

Section 3. Section 26-88 Vacation home rental is amended to read as follows:

"Sec. 26-88. Vacation Home Rental

(a) *Purpose.* After a number of public hearings during which the use of residences as "Vacation Home Rentals" was the subject of spirited and often contentious debate, the City Council has concluded that it is necessary to repeal and re-adopt the rules and regulations concerning Vacation Home Rentals to more adequately comply with the pertinent stated policies of the City Council, which are to "make decisions and recommendations based on research, facts, and careful listening, taking into consideration short-term and long term goals, competing community interests, and using measurable evaluation criteria whenever possible." It is the intent of the City Council in adopting these new rules and regulations to acknowledge and reconcile the sometimes conflicting "Purposes" of the Community Development Code ("CDC") set out in § 26-1 of the CDC, which include to "Preserve existing neighborhood character" (§26-1(11)) and to "Foster the City's resort, business and other economic bases" (§26-1(16)). To that end, the City Council desires to eliminate those uses that are more closely associated with commercial, resort uses, such as hotels, inns, lodges and bed & breakfast residences, which adversely affect existing neighborhood character, but to license, regulate, and foster those uses that are more residential in nature, which are compatible with existing neighborhood character, but which complement the City's resort, business and other economic bases.

(b) *License.* To operate as a Vacation Home Rental, the Owner of the Property must file an Application with the City's Planning and Community Development Department. Applications shall be reviewed as applications for approval of a Use with Criteria. Vacation Home Rentals that cannot satisfy the criteria set forth herein may apply for conditional use approval per the provisions of sections 26-92(b)(3) and 26-65 of the City's Municipal Code. Notwithstanding anything to the contrary set forth in this Chapter, no part of this Vacation Home Rental Licensing Procedure, including without limitation, the submittal requirements, fee, criteria, prohibited activities, etc., shall apply to the RR residential resort zone districts, including the RR-1 and RR-2 subdistricts.

(c) *Submittal Requirements.*

- (1) Complete application signed by the Owner.
- (2) "Proof of Ownership", as set out in Section 26-64 of the Municipal Code.
- (3) "Site Plan" containing:
 - i. Written or Graphic Scale;
 - ii. North Arrow;
 - iii. Existing Zone District;

- iv. Perimeter outline of interior and exterior lot lines;
 - v. Location of site improvements including but not limited to structures, driveways, and trash enclosures;
 - vi. Location and dimension of parking areas.
- (4) A Floor Plan;
 - (5) If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include an Access Easement from the owners of each property over which vehicles must pass to access the Property or otherwise demonstrate that any existing access easement expressly permits access for commercial uses, including Vacation Home Rentals. All Access Easement shall be signed and notarized by the owner or owners of the property or properties granting the Access Easement. It is the intent of this requirement that the Owner must demonstrate that the Owner has permission to use any existing or historical access easement for the increased commercial use created by a Vacation Home Rental over and above normal ingress and egress for residential access.
 - (6) The names and mailing addresses for all properties within 300 feet of any boundary of the Property.
 - (7) A statement by Owner that Owner has read the recorded covenants that apply to the subdivision in which the Property is located.
 - (8) Copies of currently valid City and State Sales Tax Licenses in the name of the Owner or the Property Management Company.
 - (9) The name and address and contact information including a 24-hour contact phone number for the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address, and contact information, including a 24-hour contact phone number, or a resident of the City of Steamboat Springs, which may be the Owner of the Property, who can be contacted in the event of an emergency.
 - (10) An acknowledgement that the Owner, Property Management Company, and agent of the Owner, if any, have read all regulations pertaining to the operation of a Vacation Home Rental.
 - (11) The Owner shall sign and certify the accuracy of the information submitted and agree to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Vacation Home Rental, the other agent or an authorized officer of the Property Management Company, or both, shall also sign and certify the accuracy of the information submitted and agree to comply with all regulations.

(d) *Definitions.* The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code,

and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Vacation Home Rental Chapter.

