

**ORDINANCE # TBD**

**AN ORDINANCE TO ENACT A NEW CHAPTER IN TITLE 18, ZONING, ENTITLED SHORT- TERM RENTALS, OF THE LA VETA MUNICIPAL CODE FOR THE TOWN OF LA VETA.**

**WHEREAS**, the Town Board of Trustees deem it necessary to enact rules and regulations regulating short-term rental of property (rental of residential property for a period of less than 30 days) (“Short-Term Rentals”) within the Town by adopting in Title 18, Zoning, Short-Term Rentals, of the La Veta Municipal Code; and

**WHEREAS**, the number of Short-Term Rental units in the Town of La Veta has grown dramatically in number and frequency of use; and

**WHEREAS**, the increased number and frequency of use of Short-Term Rental units within Town limits have created the need for additional oversight and caused the Town to incur increased costs in the departments of administration, public works, and law enforcement; and

**WHEREAS**, the Town Board of Trustees has recognized that regulations are necessary in order to protect the health, welfare, and safety of Town residents, businesses and visitors to the Town:

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES FOR THE TOWN OF LAVETA, COLORADO, THAT:**

A new Chapter in Title 18, 18.35, Short-Term Rentals, is now included in the La Veta Municipal Code.

**Section 1:**

**Sections:**

18.35.010	Intent
18.35.020	Purpose
18.35.030	Definitions
18.35.040	Permitted Uses
18.35.050	Application, Checklist and Renewal Process
18.35.060	Local Contact Person
18.35.070	Fees
18.35.080	Penalty
18.35.090	Advertisement and Signs

**18.35.010**     **Intent.** It is the Town’s intent to ensure that State and local laws and regulations and Town Ordinances are followed, while preventing hardship on local ownership of potential rental properties. The Town of La Veta encourages private enterprise within the Town limits, and seeks to support the tourism industry without adversely affecting the character and small-town environment of residential areas which the residents of La Veta enjoy and expect.

**18.35.020**

**Purpose.** The purpose of this ordinance is to protect the health, safety and welfare of the general public and to ensure that the rental of private dwelling units as Short-Term Rentals do not adversely impact the quality of residential neighborhoods by bringing excessive noise, parking congestion, overcrowding and more limited availability of dwelling units for long term occupation.

**SUMMARY**

- (1) All Short-Term Rentals shall comply with the Town of La Veta Municipal Code, which establishes the conditions under which a property owner may apply for a Short-Term Rental permit applicable to a particular property. A Short-Term Rental Permit is required for each Short-Term Rental property. The permit shall be issued only to the owner of the Short-Term Rental property. All Short-Term Rental Permits shall be granted solely to the Short-Term Rental Permitholder for the address for which the Permit is issued and shall not be transferable to any other person, legal entity, Permit holder or address. The Owner of the Short-Term Rental property is responsible for compliance with the provisions of this Chapter in Title 18.
- (2) An Owner of a Short-Term Rental unit must live in the unit or an adjacent unit on the same property for a minimum of 180 days per calendar year. Units located within a Commercial zone are exempt from this requirement only.
- (3) Properties being used for Short-Term Rentals at the time of the adoption of this Ordinance shall be required to apply for a Short-Term Rental \ Permit and a Town of La Veta Business License and shall agree to abide by all rules and regulations within this Chapter. No Short-Term Rentals shall be considered “grandfathered in” at the time of the adoption of this Ordinance, rather the Town has allowed Owners to prepare for compliance with this Ordinance by extending the effective date of this new Chapter in Title 18 to January 1, 2024.
- (4) Short-Term Rentals shall not be permitted in an apartment building, condominium or multiple-family unit at any time as defined 18.08.170
- (5) Short-Term Rentals shall not be operated in such a way as to constitute a nuisance.
- (6) The maximum number of occupants permitted in a Short-Term Rental shall be established at the time of the permitting based on the number of sleeping areas in the unit. Events, such as concerts and weddings hosted in a Short-Term Rental are prohibited, and such prohibition shall be noticed in all rental advertisements.
- (7) All designated parking for vehicles of Short-Term Rental guests, as identified in the Permit, shall be off street.
- (8) It shall be unlawful to advertise a Short-Term Rental without the permit number clearly displayed on the face of the advertisement.
- (9)The effective date of the regulations contained in this Ordinance shall be January 1, 2024
  
- (11) The Town of La Veta may revoke any Permit, or deny an application or renewal of a Business License if the property Owner is not in compliance with the terms and conditions of the Business License, Short-Term Rental Permit, this Chapter and all applicable laws.

**18.35.030**      **Definitions.**

**Applicant-** means the owner of the property to be used for Short-Term Rental purposes as demonstrated by a fee simple title document.

**Local Contact Person** – means a person designated in writing by the property Owner who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding within a reasonable amount of time to concerns related to property code violations, unlawful operations, or disruptive conduct of occupants of the Short-Term Rental unit in order to take remedial action to resolve such violations and/or complaints.

**Short-Term Rental-** short-term rental or vacation rental is the renting or leasing of a furnished home, cabin, modular living unit or mobile home, in part or whole, on a daily or weekly (less than 30-day) basis.

