

ORDINANCE NO. 2020-1

**AN ORDINANCE OF THE TOWN OF LA JARA,
COLORADO, DEFINING SHORT-TERM RENTALS,
PROVIDING FOR THE LICENSING THEREOF,
REQUIREMENTS TO BE MET BEFORE LICENSING,
AND PROVIDING FOR PENALTIES WITH RESPECT THERETO.**

DECLARATION OF POLICY AND PURPOSE:

WHEREAS, the Board of Trustees of the Town of La Jara hereby finds, determines, and declares that it is appropriate to define short-term rentals, licensing their use, establishing the number of short-term rental within the incorporated limits of the Town, and

WHEREAS, the Board of Trustees desires to maintain the character of community and neighborhoods as a “real community” and not as a “bedroom town”, and

WHEREAS, the Board of Trustees work to ensure the health, welfare, and safety of Town residents and visitors by adopting and enforcement of ordinances for fire, safety, trash removal, noise, parking, and other provisions that support expedient responses to emergencies; and,

WHEREAS, the Board of Trustees concludes that specific regulation and licensing for short-term rentals will help balance the community’s interest in attracting visitors with maintaining a high quality of life for full and part-time Town residents; and

WHEREAS, the Board of Trustees believes that establishing specific regulations and licensing for short-term rental units, including setting fees in reasonable relation to the cost of such regulation, is necessary to protect the public health, safety, and welfare.

NOW, THEREOFRE, BE IT ORDANINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

SECTION 1.1 DEFINITIONS: For purposes of this Ordinance, the following terms shall have the meaning set forth below, unless the context indicates otherwise in the interpretation and implementation of this Ordinance:

- (A) *Short-term Rental* means the rental of all or a portion of residential dwelling units rented or leased for less than thirty (30) consecutive days when the property on which the accommodation is located is assessed for property tax purposes as residential property.
- (B) *Owner* means the record owner of property who engages in the business of furnishing for lease or for rent a *short-term unit* and who must be licensed both as business as provided by Town Ordinance No. 1986-1 and under this Ordinance.

- (C) *Lease* means an agreement or act by which an owner gives tenants for valuable consideration, possession and use of property or a portion thereof for definite terms, at the end of the term which the owner has an absolute right to take control, use, and possession of the property.
- (D) *Lessee* means the party to a lease who has obtained the temporary right to use and occupy property or a portion thereof.
- (E) *Responsible Agent* means the owner, the owner's agent, or owner's designee who is available to respond to any issues arising from a *short-term rental unit* within sixty (60) minutes and who is authorized to receive written notice on behalf of the owner.
- (F) *Town* means the Town of La Jara, a political subdivision of the state of Colorado located in Conejos County thereof.
- (G) *Town Clerk* means the person employed or appointed by the Board of Trustees of the Town to keep the books and records of the Town on a day-to-basis.
- (G) *Town Manager* means the person appointed or employed by the Board of Trustees of the Town to manage the day-to-day administrative duties of the Town such to include, but not limited to, supervision of all departments and department heads in the day-to-day discharge of their respective duties and functions.

SECTION 2.1-LICENSE REQUIRED: Effective November 1, 2019, and at all times thereafter, it shall be unlawful for an owner to lease or advertise for lease, or to permit the leasing or advertising for lease, of any short-term rental property within the Town of La Jara without a valid license for the same pursuant to this Ordinance. A person who has obtained a license pursuant to this Ordinance shall be required to hold a general business license and shall be required to hold a sales tax license pursuant to the Town's Sales and Use Tax Ordinance for the same business activity.

SECTION 2.2. – LICENSE APPLICATION; TERM; RENEWAL, NON-TRANSFERABLE

- (A) At least thirty (30) days prior to the advertising a short-term rental unit, the owner must file a written application for a short-term rental license with the Town Clerk on forms supplied by the Town. The application shall include: property owner information; short-term rental unit address; proof of ownership; designating a responsible agent; a signed affidavit certifying the habitability of the short-term rental unit and compliance with applicable building and safety codes; a parking plan, a trash and recycling plan, and any other information as may be required by the Town. The application is not complete and will not be considered properly submitted until the owner provides all information required by the Town and pays the short-term rental license fee.
- (B) The Town may require, as a condition precedent to the issuance of a short-term

rental license or license renewal, an inspection of the short-term rental unit by the Town's Building Inspector or his or her designee for the purpose of determining whether any extraordinary fire hazard exist therein, thereon, or in connection therewith and whether the same are clean and sanitary. If, upon such inspection, it shall be found and determined that such premises are unsanitary or unsafe or if any extraordinary fire hazard shall be found to exist, the Town may require such changes or alterations to be made, in, about, upon or in connection with the premises as shall be reasonably necessary to correct the objectionable condition so found to exist as a condition precedent to the issuance of a license for which application shall have been made.