- (1) "Application" shall mean the application for a Vacation Home Rental License, which shall be a form approved by the City's Planning Services Department.
- (2) "Access Easement" shall mean an easement in favor of the Owner and the Property over the property of another necessary to provide access to the Property. Access Easements must expressly acknowledge that the Property will be used for commercial purposes either by reference to the Vacation Home Rental use or by a description of such use.
- (3) "Complete Application" shall mean an Application that has satisfied all of the submittal requirements set forth in this Vacation Home Rental Chapter and otherwise complies with all of the criteria required for the issuance of a Vacation Home Rental License.
- (4) "Director" shall mean the Director of Planning Services for the City.
- (5) "Floor Plan" shall mean a dimensioned level by level plan of the Property labeling all enclosed spaces within the structure, including without limitation, all Sleeping Rooms.
- (6) "Owner" shall mean the titled owner of the residence for which a Vacation Home Rental License is sought or has been issued. The Owner may be a natural person or any business entity recognized by the State of Colorado. If the Owner is a business entity it must be registered with the Colorado Secretary of State.
- (7) "Parking Spaces" shall mean areas with a width of no less than 9 feet and a length of no less than 18 feet located either within designated garages or on surfaces designed for the parking of motor vehicles such as asphalt or concrete. Parking spaces shall not include spaces located on grass or other landscaped areas.
- (8) "Property" or "Vacation Home Rental Property" shall mean the residence to be used as a Vacation Home Rental.
- (9) "Property Management Company" shall mean the Owner's agent for renting the Property, if any.
- (10) "Short term rentals shall mean "the use of a single-family or duplex residential dwelling unit by visitors in return for payment on not more than two (2) occasions per year with a combined total of not more than thirty (30) days annually", together with other use criteria as set forth in Sec. 26-402 of the Steamboat Springs Municipal Code entitled "Definitions and use criteria."
- (11) "Sleeping Room" shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, without limitation, a roll out couch or futon. To be a valid Sleeping Room the Sleeping Room shall comply with all pertinent building code

regulations, including, without limitation, exit requirements, ceiling height requirements, and window requirements.

(12) "Use With Criteria" shall mean the land use approval process contained in Section 26-64 of the City's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in Section 26-64 and the process and requirements set out in this Vacation Home Rental Chapter, the terms and conditions in the Vacation Home Rental Chapter shall control.

(13) "Vacation Home Rental" shall mean the rental of a single family home or duplex to a single party of related persons or unrelated persons known to one another, without the Owner residing in the single family home or duplex, for periods of time not to exceed twenty-nine (29) consecutive days; provided, however, Short Term Rentals (a defined term in the Steamboat Springs Municipal Code) shall not be regulated by this Chapter nor shall the use of a Property licensed as a Vacation Home Rental be regulated by this Chapter during periods when the Property is used solely for personal use by the Owner. These regulations shall not prohibit an Owner living in a secondary unit from using the principal unit as a Vacation Home Rental or an Owner living in one half of an undivided duplex from using the other half of the duplex as a Vacation Home Rental.

(14) "Valid Objection" shall mean an objection based on:

- i. the Owner's failure to file a Complete Application; or
- ii. the Owner's failure to meet any of the required criteria for the issuance of a Vacation Home Rental License; and
- iii. the objection is filed by an owner, or by someone authorized by the owner, of a property within 300 feet of any boundary of the Property.

(e) Public Notice. SPO Notice, and Property Posting in accordance with Sec. 26-51.

(f) *Effective Date of License.* The License shall be issued by the Director no sooner than 15 days after the completion of the Notice to the Surrounding Property Owners, provided that (a) The Director has notified the Owner that the Application is complete prior to providing the Notice to the Surrounding Property Owners and (b) a Valid Objection to the issuance of the License has not been filed with the Director. If a Valid Objection is filed prior to the Director issuing the License, the Director shall schedule a hearing with the City Council for the purpose of determining whether to issue the License or not. The Director, after consultation with the City Manager and the City Attorney shall decide any dispute as to whether or not there is a Valid Objection to the issuance of the License. A

final decision by the Director that there is no Valid Objection may be appealed to the District Court under Rule 106(a)(2) of the Colorado Rules of Civil Procedure.

(g) *Fee.* The application fee shall be \$500 and the annual renewal fee shall be \$50 per Sleeping Room to offset the cost to the City to process, administer, and monitor the operation of Vacation Home Rentals. In no event shall the initial fee and annual renewal fee provide a sum greater than the cost incurred by the City to administer the provisions of this Vacation Home Rental Chapter.

