

**LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF
SHORT-TERM RENTAL REGULATIONS**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY,
COLORADO:

WHEREAS the conversion of residential properties to short-term rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community, including issues such as increased noise, traffic, potential for trespassing, fire-safety concerns and trash not being disposed of properly, and

WHEREAS on June 10, 2019, the Larimer County Board of County Commissioners (hereinafter referred to as BoCC) adopted reasonable and necessary short-term rental regulations in the Larimer County Land Use Code (hereinafter referred to as LUC) which became effective September 1, 2019, but with a two-year grace period for existing operators to become compliant; and

WHEREAS on June 10, 2019, the BoCC also adopted amendments to the 2018 International Residential and Building Codes (hereinafter referred to as the "Building Codes") regarding short-term rentals which became effective September 1, 2019, but with a two-year grace period for existing operators to become compliant; and

WHEREAS said LUC and Building Code regulations set forth the criteria, development process and permitting requirements to obtain short-term rental approval; and

WHEREAS in conjunction with the aforementioned LUC regulations, Larimer County contracts with an outside monitoring company to monitor the internet spaces where short-term rentals are advertised to determine compliance with the regulations; and

WHEREAS the BoCC desires to effectively implement and enforce the regulations regarding short-term rentals with an Ordinance incorporating the existing regulations and providing additional regulations addressing the granting, enforcement, and revocation of a short-term rental approval and other code compliance measures;

NOW THEREFORE, to achieve these goals the BoCC clarifies and sets forth the following compliance measures in this Ordinance for Implementation and Enforcement of Short-Term Rental Regulations.

SECTION 1. TITLE

This Ordinance shall be titled Larimer County Ordinance for Implementation and Enforcement of Short-Term Rental Regulations.

SECTION 2. AUTHORIZATION

This Ordinance is authorized pursuant to:

Section 30-11-101(2), C.R.S.: Counties have the authority to adopt and enforce resolutions regarding health, safety, and welfare issues as otherwise prescribed by law.

Section 30-15-401(1)(a)(I)(A), C.R.S.: The Board of County Commissioners has the power to adopt ordinances to provide for procedural requirements pursuant to House Bill 20-1093 concerning County authority to grant approval and regulate short-term rentals.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION

This Ordinance shall be administered by the Larimer County Community Development Department (Authorized Enforcement Agency) or by its designee.

SECTION 4. PURPOSE/INTENT

The purpose of this Ordinance is to:

- A. Provide procedural requirements to seek approval for and regulate an Owner who rents or advertises for a short-term rental and to fix the fees, terms, and manner for issuing and revoking an approval issued therefor. For purposes of this Ordinance, short-term rental shall collectively refer to short-term rentals, large short-term rentals, vacation homes and large vacation homes.
- B. Additionally, the Ordinance ensures that short-term rentals are operated in a manner that is compliant with all applicable rules, laws and regulations, as well as to ensure it is compatible with the surrounding neighborhood and protects the overall community character.

SECTION 5. APPLICABILITY

- A. This Ordinance applies to the unincorporated area of Larimer County including unincorporated parcels within the Estes Valley Planning Area.
- B. The provisions set forth in this Ordinance shall only apply to short-term rental properties, as defined within the LUC. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, resort lodge cottages, bed and breakfast establishments, timeshares/fractional ownership units within a building operating akin to that of a hotel/motel with a central check-in located within such facility, or to properties with leases of thirty-one (31) days or longer.

SECTION 6. APPROVAL AND COMPLIANCE REQUIRED

- A. It is unlawful to lease, advertise for lease, or permit the leasing of any short-term rental in the unincorporated areas of Larimer County without approval from the Larimer County Planning Division according to standards set forth in LUC Sections 3.3.5.B and 13.6.1.B as well as the Building Codes, as amended and adopted by Larimer County, which are hereby referenced and adopted in their entirety.
- B. An application for a short-term rental shall be reviewed by the Authorized Enforcement Agency in accordance with the applicable criteria.
- C. Approvals shall be in accordance with the regulations set forth in the LUC which are hereby referenced and incorporated in their entirety, as well as building permits, inspection

approvals and Certificates of Occupancy required by the Building Codes, also hereby referenced and adopted in their entirety.

- D. Any short-term rental in operation without approval is required to cease all operations immediately until an application has been processed and an approval is issued.

SECTION 7. REQUIREMENTS

- A. Notices. Any notices or communications required or reasonably implied by this Ordinance may be sent to the Owner or Property Manager by the County via U.S. mail or via electronic mail.
- B. Property Manager. The Property Manager shall have access and authority to assume management of the short-term rental and take remedial measures and to accept service on behalf of the owner. The Property Manager shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Ordinance. The Property Manager must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Property Manager to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.
- C. Property Manager Contact Information. Owner and Property Manager shall be responsible to provide the Property Manager's contact information to all neighbors within 500 feet of the short-term rental of the Property Manager's contact information. Proof of such shall be provided to the County within ten (10) days of Planning approval and or Change in Information.
- D. Re-certification. Re-certification is required biannually upon notification by the County. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration or revocation of approval.
- E. Advertising. Any advertising shall contain the Larimer County approval number.

