

Short-Term Rentals

3-10-1: Title:

This chapter shall be known as the Short-Term Rental License Ordinance

3-10-2: Purpose:

The purpose of this chapter is to facilitate the licensing of short-term rental units subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods and protecting the public health, safety, and welfare.

3-10-3: Definitions:

- A. "Short-term rental" of property shall mean the renting or offer to make available, (by way of a rental agreement, lease, permit or any other means whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of less than thirty (30) consecutive days.
- B. A management company, rental agent, or individual who is identified by a licensee as the licensee's responsible agent pursuant to Section 4-1-8-1A6. A licensee may, at the licensee's option, identify an alternate responsible agent to act for the licensee if the responsible agent, for any reason, is not successfully contacted by the Town in response to a complaint, or the administrative regulations adopted by the Town.

3-10-4: License Requirement.

- A. It shall be unlawful for any person or booking service provider to operate or advertise to rent any short-term rental unit without a valid short-term rental license approved by the Town Manager or designee.
- B. The short-term rental license does not run with the property but is issued to the specific owner of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.
- C. Any person found to be advertising for rent or renting a short-term rental unit without a permit will be notified by certified mail to cease and desist all offending actions. Upon receipt of the notice, the offending party shall have ten (10) business

days to correct the offending action. Options would include removing the offending advertisement, ceasing the rental of the offending unit(s), or obtaining a short-term rental license. After this grace period has ended, or upon second or further violations, the offending party shall be determined to be in violation of this section and shall be fined for each night of the offense.

- D. Exemption of commercial hotels or inns with single ownership.
- E. A sales tax license is required for all short-term rental units. Operators utilizing a property management company, may operate under a collective sales tax license with a valid short-term rental license for the individual property.
- F. The annual short-term licensing fee shall be \$150.

3-10-5: SPECIAL CONDITIONS OF LICENSE-ALL SHORT-TERM RENTAL UNITS:

- A. Special Conditions: The owner of a short-term rental unit licensed pursuant to this Chapter shall, as a condition of such license, be subject to the following requirements:
 - 1. An advertisement offering to rent a short-term rental unit must prominently display the Town's business and occupational license number in the advertisement as, "Winter Park Short-Term Rental License No. [insert number]." The failure to prominently display the required information in any advertisement of the unit shall be a violation of this section
 - 2. The motor vehicles of all occupants of the short-term rental unit shall be parked only on the site of the unit, or in a Town designated parking area located off of the site of the unit. No motor vehicles shall be parked on the lawn or landscaped areas of a unit, or in the public street or right of way adjacent to the unit. No person shall be permitted to stay overnight in any motor vehicle which is parked at a short-term rental unit. All forms of advertisement for the short-term rental unit shall list the number of available on-site parking spots provided. If no on-site parking is provided, the advertisement shall list that no parking is provided, and that no on-street parking is permitted
 - 3. The storage and disposal of all trash and garbage from a short-term rental unit shall comply with the requirements of Title 4, Chapter 10 of this Code.

4. While occupying a short-term rental unit, no person shall: a) make, cause or control unreasonable noise upon the unit which is audible upon a private premises that such occupant has no right to occupy in violation of Title 4, Chapter 1 of this Code.
5. No short-term rental unit shall be operated in such a manner as to constitute a nuisance pursuant to Title 4, Chapter 12 of this Code.
6. Open burning at the site of a short-term rental unit shall only be done in accordance with Title 4 Chapter 1 of this Code.
7. If burning restrictions or draught mitigation restrictions adopted by the Grand County Board of Commissioners or the Town are in effect, this information must be posted in the short-term rental unit in a conspicuous location.
8. At the time of the issuance of the license the licensee shall also provide to the Town the name, address and telephone number of a responsible agent who is authorized by the licensee to receive communications from the Town concerning the short-term rental unit. The designated responsible agent may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify the Town of the change in writing and shall, at the same time, provide the name, address and telephone number of the licensee's replacement responsible agent
9. A licensee's responsible agent, or such person's employee or designee, shall be available twenty four (24) hours per day, seven (7) days per week, to respond (as defined in the administrative rules and regulations) to any complaint filed with or through the Town, or a website provided by the Town for such purpose, about the operation or condition of the licensee's short-term rental unit. Such responsible agent shall respond to a complaint within-a sixty (60) minutes of receiving notice of such complaint. The responsible agent's failure to respond to a complaint as required by this Section is chargeable to the unit's owner.
10. Each short-term rental unit shall comply with all of the following minimum health and safety standards at all times while the property is being occupied:
 - a. The applicable requirements of the Town's building and technical codes adopted by reference in Title 6, Chapter 1 of this Code;

- b. The applicable requirements of any other ordinance, rule, or administrative regulation of the Town;
 - c. The terms and conditions of any development permit issued to the licensee with respect to the short-term rental unit;
 - d. Smoke detectors and carbon monoxide detectors shall be installed in the unit and shall be operable at all times; and
 - e. Wood-burning fireplaces and stoves in the short-term rental unit shall be cleaned on an annual basis.
11. All property and sales taxes that are lawfully assessed against a short-term rental unit shall be paid to the appropriate taxing authority.
12. Owner Liable: Compliance with the special conditions set forth in this Section shall be the nondelegable responsibility of the owner of the short-term rental unit and each owner of a short-term rental unit shall be strictly liable for complying with the conditions set forth in this Section.
13. Licensee To Receive Special Conditions: At the time of the issuance of a license, the Town shall provide the licensee with a copy of the special conditions set forth in this Section.
14. Licensee To Post License And Special Conditions: The licensee shall post a copy of the license and the special conditions set forth in this section in a conspicuous location within the short-term rental unit.
15. Licensee To Provide Rental Agent and Responsible Agent With Special Conditions: The licensee shall provide any rental agent and the licensee's responsible agent with a copy of the special conditions set forth in this section.

3-10-6: Penalties and Revocation

Code and license violation penalties (within a twelve-month rolling period) are as follows:

1. 1st offense—warning
2. 2nd offense—five hundred dollars (\$500)
3. 3rd & subsequent offenses—one thousand dollars (\$1000) and/or revocation of license