(h) *Term of License.* The License shall be valid for one year and may be renewed upon the payment of the annual renewal fee. The Owner shall amend the Application at the time of annual renewal in the event there is any change in circumstances that would require an update to the information submitted by the Owner. By way of example and not limitation, a change in circumstance would be change of ownership of the Property, any modification to the premises, including any changes to the Floor Plan or the Site Plan, or number of Sleeping Rooms, any changes of Property Management Company, or any change in 24-hour contact information. At the time of renewal, the Owner, Property Management Company, or other agent of Owner shall specify the number of civil penalty violations incurred within the preceding 12-month period, together with any other convictions for conduct described in subsection (l)(3) of this Chapter.

(i) *Additional Criteria:*

- (1) There shall be a minimum of two Parking Spaces. No more than four vehicles may be parked overnight on the Property outside of garages. No parking shall be permitted in public rights of way or Access Easements.
- (2) The maximum number of guests staying at the Property shall be one per two hundred square feet of net floor area, as that term is defined in Section 26-402 of the Community Development Code, up to a maximum of sixteen.
- (3) The Owner or Property Management Company, or other agent of Owner shall (i) mail to the party signing any rental agreement or reserving the Property a copy of all Vacation Home Rental rules and regulations within 10 days of reserving the Property; and (ii) shall prominently display on the Property all of the rules and regulations pertaining to Vacation Home Rentals.
- (4) Each Vacation Home Rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. The name of the Property Management Company, agent, local

contact person, or Owner of the Property, and a telephone number at which that party may be reached on a 24-hour basis;

- b. The maximum number of occupants permitted to stay in the Property;
- c. The maximum number of vehicles allowed for the occupants of the Property and that all allowed vehicles must be parked on the Property;
- d. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;
- e. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that bear-proof containers must be used.

(5) The Owner shall include in all advertising a reference to the Owner's Vacation Home Rental License number.

(6) The Owner shall assure that the occupants and/or guests of the Vacation Home Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Vacation Home Rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the Owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

(7) The Owner shall, upon notification that occupants and/or guests of his or her Vacation Home Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or State law pertaining to noise, or disorderly conduct, prevent a recurrence of such conduct by those occupants or guests.

(j) Prohibited Activities:

(1) Outdoor sleeping.

(2) Any outdoor activity at which more than twice the number of allowed occupants (see subsection (i)(2), above) are in attendance.

(3) Tents or other outdoor structures, whether deemed temporary or permanent.

(4) Commercial Kitchens approved as such by the Routt County Department of Environmental Health.

(5) The preparation of any food on site for persons other than the allowed occupants and the allowed guests (see subsection (2), above)

(6) There shall be no employees of the Owner or the property management company living in the Property; provided, however, if the Property has a Secondary Unit, this section does not restrict who the Owner may have as a tenant.

(7) Advertising the Property for any prohibited use.

(k) *Inspection.* If the Director has reasonable grounds to believe that the information provided in the Application is inaccurate, has become inaccurate, or that prohibited activities are occurring at the Property, the Director may require an inspection of the Property on 24-hour advanced notice to the Owner, Property Management Company, or other agent or local contact person for the Owner.

(l) *Violations and Penalties:*

(1) The following conduct shall constitute a violation for which the penalties specified in subsection (2) of this section shall be imposed:

- i. The Owner, Property Management Company, or other agent of Owner has signed an Application, which, at the time of signing, was substantively incorrect;
- ii. The Owner, Property Management Company, or other agent of Owner has failed to comply with any of the Additional Criteria set forth in section (i);
- iii. The Owner, Property Management Company, or other agent of Owner has conducted, permitted, or allowed any of the Prohibited Activities set forth in section (j) to occur on the Property.

(2) The penalties for violations specified in subsection (1) of this section shall be as follows:

- i. For the first violation within any 12-month period, the penalty shall be \$250.00;
- ii. For a second violation within any 12-month period, the penalty shall be a fine of \$500.00;
- iii. For third violation and all subsequent violations within any 12-month period, the penalty shall be a fine of \$1,000.00;

iv. Each calendar day there is a failure to comply with Additional Criteria and each day a Prohibited Activity takes place may be considered by the Municipal Court as a separate and distinct violation.

