

TOWN OF SILVER CLIFF

ORDINANCE NO. 05-2023

AN ORDINANCE AMENDING TITLE 6 OF THE SILVER CLIFF MUNICIPAL CODE TO ESTABLISH REQUIREMENTS FOR SHORT-TERM RENTAL LICENSING

WHEREAS, the exacerbation of short-term vacation rentals in the Custer County area has led to a number of properties being used in the Town of Silver Cliff as short-term rentals; and,

WHEREAS, the lack of regulation and oversight of short-term rentals in the Town of Silver Cliff threatens the health, safety, and welfare of Silver Cliff residents and visitors alike; and,

WHEREAS, the licensing of such short-term rentals would address these concerns and allow oversight into the orderly use of short-term rentals as an option for visitors to the Town of Silver Cliff; and,

WHEREAS, the Board of Trustees wishes to amend the Municipal Code to implement such a licensing process.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVER CLIFF AS FOLLOWS:

Section 1: Title 6 of The Silver Cliff Municipal Code is hereby amended by the addition of a new Chapter 7, as follows:

CHAPTER 7. SHORT TERM RENTALS

Sec. 6-7-10. Intent and Purpose.

The intent and purpose of this chapter is to protect the health, safety and welfare of the general public, including the residents and visitors of the community. In addition, the regulations set forth herein establish standards for the operation of vacation rentals, which ensure that such rentals are compatible with and do not adversely impact surrounding uses within the city, and do not encroach upon traditional neighborhood characteristics.

(Ord. No. 05-2023, § 1)

Sec. 6-7-20. Definitions.

The following definitions shall apply to this Chapter:

A. *Applicant Representative* shall mean the local contact person identified in the application process outlined in Sec. 6-7-40.

B. *Dwelling unit* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building as such terms are defined in the Code.

C. *Licensed premises* shall mean a dwelling unit, or portion thereof, that has a valid license issued pursuant to this Chapter allowing short term primary or non-primary rental of such dwelling unit.

D. *Multi-family dwelling unit* shall mean a dwelling unit that is located in a structure that is zoned for multi-family use.

E. *Party* shall mean one (1) or more persons who as a single group rent a Short Term Rental unit pursuant to a single reservation and payment.

F. *Primary Residence* shall mean the dwelling unit in which a person resides for six (6) or more months of the calendar year. Under this definition, a person has only one (1) primary residence at a time.

G. *Short Term Rental* shall mean a dwelling unit of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. The term Short Term Rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

a. *Part-Time Short Term Rental* shall mean a Short Term Rental that is a Primary Residence.

b. *Full-Time Short Term Rental* shall mean a Short Term Rental that is not a Primary Residence.

(Ord. No. 05-2023, § 1)

Sec. 6-7-30. Licenses Required.

To operate as a Short Term Rental, the owner of the property must first obtain a Short Term Rental license from the Town. All licenses issued shall be for no longer than one (1) year in duration, and shall be valid only through December 31 of the calendar year of issuance, unless renewed pursuant to this Chapter.

(Ord. No. 05-2023, § 1)

Sec. 6-7-40. License Application and Renewal Requirements.

A. A license to utilize a particular dwelling unit as a Short Term Rental may be granted in the discretion of the Town's Building and Zoning Official if he or she determines that the applicant and the premises proposed to be licensed meet the requirements of this Chapter.

B. The Town's Building and Zoning Official may require additional information and documentation as may be necessary to determine whether an application meets the requirements of this Chapter.

C. The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado.

D. At the time of an initial or renewal application for a license, each applicant shall pay a fee as follows:

a. Initial applications shall include an inspection fee of \$200.00, regardless of whether such inspection is deemed necessary, in addition to the annual fee.

b. Part-Time Short Term Rentals shall be subject to an annual administration fee of \$50.00 for each initial or renewal application.

c. Full-Time Short Term Rentals shall be subject to an annual administration fee of \$500.00 for each initial or renewal application.

d. Applications made on or after July 1 of a calendar year shall pay one-half of the applicable annual administration fee for that year.