SECTION 8. VIOLATIONS, ENFORCEMENT and REVOCATION

- A. On-going Compliance Obligation of Owner.
 - a. Approval of an application is expressly contingent upon the Owner maintaining compliance with all requirements set forth in this Ordinance, the LUC and the adopted building codes. If at any time an Owner fails to maintain such compliance as required, the Owner shall be in violation of this Ordinance.
- B. Complaints.
 - a. Complaints concerning a short-term rental shall first be directed to the Property Manager. The Property Manager shall respond to the complaint, including visiting the site if necessary. Failure of a Property Manager to affirmatively respond to a complaint

and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.

- b. The County may investigate any complaint received, to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violation(s) are not corrected or if there are repeat offenses, Larimer County may pursue action as provided for herein.
- c. If upon review at any time, Larimer County determines the Owner has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this Ordinance, Larimer County may take such action as is deemed necessary to remedy the non-compliance, including but not limited to, revocation of the approval as set for in Section 8D below.

C. Suspension or Revocation.

- a. An approval granted pursuant to this Ordinance may be revoked or suspended by the Authorized Enforcement Agency following a Show Cause Determination for any violation of the Ordinance, or violation of the short-term rental regulations in the LUC and Building Codes, as amended. The Authorized Enforcement Agency may commence revocation proceedings if any of the following occurs:
 - i. An Owner has had three (3) substantiated complaints; or
 - ii. An Owner has violated or is currently violating this Ordinance in a manner that significantly endangers the public health, safety and/or welfare.

D. Suspension or Revocation Determination:

- a. The Show Cause Determination shall be made by the Larimer County Community Development Director or their designee.
- b. A Notice of Violation shall be given to the Owner or Property Manager setting forth the date and substance of the alleged violation(s).
- c. Within fifteen (15) days of receipt of the Notice of Violation, the Owners and/or Property Manager may submit a response and present evidence disputing the allegations to the Director.

The Director shall consider the following when determining whether to suspend or revoke the short-term rental approval:

- i. The nature and seriousness of the violation
- ii. Impact of the violation on the neighborhood and/or community
- iii. Corrective action, if any, taken by the Owner or Property Manager
- iv. Prior violations
- v. The likelihood of reoccurrence of the violation or violations
- vi. Entirety of the circumstances surrounding the violation

- vii. Willingness, or lack thereof, to rectify the violation
- viii. Length of time the Owner has been approved

- d. Following receipt of any evidence that may be provided to the Director, if it is determined that good cause exists for the imposition of a sanction against the Owner, the Director may impose the following sanctions:
 - i. Suspension of the approval for a time period not to exceed six (6) months; or
 - ii. Revocation of the approval
- e. Any action taken pursuant to this Section shall be commensurate with the seriousness of the violation(s) and the action, or lack thereof, taken by the Owner to resolve the violation(s).
- f. The Director shall provide their decision in writing to the Owner and Property Manager within fifteen (15) days of receipt of the evidence disputing the allegations.
- g. An Owner whose short-term rental approval has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension.
- h. An Owner whose short-term rental approval has been revoked must immediately cease all operations. All advertising shall cease immediately.

E. Appeals of License Revocations.

- a. Any determination made by the Director related to the suspension or revocation of the approval may be appealed to the BoCC pursuant to Section 6.7.2 of the LUC.

F. Costs of Enforcement, Revocation and Appeal. In the event it is necessary for the County to act for enforcement of this Ordinance, there shall be added to any fees due, all reasonable costs and fees incurred by the County, including reasonable attorney fees. If any action is brought in a Court of law, by or against the County relating to the enforcement, interpretation, or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution of such action.

G. Violations subsequent to January 1, 2022. Any short-term rental in operation after January 1, 2022, without the required approvals, shall be deemed in violation and subject to fines, increased fees and injunction proceedings.

H. Penalties. All penalties are subject to existing state statutes.

I. Advertising. Any advertising listing the short-term rental for rent, such as online rental sites i.e. VRBO, AirBnB, etc., or published to solicit rental of a short-term rental, without prior approval from the Authorizing Enforcement Agency, is a violation.

SECTION 9. REMEDIES NOT EXCLUSIVE

A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local laws. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 11. PUBLICATION AND EFFECTIVE DATE

A. Following its adoption, this Ordinance shall be published in a newspaper of general circulation of Larimer County once by title only with the date of the initial publication and containing any section, subsection or paragraph of the Ordinance which was amended following the initial publication and shall take effect thirty (30) days after the date of publication in said newspaper.

Upon motion duly made and seconded, the foregoing Ordinance was adopted on the 8th day of November, 2021.



BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: John Kafalas
Chair

ATTESTATION:

I, Kelly Bryant, Larimer County Clerk, attest that the foregoing LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF SHORT-TERM RENTAL REGULATIONS was read at a meeting of the Board of County Commissioners and has been published in a newspaper of general circulation for Larimer County at least ten (10) days prior to the date of its adoptions, in compliance with Section 30-15-406 D.R.S. 1973 as amended.

[SEAL]

Kelly Bryant
Larimer County Clerk/Deputy Clerk

Approved as to Form: [Signature] 1/11/2021
Deputy County Attorney