- (C) Within thirty-days of receipt of a complete application for a short-term rental license, if the Town Clerk and Town Building Inspector determine that the license application complies with the requirements of the Ordinance, the Town Clerk shall issue a short-term license.
- (D) The short-term rental license is issued in the name of the owner and is not transferable. Each change in ownership of a short-term rental unit requires a new license.
- (E) A short-term rental license expires on December 31st of the year of issuance. An application of renewal of a short-term rental license shall be submitted at least thirty (30) days prior to the expiration of the existing license.

SECTION 2.3 – LIMITATIONS AND REQUIREMENTS:

- (A) *Special Requirements.* In addition to the other requirements of this Ordinance, an accommodation unit licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:
 - 1. *Parking.* The motor vehicle of all occupants of a short-term rental unit shall be parked only on the property on which the rental unit is located and no other place. No motor vehicle shall be parked on a lawn or landscaped area of a short-term rental property or in the public street or right-of-way near to or adjacent to the rental property . Only one (1) vehicle shall be allowed to park as herein provided for each rental unit. No person shall be permitted to stay overnight in any motor vehicle which is parked at a short-term rental property, and shall be unlawful for a person renting a short-term rental property to park or allow the parking of vehicles by occupants of the property other than in locations set forth in the parking plan.
 - 2. *Trash Collection.* The storage and disposal of all trash and garbage from a short-term rental unit shall comply with the terms and provision of this Ordinance, including, but not limited to, the requirement that the person in charge of real property within the Town is served by outside garbage pickup or placed in a garbage can or similar refuse receptacle at the curb only on the day of pickup.

3. **Occupancy.** The maximum occupancy for overnight use of a short-term rental unit shall be no more than two (2) people per bedroom, plus 4 people

It shall be unlawful for the renter of a short-term rental property to allow the overnight occupancy of a short-term rental property by more than the maximum number of sleeping places, within one or more beds, that are located within a room that conforms to the requirements of the applicable building code for bedrooms.

4. **Renter Information Notice.** An owner shall post and maintain a sign in a conspicuous location within each short-term rental property that shall contain the following information: contact information for police, fire, and ambulance service in the case of an emergency; the physical address of the short-term rental property; contact information for the responsible agent or property owner; the Town of La Jara's short-term rental property license number, and the location of fire extinguishers, if any, and the escape route.

An owner shall place and maintain at a conspicuous location within each short-term rental unit property written information that provides:

- a. The maximum number of people permitted for overnight occupancy; the location, by description or depiction, for vehicle parking and maximum number of parked vehicle permitted for the property; alternative parking locations (if any) for extra vehicles, trailers and campers; the location of trash and recycling receptacles and the rules and regulations regarding the handling of the same; snow removal instructions or information; policies regarding noise and pets.
5. **Life Safety.** Each premises licensed under this Ordinance shall:
 - a. Conform to the applicable requirements of the Town's building, technical and safety codes that may have been adopted by reference by the Town; have smoke detectors, carbon monoxide detectors and fire extinguishers installed and maintained in operable condition; have wood burning fireplaces and stoves cleaned on an annual basis.
 6. **Noise and nuisance.** While occupying a short-term rental property as a short-term lease, no person shall amplify music outdoors, make any noise that violates any provision of the Town Noise Ordinance No. 1990-2, nor engage in any act or allow any condition on the premises that constitutes a nuisance.
 7. **Camping and temporary structures.** While occupying a short-term rental property as a short-term lease, no person shall camp outdoors, pitch or use any tents, or construct or use any temporary structure or recreational vehicle or trailer for overnight purposes.

8. *Maximum Number of Dogs.* The maximum number of dogs permitted on a short-term rental premises shall be governed by all of the terms and provisions of Section 9 of Ordinance No. 2014-6 adopted by the Board of Trustees of the Town of La Jara on November 13, 2014, and by this reference incorporated herein as if set forth in full herein.
9. *Dogs Running at Large:* The owner or harbinger of any dog or dogs owned or controlled by a tenant of a short-term rental premises as herein provided shall be subject to the same rules, regulations, and limitation as set forth in all of Section 5: Dogs Running at Large of Ordinance No. 2014-6 adopted by the Board of Trustees of the Town of La Jara on November 13, 2014, and by this reference incorporated herein as if set forth in full herein.

SECTION 4.1 – FEES:

1. The short-term rental licensing fee shall be \$300.00 per year regardless of the date of application or as the Board of Trustees, may from time-to-time, adopt and attach to this Ordinance. No license or renewal may be issued until the applicable fee has been received by the Town Clerk.
2. Licensing fees are not refundable. In the event that any license is suspended or revoked, no refund shall be made to the owner. Further, no refund shall be made to any owner who discontinues engaging in the short-term rental business during the licensing year. However, if a licensing or renewal application is denied, the Town shall return the license fee submitted with the application to the owner.
3. The purpose of the fees collected under this Ordinance is to off-set administrative and personnel costs associated with the short-term rental license administration and enforcement. The rate of the short-term rental license fee shall be set and may from time-to-time be amended to reflect the cost of regulations, administration, and enforcement of this Ordinance.

