

CITY OF LEADVILLE, COLORADO
Ordinance No. 1
Series of 2019

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEADVILLE,
COLORADO, ADDING A NEW CHAPTER 5.12 TO TITLE 5 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 business license regulations, codified in Title 5 of the Leadville Municipal Code (“Code”); and

WHEREAS, the City currently has no regulations governing the provision of short-term rentals of residential dwelling units or portions thereof within the City; and

WHEREAS, the City Council finds that short-term rentals and the revenue they make available to homeowners helps make the City of Leadville affordable to persons of varying economic means, enhances and diversifies accommodations available for a healthy tourist economy, and provides travelers with affordable accommodations from which to explore and enjoy the vast cultural, environmental and recreational opportunities found in the Leadville area; and

WHEREAS, the City Council also finds that the provision of short-term rentals within residential dwelling units without the appropriate regulation has the potential to have adverse impacts on neighboring residential dwelling units and the community at large, including unsustainable real estate price pressure for local area wage earners, contribution to a lack of affordable housing options in the City, and the diminishment of neighborhood and community character and desirability, that may damage the public health, safety and welfare; and

WHEREAS, the City Council further finds that the regulation of short-term rentals within the City will further the public health, safety and welfare by 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 add a new Chapter 5.12 to Title 5 of the Code to provide for the regulation of short-term rentals and the administration of licenses for such business within the City.

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

Section 1. **Addition of Chapter 5.12.** A new Chapter 5.12, entitled “Short-Term Rentals”, is hereby added to Title 5 of the Leadville Municipal Code to read in full as follows:

Chapter 5.12 SHORT-TERM RENTALS

Sections:

- 5.12.010 Purpose.
- 5.12.020 Applicability and Interpretation.
- 5.12.030 Definitions.
- 5.12.040 License Required.
- 5.12.050 Classes of Licenses.
- 5.12.060 Application Requirements.
- 5.12.070 Application Approval.
- 5.12.080 Term of License and Renewal.
- 5.12.090 Limitations and Requirements.
- 5.12.100 Denial of Application.
- 5.12.110 Suspension or Revocation of License.
- 5.12.120 Appeal of Denial, Suspension or Revocation.
- 5.12.130 Violation, Penalty and Enforcement.

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 in the City.

5.12.020 – Applicability and Interpretation.

This Chapter 5.12 applies to short-term rentals 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. This Chapter 5.12 does not supersede any private covenants or restrictions prohibiting short-term rentals. This chapter shall not regulate a property for which a short-term rental license is issued pursuant to this chapter during periods when the property is not being used as a short-term rental 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.

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 and who is able to respond to emergencies at the short-term rental property 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 and must have access to the short-term rental, authority to assume management of the short-term rental, 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.

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

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

Short-term rental or *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.

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 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 within the City. There shall be three separate classes of licenses available for owners to operate short-term rentals within the City:

- A. Class 1: A Class 1 License is required to operate a single owner-occupied short-term rental where the owner has no other short-term rental property within the City.
- B. Class 2: A Class 2 License is required to operate a single short-term rental 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;
 - 2. The address of the proposed short-term rental property;

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;
 5. A site plan that identifies the location of the trash receptacles and available parking for the proposed short-term rental;
 6. Snow and ice removal information and any instructions for renters;
 7. 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 rentals within the City;
 8. Proof of ownership of the proposed short-term rental property;
 9. A copy of a current and valid State sales tax license issued to the owner for the proposed short-term rental;
 10. A copy of a current and valid Lake County sales and lodging tax license issued to the owner for the proposed short-term rental;
 11. Proof that all property tax payments for the proposed short-term rental property are current;
 12. An affidavit, on forms provided and approved by the City, signed by the owner attesting that the short-term rental has appropriate safety features;
 13. Proof of insurance covering the proposed short-term rental property sufficient to operate a short-term rental; and
 14. The applicable fee(s) as set forth in the City's fee schedule.
- B. License Fee. 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, 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 is within a zone district that allows short-term rentals; and
 3. The site plan and other information provided with the application shows that the property is in compliance with all City ordinances and regulations regarding safety, parking and trash collection.
- 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.

- A. Term. Short-term rental licenses shall be effective from February 1 until January 31 each year. Applicants who apply for and obtain a short-term rental license any time on or after February 1 shall be responsible for paying the entire license fee. Any license issued after February 1 shall expire on the January 31 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 on forms provided and approved by the City. 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 has submitted a new, current safety affidavit;
4. Neither the owner nor the short-term rental property is currently in violation of any applicable law, rule, or regulation, including the provisions of this code; and
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 in the last twelve (12) months.

5.12.090 - Limitations and Requirements.

- A. Local Agent. The local agent for a short-term rental shall have access to and authority to assume management of the short-term rental 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.
- B. Renter Information Notice. Each short-term rental property shall have a sign displayed in a conspicuous place within the short-term rental 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;
 4. The occupancy limit for the short-term rental;
 5. The available parking for the short-term rental;
 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 shall be two (2) persons per bedroom available for lease within the short-term rental 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 in a conspicuous place and, if possible, shall provide this information to renters prior to their arrival at the short-term rental property.
 2. Parking Notice in Advertising. The owner shall include in all official listings of a short-term rental a reference to the available parking for the short-term rental property 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 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 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 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.
- G. Functional Detectors. All short-term rentals must have an appropriate number of functional smoke detectors, carbon monoxide detectors, and fire extinguishers, as determined by the City’s Fire Marshal.

- H. 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.
- I. Taxes. Owners shall be responsible for making timely property tax payments for all short-term rental properties, as applicable for each property. Owners shall also be responsible for keeping all applicable sales and lodging tax licenses current.
- J. 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.
- K. Inspections. An owner or local agent of a short-term rental shall allow the City access to a licensed short-term rental property 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 to perform an inspection to investigate a safety complaint about the short-term rental property. Following a safety verification or investigation, 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 of the owner's short-term rental license.

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 cited for or convicted of more than one (1) code violation regarding the short-term rental 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 has:
 - 1. Been found guilty by the Leadville Municipal Court of violating any provision of this chapter on more than one (1) occasion; or
 - 2. Operated a short-term rental 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 in 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 knowingly operated a short-term rental 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.

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 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 during the hearing process.
- 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.

- D. 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.

It is unlawful for any owner, local agent, other agent of the owner or renter to violate any provision of this chapter. 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. 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. Remaining Provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 3. 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 4. 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.

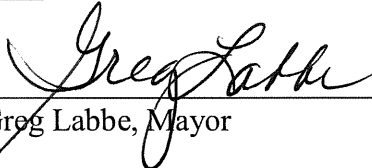
Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of 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 6. 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 7. **Effective Date.** This ordinance shall become effective thirty (30) days after publication following final passage

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 2nd day of April, 2019.



Greg Labbe, Mayor

ATTEST:

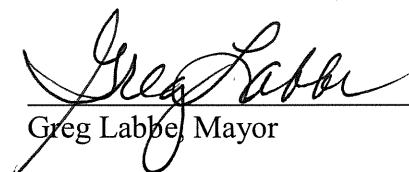


Bethany Maher, Deputy City Clerk

PUBLISHED IN FULL FOLLOWING FIRST READING in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on April 11th, 2019.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this _____ day of _____, 2019.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:



Bethany Maher, 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 May 16th, 2019.