- (3) These Violations and Penalties shall be in addition to any other violations of law that may be charged under the Steamboat Springs Municipal Code, including, without limitation, Noise Pollution (§ 7-61 et seq.), Nuisances (§ 15-1 et seq.), and failure to pay sales tax.
- (4) In addition to the violations and penalties set forth in this section, the City shall be entitled to all other remedies in law or equity, including, without limitation, seeking an injunction in any court of competent jurisdiction.

(m) *Procedure for Imposition of Penalties.* Any person with reason to believe that an Owner, Property Management Company, or other agent of Owner has violated any of the provisions of this Chapter, he or she may file a complaint with the Steamboat Springs Police Department. After investigation by City Staff, if there exists probable cause to proceed with the complaint, the Owner, Property Management Company, or other agent of Owner shall be summoned into Steamboat Springs Municipal Court to answer charges. The standard of proof for any such prosecutions under this Chapter (as opposed to the charges referenced in subsection (l)(3) of this Chapter) shall be a "preponderance of the evidence" and shall result, upon conviction, in a civil penalty. The provisions of Subsection 26-3(d) of the Community Development Code shall not apply to the enforcement of these Vacation Home Rental Regulations.

(n) *Revocation; Show Cause Hearing.* Upon the occurrence of any of the following, the City Council shall schedule a hearing requiring the Owner to show cause why the License should not be revoked:

- (1) The imposition of a civil penalty for a third violation within one calendar year;
- (2) At the time of annual renewal, the combination of civil penalties and violations under § (l)(3) reported by the Owner, Property Management Company, or other agent of Owner are sufficient, in the discretion of the city manager, to warrant a show cause hearing on revocation of the License.
- (3) A show cause hearing for the revocation of a Vacation Home Rental License shall be conducted by the City Council. If, after public hearing, the City Council determines that the operation of the described Vacation Home Rental Property has been more detrimental to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business, and economic base, then the License shall be suspended for such period as determined by the City Council. The City Council may also

revoke the License. Upon revocation, the Owner may not reapply for a Vacation Home Rental License at that location for two years.

(o) *Operating a Vacation Home Rental without a License.* Any Person, including, without limitation, the Owner, a Property Management Company, or any agent or representative of the Owner, violating the provisions of this Chapter by operating a Vacation Home Rental without a valid License shall, upon conviction, be guilty of a misdemeanor resulting in the imposition of a fine of \$1,000.00 for each day of operation without a license. The Property being operated as a Vacation Home Rental shall not be eligible for a Vacation Home Rental License for two years after conviction. Upon passage of the Ordinance creating this "Vacation Home Rental Chapter", any Property operating as a Vacation Home Rental shall have three months to apply for a License without violation of this section.

(p) *Exemptions.* Vacation Home Rental shall be a use by right in the RR Resort Residential zone districts. Vacation Home Rentals operating in the RR Resort Residential zone districts shall not be required to obtain a license hereunder and shall not be required to comply with the submittal and operating criteria set forth in Sections (c), (i), and (j).

(o) *Transition Rules.* The City Council acknowledges that Vacation Home Rentals are currently operating under the rules and regulations adopted in 2001. All existing permitted Vacation Home Rentals shall have until April 30, 2008 to apply for a Vacation Home Rental License under this new Vacation Home Rental Chapter and comply with these new regulations, or, in the alternative, to apply for another use, which, in the opinion of the Owner, is a more appropriate land use designation for their particular business. If an existing Vacation Home Rental cannot satisfy the criteria set forth herein by April 30, 2008 for approval as a Use with Criteria, the Owner may apply for conditional use approval per the provisions of 26-92(b)(3) and 26-65 of the City's Municipal Code."

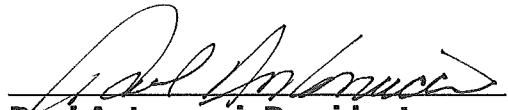
Section 4. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 5. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.


Section 6. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 7. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 19th day of May, 2009.

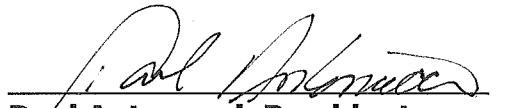

Paul Antonucci, President
Steamboat Springs City Council

ATTEST:



Julie Franklin, CMC
City Clerk



FINALLY READ, PASSED AND APPROVED this 16th day of June, 2009.


Paul Antonucci, President
Steamboat Springs City Council

ATTEST:


Julie Franklin, CMC
City Clerk

