L of this chapter does not apply to parcels containing condominium unit developments, and applicants seeking a short-term rental

**license for a condominium unit shall not be required to obtain a conditional use permit if other condominium units on the same parcel have obtained short-term rental licenses.**

3. **All condominium units licensed as short-term rental units that are not owner-occupied are subject to the maximum number of licenses available per year set forth in subsection 5.12.090.K.**
4. **Condominium units are subject to all other provisions of this code, as applicable.**

#### **5.12.100 - Denial of Application.**

The City Designee shall deny a short-term rental license application or renewal application for any one or more of the following reasons:

- A. The applicable provisions of the Leadville Municipal Code have not been met;
- B. The required application fees have not been paid;
- C. The application is incomplete or contains false, misleading or fraudulent statements;
- D. The owner, local agent or other agent of the owner is currently in violation of this code or has failed to comply with any applicable requirement of this code; or
- E. For renewal applications only, the owner or local agent has been **found guilty** of more than one (1) code violation regarding the ~~short-term rental~~ **short-term rental unit** within the twelve (12) months preceding the renewal application.

Upon determining that an application must be denied, the City Designee shall send a notice of denial to the address provided by the owner. Such notice of denial shall state the reasons for denial and inform the owner of his or her right to appeal the decision.

#### **5.12.110 - Suspension or Revocation of License.**

- A. **Suspension.** The City Designee may suspend a short-term rental license upon a determination that an owner **or local agent** has:

1. Been found guilty by the Leadville Municipal Court of violating any provision of this chapter on more than one (1) occasion **during the term of the current license**; or
2. Operated a ~~short-term rental~~ **short-term rental unit during the term of the current license** in violation of a building, fire, health or safety code adopted by the City, which finding of violation shall be determined by an investigation by the department, division or agency charged with enforcing said code, and has failed to timely cure such violation after receipt of and in accordance with a notice of violation issued by the City.

Upon making a determination that one or more of the above reasons for suspension has occurred, the City Designee may suspend a short-term rental license for a period not to exceed one (1) year. The City Designee shall send the owner a notice of suspension. Such notice of suspension shall state the reasons for suspension, the dates during which the suspension will be effective, and inform the owner of his or her right to appeal the decision. The suspension shall remain in effect until and including the last day in the notice of suspension or until such time as the violation at issue has been corrected, whichever is later. No license shall be suspended past the license expiration date. Any owners whose licenses have been suspended until the expiration of the license must apply for renewal of the license per the renewal provisions of this chapter.

- B. **Revocation**. The City Designee shall revoke a short-term rental license upon determining that:
1. A short-term rental license has been suspended more than once during the preceding twelve (12) months;
  2. An owner or local agent gave the City false, misleading or fraudulent information in the materials submitted during the application process;
  3. An owner **or local agent** knowingly operated a ~~short-term rental~~ **short-term rental unit** during a time when the short-term rental license was suspended; or
  4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license or renewal of the license, would have warranted the denial of the license **application**.

When the City Designee revokes a short-term rental license, the revocation shall continue for one (1) year from the date of revocation, the owner shall not be issued a short-term rental license during the time such revocation is effective, and must submit a new **license** application after the revocation expires. The City Designee shall send the owner a notice of revocation. Such notice of revocation shall state the reasons for revocation, the time period during which the revocation is effective, and inform the owner of his or her right to appeal the decision.

