

ORDINANCE NO. 17-03

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO, DEFINING SHORT-TERM RENTALS, REVISING REGULATIONS FOR SHORT-TERM RENTALS, PROVIDING FOR LICENSING OF SHORT-TERM RENTALS AND LIMITING THE NUMBER OF SHORT-TERM RENTALS ALLOWED WITHIN THE TOWN OF RIDGWAY, AND WAIVING ADDITIONAL TAP FEES FOR ACCESSORY DWELLING UNITS, AS DEFINED IN SECTION 7-3-13(G) OF THE RIDGWAY MUNICIPAL CODE, SHARING A SINGLE TAP WITH A PRIMARY DWELLING.

WHEREAS, the Town Council of the Town of Ridgway (the “Town”) believes it appropriate to define short-term rentals, license their use, broaden the types of short-term rentals allowed throughout the Town; and to clarify the status of mixed use buildings in the HB and GC Districts; and

WHEREAS, the Town Council desires to ensure that short-term rentals are not consuming too much of the town’s housing supply, especially long-term rental housing; and

WHEREAS, the Town Council desires to maintain the character of community and neighborhoods, particularly as a “real community” and not just a tourist town; and

WHEREAS, the Town Council desires to allow short-term rental opportunities within the Town of Ridgway with the resulting economic benefits, potential tourism attraction, and ability to make one’s home and property more affordable; and

WHEREAS, the Town Council desires to assure a safe and quality experience for residents, businesses and visitors; and

WHEREAS, the Town Council desires to balance the need for regulations with the cost to the property owner and burden of enforcement to the Town; keep revenue neutral; and

WHEREAS, the Town Council desires to continue incentivizing the construction and use of Accessory Dwelling Units as defined by Ridgway Municipal Code Section 7-3-13(G) within the Town of Ridgway.

WHEREAS, the Town has the power and authority to make and publish ordinances that are necessary and proper to provide for the safety and preserve the health of the inhabitants of the Town not inconsistent with the laws of the State of Colorado; and

WHEREAS, the Town has made a conscientious effort to plan for specific uses within all zoning districts and to anticipate conflicts between competing land uses, in order to protect the public’s health, safety and welfare;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:

SECTION 1.

Subsection 7-3-2 of the Ridgway Municipal Code, is amended as follows to add the definition for Short-term Rental.

* * *

SHORT-TERM RENTAL: Rental of all or a portion of a residential dwelling unit for periods of less than 31 days. This definition of short-term rentals excludes hotels, motels, lodges, and bed and breakfasts.

SECTION 2.

Subsection 7-3-13(l) of the Ridgway Municipal Code, is repealed and a new subsection (l) is enacted as follows:

(l) Short-term Rental Regulations:

(1) Intent and Purpose: Establish standards and procedures by which residential short-term rentals can be provided in a manner that protects both the quality of experience and the character of the Town of Ridgway. It is the Town of Ridgway's intent to establish short-term rental regulations to promote a mix of lodging options, support the local economy, while also upholding the integrity of the Town.

(2) Permitted Use of short-term rentals

(a) Short-term rentals are allowed in all zoning districts where residential units are a use by right or an approved conditional use. Short-term rentals are not permitted in the "I-1" Light Industrial - 1 District or the "I-2" Light Industrial District. Short-term rentals shall comply with the provisions of this Subsection (l) and shall be licensed per Chapter 8, Section 5 of the Ridgway Municipal Code. Provided however the provisions of Subsection 7-3-13(l)(2)(b) below are not applicable to such units in the HB or GC Districts.

(b) For short-term rentals not in the "HB" Historic Business or General Commercial "GC" Districts, the structure involved:

(i) Shall be a single family dwelling structure; or

(ii) Shall be a single residential unit in structures with mixed uses; or

(iii) Shall be a property with two dwelling structures where the owner may use one of the dwelling structures as a short-term rental if both dwelling structures are owned by a single owner and one dwelling unit is owner occupied.

(iv) Shall not be a multiple family residence or structure as short-term rentals are prohibited in multiple family structures.

(c) In the HB and GC Districts, a maximum of five short-term rentals are allowed per building or structure.

(3) Performance Standards for short-term rentals

(a) The unit being rented, shall be a Dwelling Unit, as defined pursuant to Chapter 7, Section 3, 7-3-2 of the Town Code shall not have more than 5 bedrooms, nor be leased or used to any group containing more than 10 people over the age of 18.

(b) The unit shall have a minimum of 2 off-street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off street.

(c) There shall be an owner's agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name address and phone

number of the agent must be kept current on file with the Town, and posted in the short-term rental.