**18.35.040**      **Permitted Uses in Zones.** Short-Term Rentals are allowed by permit in all zoned areas with the exception of the Industrial District and Railroad Support District in the Town of La Veta.

**18.35.050**      **Application, Checklist and Renewal Process.** It shall be unlawful for any person to engage in the Short-Term Rental business without first applying for and procuring a Short-Term Rental Permit and Business License from the Town of La Veta. The initial business license, permit fees and renewal permit fees shall be established by resolution of the Town Board, and may be amended from time to time in the discretion of the Board. All fees shall be paid annually, in advance.

Each Short-Term Rental Permit shall be valid for not longer than one (1) year from the date of issuance and shall be renewed annually.

**Application-** (a) – Any person desiring a License to engage in a Short-Term Rental business shall apply to the Town of La Veta for a Business License for a Short Term Rental and a Short-Term Rental Permit on the forms provided by Town Hall at least 60 days prior to the date of the intended use of a property for Short-Term Rentals, and prior to any advertising of the property.

(b)- The Town Hall may issue a Business License for a Short Term Rental upon the following conditions:

- (1) The applicant has submitted a complete application form, provided all required documents, including Local Contact Person and all fees must accompany the application.
- (2) The applicant and application must meet all the requirements of this Chapter.
- (3) The applicant has had a public hearing held on the Permit application before the La Veta Town Board and Town Board approval of the Permit application.
- (4) The property to be used for the Short-Term Rental business is in compliance with the Town of La Veta Zoning regulations.

- (5) The Town of La Veta may deny an application or renewal Permit if the Owner is not in compliance with the terms and conditions of the Permit, this Chapter, and all applicable laws.
- (6) All owners of Short-Term Rentals are required to collect taxes from the renters and remit to the Colorado Department of Revenue in compliance with state requirements. Specific taxes to be collected include sales tax, which includes State, County and Local sales tax, and lodging taxes.
- (7) Applicants must provide a copy of a Colorado state business sales tax license and approved Short-Term Rental Permit.
- (8) Commercial Zoned Short Term Rentals must comply with 18.28.070 and commercially develop the property for the Short Term Rental.

**Approval of the Short-Term Rental Permit will be based upon the following criteria:**

- (1) Prior to the Permit being issued a public hearing will be held and such notice of public hearing shall be posted on the property, clearly visible from the street, for a minimum of ten (10) days prior to the scheduled hearing date. In addition, the notice of hearing identifying the affected property address shall be published in the newspaper at least seven (7) days prior to the public hearing.
- (2) Adjacent property owners whose property physically touches the boundaries of the property to be used as a Short-Term Rental must be notified in person or by certified mail of the application for Short-Term Rental Permit by the Applicant. Adjacent owners who are contacted in person must provide written confirmation of their contact and a signature to indicate they are aware of the proposed Short-Term Rental Application. For properties where the owners may not be contacted in person, the Applicant is required to provide notices of the Application by sending a copy of the Application to the adjacent property owners by certified mail. Any feedback from neighboring property owners will be reviewed and considered by the Town Board.
- (3) The Town Board will determine if the Applicant is in compliance with all rules, regulations and restrictions for Short-Term Rentals, , that a public hearing has been timely and properly noticed and held, and confirm that all fees have been tendered to the Town.
- (4) On an annual basis, Applicants shall complete the self-inspection worksheet and self-inspection safety checklist and submit the form with the renewal Application.
- (5) All renewal applications must be submitted at least forty-five (45) days prior to the expiration of the existing Permit.
- (6) For renewal of a Short-Term Rental Permit, the Applicant must have submitted a complete Renewal Application form, provided all required documents, including a current Local Contact Person and all fees must accompany the Application.
- (7) The Applicant and Application must meet all the requirements of this Chapter and have no outstanding violations.
- (8) The Applicant is responsible for all costs associated with posting publication and permitting.

**18.35.060** **Local Contact Person.** Short-Term Rental businesses must have a Local Contact Person who shall be responsible for ensuring compliance with provisions of the La Veta Municipal Code including, but not limited to, reports for the occupation of and lodging tax for,, maintenance of the property including parkways, snow and ice removal, and all other property maintenance requirements. This Local Contact Person shall also be available to promptly respond to law enforcement and municipal code violation issues.

**18.35.070** **Fees.** Application fees and renewal fees will be set by Resolution of the La Veta Town Board and may be amended from time to time. All fees must be submitted with the Application for a License or a Permit renewal Application.

**18.35.080** **Penalty.** Any person who violates the provisions of this ordinance shall be subject to a fine not exceeding three hundred dollars (\$300.00). Each rental of a property in violation of this Chapter shall be deemed a separate offense.

**18.35.090** **Advertisement and Signs.** No signs are allowed to be placed on the property or in any window of the property advertising the Short-Term Rental except in the commercial zone per Chapter 18.28.

**Section 2:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining sections of this Ordinance. The Town of La Veta Board of Trustees hereby declares that it would have passed this Ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, clauses or phrases may be declared invalid.

**Section 3.** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that this shall not repeal the repealer clauses of such ordinances nor revive any ordinances thereby.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

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Douglas R. Brgoch, Mayor

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Heather Hillis, Town Clerk