#### **5.12.120 - Appeal of Denial, Suspension or Revocation.**

- A. **Appeal.** An owner may appeal a denial of his or her application or suspension or revocation of his or her short-term rental license to the City Council and shall be entitled to a public hearing before the City Council. An appeal must be made in writing, stating the grounds for appeal, and delivered to the City within five (5) business days of the date of the notice of denial, suspension or revocation by the City Designee. In the event of an appeal of a suspension or revocation decision, the owner may continue to operate the ~~short-term rental~~ **short-term rental unit** during the hearing process **unless the continued operation of the short-term rental unit pending resolution of the appeal will endanger the public health, safety or welfare, as determined by the City.**
- B. **Hearing.** A public hearing on the appeal shall be held within thirty (30) days of the date the appeal was submitted to the City. At the hearing, the City Council shall hear such statements and consider such evidence as is offered that is relevant to the reasons alleged for denial, suspension or revocation. The City Council shall make findings of fact from the statements and evidence offered at the hearing as to whether such reasons exist. The City Council shall issue a written order either affirming or overturning the denial, suspension or revocation and stating the findings on which the Council's decision is based. A copy of the order shall be sent to the owner within thirty (30) days of the date of the hearing.
- ~~C. **Final Order.** An order of the City Council made pursuant to subsection B above shall be a final decision. An order of the City Council affirming the denial, suspension or revocation of a short term rental license or application therefor may be appealed to the Leadville Municipal Court pursuant to the Colorado Rules of Procedure. Failure of an owner to appeal such order in a timely manner constitutes a waiver by the owner of any right he or she may otherwise have to contest the decision of the City Council.~~
- C. **No Refund.** In the event of suspension or revocation of a short-term rental license, no portion of the short-term rental license fee shall be refunded.



**5.12.130 - Violation, Penalty and Enforcement.**

- A.** It is unlawful for any owner, local agent, other agent of the owner or renter to violate any provision of this chapter.
- B.** In addition to the suspension and revocation actions set forth in this chapter, violations of this chapter are subject to the penalties set forth in chapter 1.20 of this code.
- C.** **Any violation of this chapter shall constitute a nuisance under chapter 8.08 of this code and may be subject to the abatement procedures set forth in chapter 8.08.**
- D.** This section 5.12.130 shall not be construed to prohibit the City from taking any action permitted by law or in equity to remedy a violation of this chapter, including but not limited to seeking an injunction in any court of competent jurisdiction.

**Section 2. Amendments to Chapter 17.08.** Chapter 17.08, entitled "Definitions", in the City's Zoning Code is hereby amended as follows with additions shown in bold, underlined text and deletions shown in strikethrough text:

**17.08.020 - Definitions.**

**"Guest unit" means any room, group of rooms, or other portion of a dwelling unit, accessory dwelling unit, hotel, motel, lodge, bed-and-breakfast establishment, time share estate, rooming or boarding house, or similar structure, that does not constitute the entire dwelling unit or other type of structure, is used or intended to be used for living and sleeping, has adequate egress, and is available for lease or rent as a single unit.**

"Hotel," "motel" or "lodge" means a building or portion thereof with ~~sleeping rooms~~guest units used or designated for use by or hired for occupancy by persons on a temporary basis and containing at least six such guest rooms and shall include hostels.

**"Long-term rental unit" means any dwelling unit, including an accessory dwelling unit, or guest unit that is available for lease for a term of thirty (30) consecutive days or more.**

**"Owner-occupied" has the same meaning as set forth in section 5.12.030 of this code.**

"Rooming or boarding house" means a building or portion thereof with ~~sleeping rooms~~guest units designed to be used, let or hired for occupancy by persons ~~as on a temporary~~long-term rental



**\*\*The number of short-term rental licenses available, regardless of whether the use is a use by right or conditional use pursuant to this section, is subject to the maximum number of licenses available under chapter 5.12 of this code.**

**Section 4. Amendments to Chapter 17.60.** Chapter 17.60, entitled “Accessory Buildings and Uses,” in the City’s Zoning Code is hereby amended as follows with additions shown in bold, underlined text and deletions shown in strikethrough text:

**17.60.020 - R-1, R-2, TR and TC zoning districts.**

- A. Garages for the storage and owner maintenance of automobiles light trucks and recreational vehicles.
- B. Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district, including but not limited to accessory dwelling units in the R-1, R-2, TR, and TC zoning districts as a use by right but only with a conditional use permit in the C zoning district. Accessory dwelling units are prohibited in the RC zoning district.
- C. Detached accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- D. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- ~~E. Accessory dwelling units may be used for long term rentals of thirty (30) days or greater. Short term rentals of less than thirty (30) consecutive days are not allowed.~~
- E.** Design Standards. An ADU, either integrated or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be complementary with the primary structure.
- F.** Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.
- G.** Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.