E. The following are the minimum requirements that must be satisfied by the applicant for the issuance of a Short Term Rental license.

a. The applicant must provide documentation satisfactory to the Town's Building and Zoning Official that the applicant is the owner of the dwelling unit. If the applicant is seeking a license as a Part-Time Short Term Rental, the applicant must also provide documentation that the dwelling unit is his or her primary residence.

b. The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Silver Cliff Municipal Code. No Short Term Rental license shall be issued for any property that is zoned R4.

c. The property must conform to, and the applicant shall certify that the dwelling unit proposed to be licensed as a short term rental complies with, applicable sanitation, mechanical, electrical, structural, and fire safety requirements in the Municipal Code. The Building and Zoning Official may inspect the dwelling unit proposed to be licensed for purposes of verifying compliance with such requirements and refusal by the applicant to allow such inspection shall be grounds for denial of the issuance of a license.

d. The applicant must maintain and provide proof of liability insurance sufficient to compensate renters for injuries that may be sustained in the dwelling unit proposed to be rented.

e. The applicant must identify one or more persons, physically located within Custer County, who will be available to respond within four (4) hours at all times during which the dwelling unit is rented to any issues raised by the renter or the Town, which person shall serve as the Applicant Representative. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.

f. The applicant must specify which portions of the dwelling unit will constitute the licensed premises available for use by renters.

F. In addition to the foregoing requirements, the Building and Zoning Official may seek further input from local law enforcement agencies and/or any local fire protection agencies, and may impose additional requirements upon such license after such input.

G. Upon compliance with the requirements of this Chapter, the Building and Zoning Official shall issue a license to the applicant authorizing the Short Term Rental of the licensed premises, with or without such conditions as may be prudent. The license issued shall allow only the Part-Time Short Term Rental or the Full-Time Short Term Rental of the licensed premises. Each license

shall be applicable to a single dwelling unit and no license issued shall be transferable. A license shall terminate upon transfer of ownership of the licensed premises.

H. Licenses must be renewed annually. A renewed license shall be valid for the period from January 1 through the subsequent December 31.

I. Renewal applications for Short Term Rental licenses shall be reviewed by the Building and Zoning Official. The Building and Zoning Official must determine whether the applicant still meets the requirements set forth in this Chapter before issuing a renewal license. Any violations of the provisions of this Chapter may be considered during the license renewal review and may result in non-renewal. Alternatively, the Building and Zoning Official may, in his or her discretion, impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Chapter, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.

(Ord. No. 05-2023, § 1)

Sec. 6-7-50. Conditions and Standards – All Short Term Rentals.

In addition to complying with all laws, and all other requirements of this code, every Short Term Rental unit shall meet, at a minimum, the following conditions and standards. Failure to comply with the conditions and standards in this section may constitute ground for revocation of the Short Term Rental license under Sec. 6-7-90.

A. All Short Term Rentals shall provide for off-street parking. There shall be no parking for more than two (2) vehicles per Short Term Rental.

B. If, at any point during the existence of the Short Term Rental license, the Applicant Representative should change from the person previously identified to the Town, the license holder or their agent shall provide the name of the new Applicant Representative and current contact information for that person. Any new Applicant Representative shall meet the same requirements outlined in Sec. 6-7-40 (E) (f).

C. The license holder, or representative, shall provide to the Applicant Representative all relevant information about any Party renting the Short Term Rental, in a format to be determined by the Building and Zoning Official.

D. It is expected that any Party renting the Short Term Rental, along with owners and other guests, shall follow all relevant provisions of this Code, including those pertaining to noise, trash, animals, parking, Pride Code, etc.

E. All Short Term Rentals shall clearly display rules / regulations, expectations, evacuation routes and other relevant local information for guests.

F. Smoke detectors and fire extinguishers must be installed on each level of a Short Term Rental.

(Ord. No. 05-2023, § 1)

Sec. 6-7-60. Conditions and Standards – Part-Time Short Term Rentals.

In addition to the requirements in Sec. 6-7-50, every Part-Time Short Term Rental unit shall meet, at a minimum, the following conditions and standards. Failure to comply with the conditions and standards in this section may constitute ground for revocation of the Short Term Rental license under Sec. 6-7-90.

A. A Short Term Rental may involve either the rental of a portion of the dwelling or the entire dwelling.

B. If the license holder is renting the Short Term Rental while outside of Custer County, the license holder shall identify an Applicant Representative who meets the requirements in Sec. 6-7-40 (E) (f).

(Ord. No. 05-2023, § 1)

Sec. 6-7-70. Conditions and Standards – Full-Time Short Term Rentals.

In addition to the requirements in Sec. 6-7-50, every Full-Time Short Term Rental unit shall meet, at a minimum, the following conditions and standards. Failure to comply with the conditions and standards in this section may constitute ground for revocation of the Short Term Rental license under Sec. 6-7-90.

A. A Full-Time Short Term Rental shall not be located within 150 feet of any other currently-licensed Short Term Rental. The distance shall be measured from the front door of one dwelling to the front door of the other dwelling.

