

**Town of Basalt, Colorado
Ordinance No. 23
Series of 2022**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, AMENDING SECTION 16-203 OF THE BASALT
MUNICIPAL CODE RELATED TO LICENSES FOR SHORT-TERM
RENTAL OF DWELLING UNITS**

RECITALS

- A. The Town of Basalt ("Town") is a Colorado home-rule municipality, duly organized and existing under the Town's Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.
- B. The Town regulates short-term rentals of dwelling units, including requiring a business license and payment of a fee for such license.
- C. The Town Council wishes to make minor modifications to such licensing procedures by creating a special class of business license for short-term rental businesses and to impose fees for such licenses, as set forth in **Exhibit A**.
- D. The Town Council finds and determines that it is in the best interests of the Town to update and amend the Code related to short-term rentals as set forth herein. The Town Council finds and determines that this Ordinance is reasonable and necessary to promote the legitimate public purposes of the public health, safety, and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BASALT, COLORADO, AS FOLLOWS:**

- 1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
- 2. Text Amendments. The Basalt Municipal Code is hereby amended as set forth in **Exhibit A**, which is incorporated into this Ordinance by reference.
- 3. Severability. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.
- 4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Basalt Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON DECEMBER 13, 2022, by a vote of 6 TO 0 on NOVEMBER 22, 2022.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on December 13, 2022.

TOWN OF BASALT, COLORADO

By: _____
William G. Kane, Mayor

ATTEST:

By: _____
Pamela Schilling, Town Clerk

First Publication: 12/01/2022
Final Publication: 12/22/2022
Effective Date: 01/05/2023

**EXHIBIT A
AMENDMENT TO THE TOWN CODE**

*Section 16-203 is hereby amended with additions shown in **bold, underlined** text and deletions shown in ~~strikethrough~~ text.*

Section 16-203 Renting of rooms and housing units.

- (c) Short-term rental of dwelling units. The rental of rooms and dwelling units for short-term purposes of less than thirty (30) days is permitted, provided the following conditions are met:
- (1) An annually renewable ~~business license~~ **short-term rental business license** shall be applied for and obtained prior to renting a residential dwelling unit on a short-term basis, **upon payment of the fees for such license in accordance with the fee schedule adopted pursuant to Section 2-381 of the Code.** The rental of a dwelling unit for a time period of less than 30 days is subject to the Town's Lodging Tax as established in Town Code Article VII, Chapter 4. The ~~business license~~ **short-term rental business license** for short-term rental of a dwelling unit shall be address specific and non-transferable to other properties.
 - (2) The owner of a dwelling unit being rented on a short-term basis, if residing the Roaring Fork Valley or a designated representative of the owner residing in the Roaring Fork Valley or having a business in the Roaring Fork Valley shall manage the short-term rental during the period in which the rental is being occupied and shall be on-call. The name, phone number and address of the local owner or the local owner representative shall be provided to the Planning Department at the time of application for a business license.
 - (3) Upon application for a ~~business license~~ **short-term rental business license** for short-term rental of a dwelling unit, the Town Building Official will schedule an inspection of the dwelling unit to be rented on a short-term basis to review that it is safe for occupancy and that it contains necessary carbon monoxide and smoke detectors. If the Town Building Official determines that a dwelling unit needs to be upgraded to ensure that it is safe for short-term rental, the Town Building Official shall order the applicant to make improvements necessary to render the unit safe for short-term rental occupancy prior to issuance of the ~~business license~~ **short-term rental business license**. An applicant for a ~~business license~~ **short-term rental business license** to rent a unit on a short-term basis shall pay an inspection fee in the amount specified in the Town's fee schedule. The owner of a dwelling unit being rented on a short-term basis shall also contact the Town Building Official annually in conjunction with the renewal of the ~~business license~~ **short-term rental**

business license to schedule a safety inspection. The safety inspection must be conducted and passed prior to renewal of a short-term rental business license. Short-term rental of a dwelling unit without a current ~~business license~~ **short-term rental business license** is prohibited and is discussed in subsection (11) below.

- (4) Dwelling units that are rented on a short-term basis for less than thirty (30) days shall satisfy the general Town Code requirements applied to all residential units within the Town. Dwelling units that are occupied by more than three (3) unrelated individuals for periods of thirty (30) days or longer shall meet the occupancy requirements set forth in Town Code Section 16-203(a), Renting of rooms.
- (5) Multi-family dwelling units may only be rented on a short-term basis to a single party or entity at any one (1) time. A building containing six (6) or more units intended for temporary occupancy by guests is considered a motel or hotel and is subject to the Town Code requirements for motels and hotels. Properties containing a single-family dwelling unit or a primary single-family dwelling unit with an accessory dwelling unit or detached suite may only be rented on a short-term basis by one (1) entity or party at any one (1) time.
- (6) Outdoor, amplified music and outdoor use of other devices used for audiblizing sound (such as a radio, CD player) shall be prohibited after 10:00 p.m. on a property containing a dwelling unit being rented on a short-term basis. Compliance with this requirement shall be both the responsibility of the owner of the dwelling unit and the tenants renting the dwelling unit on a short-term basis.
- (7) Except for noise and other nuisance violations as set forth in Section 10-21(a)(3), Offenses against public peace, order, and safety, violations of the requirements set forth in this Section shall be punishable as outlined in Section 16-266 regarding violations and Section 16-268 regarding fines. Repeated violations are addressed in Subsection (10) below.
- (8) Nothing herein shall prevent Homeowner's Associations or site-specific land use approvals from containing more restrictive requirements related to short-term rental of dwelling units.
- (9) Each short-term rental business license issued by the Town shall contain a ~~business license~~ **short-term rental business license** number. The ~~business license~~ **short-term rental business license** number shall be included in all advertising related to renting a dwelling on a short-term basis.
- (10) In the instance that there are violations of the Town's nuisance provisions or the regulations for short-term rental of dwelling units as set forth herein, as evidenced by three (3) written complaints or tickets from the Police Department that the Town Manager determines to be valid and substantiated violations, the Town Manager shall revoke the individual dwelling's short-term rental business

license. In the event that a ~~business license~~ **short-term rental business license** ~~for short-term rental~~ is revoked by the Town, the property owner may not apply to rent the dwelling unit on a short-term basis again for one (1) year from the date of revocation. Enforcement shall be conducted on the short-term rental of dwelling units that do not have a ~~business license~~ **short-term rental business license** as discussed in Subsection (11) below.

- (11) Offering a dwelling unit for rent on short-term basis without a current ~~business license~~ **short-term rental business license** shall be considered a zoning violation and shall be subject to the fines and penalties as discussed in Town Code Section 16-268, Penalty for violations. Any property owner who offers a dwelling unit for rent on a short-term basis that is not permitted for rental on a short-term basis shall be considered to be in violation of Section 16-203(c)(1) and subject to prosecution in municipal court.
- (12) Any agent, representative, or property manager for a property owner who knowingly assists an owner in advertising or renting a dwelling unit on a short-term basis that is not permitted under Section 16-203(c)(1) shall be subject to prosecution in municipal court. In addition, the agent, representative, or property manager's Town of Basalt ~~business license~~ **short-term rental business license** may be subject to revocation.
- (13) The Town may seek an injunction in addition to other remedies and penalties provided for by the Town Code or available law in the event a residential dwelling is being rented without a ~~business license~~ **short-term rental business license**.