- H.** Each accessory dwelling unit shall have a maximum of two bedrooms.
- I.** The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- J.** Each accessory dwelling unit must pass the inspection of the building official, or any subsequent structural standards which may be adopted by the City of Leadville.
- K.** Setbacks and heights of buildings that contain detached ADUs must adhere to applicable zoning regulations of the zoning district.

**17.60.030 - C zoning districts.**

- A. Garages as allowed in other districts.
- B. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use, including, but not limited to accessory dwelling units necessary to the maintenance or protection of a facility in the TC zoning district as a use by right but only with a conditional use permit in the C zoning district.
- C. Solar energy devices shall maintain the same setbacks as are required for principal buildings, shall not be located within the front yard, and, if freestanding, shall not exceed ten (10) feet in height.
- D. Detached accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- E. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- ~~F. Accessory dwelling units may be used for long term rentals of thirty (30) days or greater. Short term rentals of less than thirty (30) consecutive days are not allowed.~~
- F.** Any exterior treatments of an accessory dwelling unit shall complement the principal building.
- G.** Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.

- H.** Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.
- I.** Each accessory dwelling unit shall have a maximum of two bedrooms.
- J.** The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- K.** Each accessory dwelling unit must pass the inspection of the building official, or any subsequent structural standards which may be adopted by the City of Leadville.
- L.** Setbacks and heights of buildings that contain detached ADUs must adhere to applicable zoning regulations of the zoning district.

**17.60.070 – Rentals in All Zone Districts.**

**Accessory dwelling units in all zone districts where permitted may be used as long-term rental units of thirty (30) consecutive days or more and as short-term rental units of less than thirty (30) consecutive days. Such rentals shall be subject to the requirements of chapter 17.48 and chapter 5.12 of this code, as applicable.**

**Section 5. City Designee.** The City Council hereby designates the Deputy City Clerk as the City Designee who will review applications and administer short-term rental licenses. The Deputy City Clerk may delegate such duties related to the processing and administration of license applications and licenses to other staff members or contractors of the City as appropriate and necessary.

**Section 6. Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

**Section 7. Codification Amendments.** The codifier of Leadville’s Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

**Section 8. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect,

impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 9. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith 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 heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

**Section 10. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 11. Effective Date and Direction to Staff.** This Ordinance shall become effective on **May 1, 2021**. City Council directs that City staff take all actions necessary to extend 2020 short-term rental licenses until April 30, 2021 and begin processing renewal and new applications for short-term rental licenses in accordance with this Ordinance as soon as practicable following final adoption of this Ordinance. City Council further directs that a grace period ending no later than October 31, 2021 be given to persons who: (1) currently hold a valid City short-term rental license from 2020, (2) will be non-compliant with the new regulations set forth in this Ordinance and therefore ineligible for a short-term rental license issued in 2021, and (3) are able to bring their short-term rental unit into compliance with this Ordinance but will not be able to do so by May 1, 2021. During the grace period, such persons may be temporarily licensed and operate their short-term rentals. If they do not bring their short-term rental units into compliance with this code by the end of the grace period, their licenses issued in 2021 will expire or otherwise be revoked, as necessary, for the remainder of the license term.

*[continued on next page]*

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 8th day of December, 2020.

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk


PUBLISHED IN FULL FOLLOWING FIRST READING in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on December 17<sup>th</sup>, 2020.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this 2nd day of February, 2021.

CITY OF LEADVILLE, COLORADO

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Jackson, Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on February 11, 2021