SECTION 5.1 – SUSPENSION OR REVOCATION OF LICENSE:

1. A short-term rental license may be suspended or revoked by administrative order of the Town Manager or his or her designee:
 - a. When it appears that the license was obtained by fraud, misrepresentation or false statements within the application; upon failure to comply with the terms and conditions of the short-term rental license, including, but not limited to,
 - b. Failure to designate a responsible agent available to respond to short-term rental unit complaints within one (1) hours; failure to operate the short-term rental unit business in compliance with health, safety, noise, and nuisance ordinances of the Town; failure to provide parking and trash recycling removal in compliance with this Ordinance; failure to list the short-term term rental license number in

advertisements for the unit; failure to post the information in the short-term rental unit as required by this Ordinance.

2. When the owners fails to pay or collect and remit taxes as required by this Ordinance, including, but not limited to, taxes imposed by local, state, or federal taxing agencies.
3. When the owner fails to pay utility fees or charges.
4. When any activity conducted by the owner, his or her responsible agent, or short-term rental guest violates any federal, state or local rule, regulation or law.
5. In pursuant of enforcement of this Ordinance, the Town Manager is empowered to cause any short-term rental unit to be inspected and examined.
6. In lieu of suspension or revocation, or as a condition of restoration of licensure, the Town Manager may impose new or additional terms, requirements, conditions, or limitations on a short-term rental license.
7. In lieu of suspension or revocation, the Town Manager may request and the owner may pay an administrative fine in an amount at the Town Manager's sole discretion, up to \$500.00 per offense.
8. The owner may appeal an administrative order suspending or revoking a short-term rental license within ten (10) business days after the date the notice was provided by the Town to the owner or responsible agent. The appeal shall be made in writing to the Town and shall describe the basis of the appeal. If owner requests an opportunity to be heard, the Town Manager shall schedule either an in-person or telephonic hearing and provide notice of the hearing to the owner. After considering an appeal, including conducting a requested hearing, the Town Manager will make a final determination within a reasonable time to suspend or revoke a short-term rental license, and such determination shall be considered to be a final order subject to review under Rule 106 of the Colorado Rules of Civil Procedure.

SECTION 6.1 – POSTING REQUIREMENTS: The owner must post or cause to be posted the following information in a prominent and visible location in the short-term rental unit:

1. The short-term rental license number; contact information for owner and/or responsible agent, including a phone number for 24-hour response to emergencies; description of fire extinguishers and emergency egress; general guide lines regarding noise, parking, trash pickup, wildlife and pet guidelines; fire restrictions; and any other information deemed necessary by the Town Manager to ensure the public health and safety.

SECTION 7 – ADVERTISING: All advertising for a short-term rental unit in the Town of La

Jara shall include the short-term rental license number as “**LA JARA SHORT-TERM RENTAL LICENSE-insert number.**”

SECTION 8.1 –NOTICE TO OWNER: Any notice given by the Town to an owner in pursuit of this Ordinance is deemed sufficient if sent by either:

1. First-class mail to the address provided by the owner or responsible agent designated on the owner’s most recent license or renewal application.
2. Electronic mail, if the owner provides an electronic address and indicates as the preferred method of notification on the owner’s most recent license or renewal application.

SECTION 9 – FINES AND PENALTIES:

1. Any persons who shall violate any provision of this Ordinance or who shall fail or refuse to obey any lawful order or direction of the Town Manager made under or pursuant to this Ordinance, or in carrying out any of its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined as hereinafter provided for each and every offense, and each day that any violation of any provision of this Ordinance shall exist, shall constitute a separate and distinct offense.
2. Except as may be provided herein above, every person convicted of a violation of any provision set forth in this Ordinance shall be punished by a fine of not less than \$200.00 for the first violation; not less than \$300.00 for the second violation, and not more than \$500.00 for the third violation. The fines as set forth herein are mandatory and the Court shall have no discretion to suspend or defer the fine or fines.

SECTION 10 - :ADDITIONAL PROVISIONS:

1. If any part, section, subsection of this Ordinance is, for any reason, held invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

2. Any or all ordinances or part of ordinances of the Town of La Jara in conflict or inconsistent herewith are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara shall not revive any other sections of any ordinance or ordinances heretofore repealed or superseded.

SECTION 11 – EFFECTIVE DATE:

1. **WHEREAS**, in the opinion of the Board of Trustees of the Town of La Jara, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare, this ordinance shall be in full force and effect immediately after its final passage and publication.

INTRODUCED, READ, AND PASSED at a regular meeting of the Board of Trustees of the Town of La Jara at which a quorum was present on the 9th day of January, 2020, and ordered published in accordance with the provisions of 31-16-105, C.R.S.

/s/ Larry Zaragoza
Larry Zaragoza, Mayor

(S E A L)

/s/ Shawn Pagnotta
Shawn Pagnotta, La Jara Town Clerk