B. In the Silver Cliff Ranch subdivision, the Town shall not grant more Full-Time Short Term Rental licenses at any one time than a number not to exceed fifteen percent (15%) of the residential structures in the subdivision based on the most recent numbers from the Colorado State of Colorado Demography Office in existence at the beginning of each calendar year. No applications for Short Term Rental licenses will be accepted for the subdivision if the maximum number has been met.

C. The license holder shall have in place a business license with the Town of Silver Cliff at all times the license is active.

D. On properties zoned as R3, the property must have been owned by the applicant for a minimum of two years. No such minimum ownership period shall apply to properties zoned as B1.

(Ord. No. 05-2023, § 1)

Sec. 6-7-80. Listing Requirements.

At the time of listing the Short Term Rental with any lodging or booking agency or website designed to find customers, a copy of the listing ad must be provided to the Town for each booking agency or website where the owner is advertising for renters. Each listing must contain the license number in the advertisement and a statement that unit is in compliance with all Municipal Code requirements. The sole act of advertising a property for vacation rental requires a license as

outlined in this Chapter; failure to comply with this requirement is a violation of this Chapter, even if such advertisement does not result in a rental to a Party. Failure to include this information in all advertised listings will constitute a violation of this Chapter.

(Ord. No. 05-2023, § 1)

Sec. 6-7-90. Abandonment and Revocation; Appeals.

A. A Short Term Rental license shall be deemed abandoned upon delivery to the Town of written notice by the property owner, operator, or its representative that units previously approved for occupancy Short Term Rental will no longer be used for that purpose. Licensed owners must notify the Town of the closure of the Short Term Rental within thirty days. Once the use of property for Short Term Rental occupancy is abandoned, approval of a new application under the provisions of this chapter shall be required before the property may be used again for a Short Term Rental.

B. The Building and Zoning Official shall conduct a review of the Short Term Rental if the Town receives complaints about three (3) separate incidents in a single year. In addition, the Building and Zoning Official may, in his or her own discretion, conduct a review of the Short Term Rental at any point if he or she believes that any substantial violation of this Chapter has occurred. If, in any circumstance, the Town's Building and Zoning Official determines that a substantial violation of this Chapter has occurred with respect to a licensed Short Term Rental, he or she shall make a recommendation to the Planning Commission regarding revocation of a license. The Planning Commission shall consider such recommendation and if the Planning Commission determines a failure to comply with a condition of the this Chapter exists, the Planning Commission shall issue an order to show cause why the license should not be revoked. Such order shall be delivered to the license holder. If the Planning Commission determines that there is no failure to comply with a condition of this Chapter, the Planning Commission shall take no further action. If the Planning Commission issues an order to show cause, it shall conduct a public hearing on the revocation and may revoke the license if it determines that a substantial violation of this Chapter has occurred. A "substantial violation of this Chapter" shall include any violation of the Municipal Code that has a bearing on the property's use as a Short Term Rental.

C. Any decision by the Building and Zoning Official made pursuant to this Chapter may be appealed in writing to the Planning Commission, which shall proceed to hear the appeal. Any decision by the Planning Commission made pursuant to this Chapter may be further appealed to the Board of Trustees, which may hear such appeal under such conditions and procedures as it determines appropriate. Any decision by the Board of Trustees shall be final.

(Ord. No. 05-2023, § 1)

Sec. 6-7-100. Inspection.

The owner shall permit the Town to inspect the Short Term Rental dwelling unit or individual rooms at any time for compliance with the provisions of this Chapter and other provisions of this Code. The licensee shall maintain records of occupancy for each Short Term Rental unit, which shall be made available to the Town, upon request, for review and inspection at any time.

(Ord. No. 05-2023, § 1)

Sec. 6-7-110. Violation and Penalties.

Any person or entity that fails, violates or refuses to comply with any requirement of this Chapter shall be punishable as provided in Chapter 4 of Title 1 of this Code, as amended. Each day of non-compliance with this Chapter shall constitute a separate offense. In addition to penalties for non-compliance, the Town may choose to seek an abatement / compliance action to obtain injunctive relief from the District Court as appropriate.

(Ord. No. 05-2023, § 1)

Section 2: The officials of the Town of Silver Cliff are authorized to take any and all actions to effectuate the enactment of these changes to the Municipal Code, including publishing in the official copies of the Municipal Code kept at Town Hall and published electronically online.

Introduced as an Ordinance, assigned an Ordinance number and ordered published this 7th day of November, 2023.

Adopted on Second Reading this 5th day of December 2023.



H.A. "Buck" Wenzel, Mayor

ATTEST:



Ileen Squire, Town Clerk

(SEAL)

