

AMENDED 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, on April 3, 2023, the BoCC adopted new short-term rental regulations which will become effective on June 1, 2023; and

WHEREAS said LUC and Building Code regulations set forth the criteria, development process and permitting requirements to obtain a short-term rental license; 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 license and other code compliance measures; and

WHEREAS Larimer County has adopted new LUC regulations regarding Short-Term Rentals and seeks to update and amend the Ordinance for Implementation and Enforcement of Short-Term Rental Regulations previously adopted in 2021 to update and address best practices in the enforcement of Short-Term Rentals.

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 Amended 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)(s), 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 a license and regulate short-term rentals.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION

This Ordinance shall be administered by the Larimer County Community Development Department or by its designee.

SECTION 4. PURPOSE/INTENT

The purpose of this Ordinance is to:

- A. Provide procedural requirements to seek a short-term rental license for, and to regulate an Owner who rents or advertises for, a short-term rental and to fix the fees, terms, and manner for issuing and revoking a license issued therefor. For purposes of this Ordinance, short-term rental shall collectively refer to short-term rentals, short-term rentals – hosted, and Bed and Breakfast Inn as described in the Larimer County Land Use Code.
- 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.
- C. A vacation home with a valid operating registration approved under the previous Estes Valley Development Code prior to April 1, 2020, may continue to operate as defined under the previous code. Such non-conforming vacation homes must comply with the requirements of this Ordinance and the LUC with the requirement to renew every other year. Non-conforming vacation homes are required to comply with the life-safety provisions of this Ordinance, the LUC and the Building Codes.
- D. A short-term rental with a valid approval under the LUC from April 1, 2020, until June 1, 2023, may continue to operate as defined under the previous code. Such non-conforming short-term rentals must comply with the requirements of this Ordinance and the LUC with the requirement to renew every other year. Non-conforming short-term rentals are required to comply with the life-safety provisions in this Ordinance, the LUC and the Building Codes.

SECTION 5. INDEMNIFICATION

- A. Larimer County assumes no responsibility for the operation of the short-term rental and Owner agrees to hold Larimer County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the short-term rental.
- B. No term or condition of this Agreement shall be construed or interpreted as a waiver, either expressed or implied, of the monetary limits, notice requirements, immunities, rights, benefits, defenses, limitations and protections available to Larimer County under any applicable law, including but not limited to the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et. seq, as currently written or hereafter amended or implemented.

SECTION 6. 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 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 (30) days or longer.

SECTION 7. LICENSE 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 the LUC as well as the Building Codes, as amended and adopted by Larimer County, which are hereby referenced and adopted in their entirety.
- B. Subsequent to the Planning Division approval and the Certificate of Occupancy issuance from the Building Division, a license to operate as a short-term rental will be issued. For short-term rentals or vacation homes approved prior to June 1, 2023, the planning approval number will serve as the license number until the renewal or re-certification of the license on the two-year anniversary date.
- C. An application for a short-term rental shall be reviewed by the Community Development Department in accordance with the applicable criteria.
- D. 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.
- E. Any short-term rental in operation without a valid license may be issued a Cease and Desist letter and will be required to cease all operations and advertising immediately. Short-term rentals may not operate without appropriate approvals and a license. Larimer County may seek any remedy available.

- F. Following the issuance of a Cease and Desist letter, and the owner comes in to apply for a proper license, an additional fee in the amount of \$500 will apply when the Owner subsequently comes in to apply for the required license. The additional fee is a result of the additional cost of County staff and resources to process the late application and to obtain compliance.
- G. If an application is not submitted and approved, any advertising will clearly state in the banner heading the residence is only allowed to be rented long-term, greater than 30 days.

SECTION 8. OTHER 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 one 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. The Property Manager's contact information shall be posted on a publicly available online database.
- D. Renewal. Renewal is required every other year on the anniversary of the original approval or license date. Failure to complete and resubmit the renewal form to the Community Development Department, shall be cause for consideration or revocation of the license. At the time of renewal the current Owner/Property Manager will sign a form acknowledging they have read and will abide by the Ordinance for Implementation and Enforcement of Short-term Rentals in effect at the time.
- E. Re-Inspection. Short-term rentals shall be re-inspected by the Building Division every four (4) years accompanying the renewal every other year to ensure continued compliance with the applicable building code. At the time of the re-inspection a non-conforming vacation home shall be required to be in compliance with the LUC safety standards contained in Section 3.3.5.B o through w. The fee for this re-inspection shall be \$200.
- F. Advertising. Any advertising shall contain the Larimer County license number in the banner heading of any advertisement. The advertisement shall also contain the approved number of occupants.

- G. Noise and Disorderly Conduct. Be a good neighbor. All short-term rentals are subject to the Larimer County Noise Ordinance. The Noise Ordinance is enforced by the Larimer County Department of Environmental Health during business hours and the Larimer County Sheriff's Office after hours. Disorderly conduct issues are handled by the Larimer County Sheriff's Office.
- H. Vehicles and Other Structures. No person shall be permitted to stay overnight in any motor vehicle, included but not limited to, a motorhome, truck camper, travel trailer or other similar vehicle, tents, or other outdoor structures on the property in addition to the short-term rental.
- I. Compliance with Other Laws. Owners, Property Managers, and renters are required to comply with county, state and federal laws. A violation or infraction instituted by another jurisdiction or agency for activity at the short-term rental property shall be counted as a violation as defined in Section 9.

SECTION 9. VIOLATIONS, ENFORCEMENT and REVOCATION

A. On-going Compliance Obligation of Owner.

- (1) Approval of an application/license 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.
- (2) The renewal/re-certification of a short-term rental license is discretionary by Larimer County and may be denied or approved with additional conditions based on, but not limited to, failure to comply with any terms, condition or requirement as outlined in this Ordinance or the Land Use Code regulations and the International Building Code as adopted.

B. Complaints.

- (1) 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.
- (2) The Property Manager shall provide a detailed report of all complaints received and their resolution or attempted resolution to the Community Development Department, and specifically the Code Compliance Supervisor, within 48 hours of notification or attempted notification of the complaint.
- (3) The County may investigate, including but not limited to an inspection of the property, 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.

(4) 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 license as set forth in Section 9D below.

C. Suspension or Revocation.

1. A license granted pursuant to this Ordinance may be revoked or suspended by the Community Development Department 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 Community Development Department 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:

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

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

- 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 held a license
4. 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:
- ix. Suspension of the license for a time period not to exceed six (6) months; or
 - x. Revocation of the license.

5. 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). Egregious and/or severe life-safety violations may be subject to immediate revocation.
6. The Director shall provide their decision in writing to the Owner and Property Manager.
7. An Owner whose short-term rental license has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension.
8. An Owner whose short-term rental license has been revoked must immediately cease all operations. All advertising shall cease immediately.

E. Appeals of License Revocations.

1. Any determination made by the Director related to the suspension or revocation of the license 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. Any short-term rental in operation after January 1, 2022, without the required license, may be deemed in violation and subject to fines, increased fees and injunction proceedings.

H. Penalties. Pursuant to C.R.S. 30-15-402, any person who is convicted of violating this Ordinance commits a civil infraction and is subject to a fine of up to \$1,000 per violation, per day as long as the violation(s) continues.

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 a license from the Community Development Department is a violation.

SECTION 10. 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 Community Development Department to seek cumulative remedies.

SECTION 11. 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 12. 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.
- B. Following the initial publication, the Ordinance 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 ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: _____
Chair

ATTESTATION:

I, _____, Larimer County Clerk, attest that the foregoing AMENDED 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]

Larimer County Clerk/Deputy Clerk