

TOWN OF BUENA VISTA, COLORADO

ORDINANCE NO. 8

(SERIES OF 2018)

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE
BY THE ADDITION OF A NEW ARTICLE VII, ENTITLED SHORT-
TERM RENTAL PROPERTIES**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF BUENA VISTA, COLORADO:**

Section 1. Chapter 6 of the Buena Vista Municipal Code is hereby amended by the addition of a new Article VII to read as follows:

ARTICLE VII – Short-Term Rental Properties

Sec. 6-121. – Purpose and Applicability

- (a) The purpose of this Article is to establish licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term rental properties in the Town.
- (b) This Article shall apply to short-term rental properties only as defined herein. This Article shall not apply to motels, hotels, bed and breakfasts, or other establishments providing lodging for the general public.
- (c) This Article shall not supersede or affect any private conditions, covenants or restrictions applicable to a parcel of property.

Sec. 6-122. – Definitions

As used in this Article, the following words shall have the meaning ascribed below:

Bed and Breakfast shall have the same meaning as in the Town of Buena Vista Uniform Development Code.

Hotel and motel shall have the same meaning as in the Town of Buena Vista Uniform Development Code.

Lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession, and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Owner means the record owner of a dwelling or dwelling unit who intends to lease or who leases the unit as a short-term rental.

Short-term rental shall have the same meaning as in the Town of Buena Vista Uniform Development Code.

Sec. 6-123. – License Required

- (a) A valid license and a certificate of occupancy are required for each short-term rental in the Town.
- (b) Licenses shall be issued by the Town Clerk, provided the requirements of this Article are met.

Sec. 6-124. – Application/Fee

- (a) Applications shall include all material required by the Town's Short-Term Rental Housing Standards and Specifications.
- (b) The license fee shall be set in accordance with Section 6-24 of this Code.
- (c) Applications for structures or other temporary dwellings that do not have a certificate of occupancy permitting such a use shall not be processed for a license.

Sec. 6-125. – License Term

- (a) A short-term rental license shall be for a one calendar year, subject to annual renewal on or before December 31st of each year or when title to the short-term rental property transfers to a new owner, whichever occurs first. A license shall terminate immediately upon a change in ownership.
- (b) Issuance of a short-term rental license shall not create a continued right to operate a short-term rental beyond the annual term of the license. All short-term rentals shall be subject to amendments to this Article or the Town's Short-term Rental Housing Standards and Specifications.
- (c) An application for renewal of a short-term rental license shall be submitted between ninety (90) and thirty (30) days prior to the expiration of the existing license.

Sec. 6-126. –Health and Safety Standards

Each short-term rental property shall be licensed and in compliance with the Town of Buena Vista Short-Term Rental Housing Standards and Specifications during all times the property is being leased.

Sec. 6-127. – Advertising

All advertising for a short-term rental property shall include the short-term rental license number immediately following the description of the short-term rental property. No short-term rental property may be advertised for lease until a license has been issued.

Sec. 6-128. – Suspension/Revocation

The Town shall have the authority to suspend or revoke and assess administrative penalties for a short-term rental license for a violation of this Article. The following procedures shall be used when determining revocation:

- (a) A suspension/revocation notice shall be delivered via first class mail to the address of the licensee (as listed on the applicable license), which shall list in detail the violation upon which the suspension/revocation is based, and the effective date of the suspension or revocation, which shall commence no earlier than ten (10) days after the date of the notice. The notice shall inform the licensee of licensee’s appeal right as set forth herein.
- (b) The licensee may appeal the suspension/revocation notice by filing an appeal with the Town Clerk within ten (10) days of the date of the notice. An appeal shall stay the suspension or revocation until a final written decision is issued. The appeal shall state why a suspension or revocation is not warranted, which may include a statement contesting the violation itself and information addressing how the licensee has taken measures to address the violation. Upon receipt of the appeal, the matter shall be set for a hearing before the Town Administrator or his/her designee, at which the owner of the subject property and the Town may present evidence and testimony concerning the violation and the appeal. In determining whether to uphold the suspension or revocation, or modify its terms, consideration shall be given to the criteria set forth in Section 6-130(b) for renewal of a license. The decision shall be reduced to writing and shall constitute a final decision.
- (c) Any properties used for short-term rental purposes in violation of this Article, shall be subject to the following penalties in addition to those set forth in Section 6-131 of this Article:
 - (1) First offense: thirty (30) day suspension with \$100.00 fine.
 - (2) Second offense: one (1) year suspension with \$250.00 fine.
 - (3) Third offense: revocation of license without possibility of reapplication for five (5) years with \$500.00 fine.

Failure to pay the penalty shall constitute a further violation of this Article, which shall subject the license to suspension or revocation;

provided that there shall be no administrative appeal right for a suspension or revocation based upon failure to pay the penalty.

Section 6-129. – Renewal.

- (a) Upon receipt of a timely renewal application, the Town Clerk shall review the application and shall administratively approve renewal of the license, provided that in the year immediately preceding the date of renewal, the property has not been in violation of this Article, has not had its short-term rental license suspended, and has not been the subject of a nuisance violation conviction or plea of guilty or no contest. Otherwise, the renewal application shall be reviewed by the Board of Trustees at a public hearing upon notice being delivered via first class mail to the owners of all properties within 200 feet of the subject property, and posting of notice of the hearing at a conspicuous location on the subject property.
- (b) In deciding whether to renew the license, the Board of Trustees shall consider the severity of the violation, the culpability of licensee, any measures taken to remedy the violation and to ensure it will not reoccur. Statements shall be taken by Town staff, the owner and/or operator of the short-term rental property, and the neighbors subject to the 200-foot notice.
- (c) If a renewal application is denied, no application for a short-term rental license shall be accepted for such property for one (1) year.

Sec. 6-130. – Violations and Penalty

- (a) It is unlawful for any owner or occupant of a short-term rental property to violate any provision of this Article or any other applicable provisions of this Code.
- (b) In addition to the suspension and revocation proceedings pursuant to Section 6-129, violations of this Article shall be subject to the penalties set forth in Section 1-72 of this Code. Each separate act in violation of this Article, and each and every day or portion thereof during which any separate act in violation of this Article is committed, continued, or permitted, shall be deemed a separate offense. Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Section 2. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and inhabitants thereof.

Section 3. The amendment of any provision of the Buena Vista Municipal Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any

violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

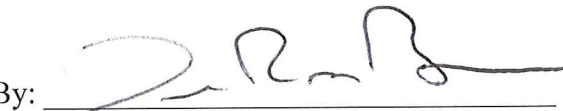
Section 4. All bylaws, orders, resolutions and ordinances, or parts, thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 27th day of March, 2018.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO



By: 
Mayor, Joel Benson

ATTEST:



Paula Barnett, Town Clerk