

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 13
(SERIES OF 2021)**

**AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE, PROCESSING AND
APPROVAL OF ANY APPLICATION FOR SHORT-TERM RENTAL
LICENSES WITHIN THE TOWN**

WHEREAS, the Town of Buena Vista currently has a short-term rental licensing program;

WHEREAS, the Town has experienced an increase in short-term rentals, a reduction on other housing options for long term residences of the Town and concerns over the use of property as short term rentals;

WHEREAS, in order to address these issues, the Town has undertaken a significant review of the short-term rental licensing program;

WHEREAS, while the Town undertakes a study and modification of the short-term rental licensing programs, the Board of Trustees desires to prevent any new or renewal applications for licensing of short-term rentals until it has time to complete its current study and update to its short term rental licensing programs;

WHEREAS, the use of property as a short term rental is not permitted without a short-term rental license and pursuant to Sec. 6-125 of the Buena Vista Municipal Code, the issuance of a short-term rental license does not create a continued right to operate a short-term rental beyond the annual term of the license and all short term rental licensee are subject to amendments to the Buena Vista Municipal Code, including a moratorium on new and renewal applications; and

WHEREAS, the Board of Trustees desires to impose this moratorium effective immediately rather than in thirty (30) days because allowing new and renewal applications to be processed would undermine the ability of the Town to adequately study and modify the licensing of short-term rentals to meet the needs and desires of the Town.

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

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Buena Vista.

Section 2. Scope of Moratorium. This moratorium shall only apply to new and renewal short-term rental licenses within the Town.

Section 3. Imposition of Temporary Moratorium on Acceptance and Processing of Applications for Short-Term Rental Licenses. Effective upon the adoption of this Ordinance, a temporary moratorium is imposed upon the acceptance, processing and approval of all applications for short-term rental licenses. Town staff is directed to refuse to accept for filing, and not to

process or review, any such applications for short-term rental licenses during the moratorium period. The moratorium shall remain in effect until October 27, 2021, unless extended or shortened by further action of the Board of Trustees.

Section 4. Authority. The Town Board hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); and (v) Section 31-15-501 C.R.S. (concerning municipal power to regulate businesses).

Section 5. Emergency Declaration. This Ordinance is being adopted as an emergency ordinance because delaying the effective date of the moratorium would allow new applications to be processed until the moratorium takes effect and would undermine the ability of the Town to adequately address the impacts of short-term rental licenses.

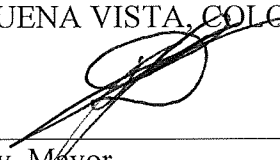
Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 24th day of, August 2021.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ADOPTION.

TOWN OF BUENA VISTA, COLORADO

By: 
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