- (d) Adequate trash and recycle containers shall be provided and information on placement for collection shall be provided in the short-term rental as stated in Ridgway Municipal Code Section 9-2-5.
- (e) The unit shall be maintained in compliance with applicable Town ordinances and regulations. The rental of residential units as provided herein shall not unreasonably annoy or interfere with the use or enjoyment of public or private property or which constitutes a health or safety hazard.
- (f) The owner must have current state and Town sales tax licenses, a Town business license at such time the Town has business licensing, and collect and remit sales taxes and lodging taxes.

SECTION 3.

Subsection 7-3-13(G) of the Ridgway Municipal Code, is amended as follows, to add a new subsection (10):

- (10) An accessory dwelling unit, as defined in Ridgway Municipal Code Section 7-3-13(G) either attached or detached to the primary dwelling, may be utilized as a short-term rental only under the following circumstances:
 - (a) tap fees are paid at 30% pursuant to Ridgway Municipal Code Chapter 9-1-9(c)(2); and
 - (b) 100% of monthly water, sewer, trash and recycling services are paid on a monthly basis pursuant to Ridgway Municipal Code Chapter 9; and,
 - (c) the lot size upon which both dwelling units are sited is a minimum of 8,000 square feet.

SECTION 4.

Chapter 8 Section 5 of the Ridgway Municipal Code, is added as follows:

CHAPTER 8

SECTION 5

Short-term Rentals

Subsections:

- 8-5-1 Licenses Required.
- 8-5-2 License Fees.
- 8-5-3 Supplemental Regulations.
- 8-5-4 Revocation of License.

8-5-1 LICENSES REQUIRED.

(A) Any property owner who rents out a unit on a short-term basis within the Town of Ridgway shall be required to obtain a short-term rental license (hereinafter a "Short-term Rental license") for each short-term rental unit from the Town of Ridgway. Such Short-term Rental license and its corresponding number shall be prominently displayed in all advertising of the unit. The cost of such licensing and renewals shall be set by

resolution of the Town Council. Short-term Rental licenses are nontransferable, except where upon death the property is transferred to an immediate family member, the Short-term license number may be transferred with the property.

(B) All Short-term Rental units, except the Short-term Rental of a single room inside an owner occupied dwelling unit, are required to have and pass a health, safety and welfare inspection by the Town Building Inspector. This inspection will be completed with the initial and renewal licensing processes.

(C) The total number of Short-term Rental licenses in the Town of Ridgway shall be limited to 50 at any one time. The Short-term Rental of a single room inside an owner occupied dwelling unit shall not be counted toward the maximum number of licenses to be issued.

(D) Short-term Rental licenses shall be issued for a period of two years and subject to biannual renewal (every 2 years). Notwithstanding this two year term, the Town may determine a more frequent licensing schedule is needed for any particular unit, and the initial term for licensing.

8-5-2 LICENSE FEES.

(A) The local application and license fees for all Short-term Rental licenses issued, and applications submitted shall be enacted by Town Council Resolution.

(B) In addition to the above fees, the applicant/licensee shall reimburse the Town for all out-of-pocket costs incurred during review of the application, or license, including legal fees, consultant fees, postage, notice and publishing costs. The Town shall bill the applicant/licensee upon completion of the application or review process and completion of any conditions thereof. No application or license shall be finally approved until the bill is paid. Each bill shall be overdue 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1½ % per month or part thereof. Such fees may be certified to the County Treasurer for collection as delinquent charges or collected in any other lawful manner.

(C) The Town Council may revise such amounts by resolution based on costs incurred by the Town in the administration and enforcement of the Short-term Rental Licensing and related provisions.

8-5-3 SUPPLEMENTAL REGULATIONS.

(A) All Dwelling Units, for Short-term Rental licenses issued shall comply with applicable requirements of Town ordinances, including building and zoning regulations, inclusive of Chapter 7 Section 3-13(I), and this Section.

(B) The Town Council shall be the local licensing authority for the Town for Short-term Rental licenses. The Town Manager shall review and act upon all Short-term Rental license applications without hearing.

(C) The Town Manager is hereby designated as the entity responsible for processing procedures and reviewing Short-term Rental licenses for compliance with Town ordinances and regulations.

(D) The Town Manager shall make reasonable rules and regulations in conformity with this Article for the proper administration and enforcement of Short-term Rental licenses.

8-5-4 REVOCATION OF LICENSE.

(A) The Town Manager, may revoke or suspend a Short-term Rental license. The following shall be prima facie evidence for revocation or suspension of a Short-term Rental license:

- (1) A holder of a Short-term Rental license is violation of the Town Municipal Code;
- (2) A holder of the Short-term Rental license has violated the rules and regulations for short-term rentals, as established by the Town Manager
- (3) There have been two or more violations of Chapter 2, Section 1, the General Administrative Provisions of the Town Municipal Code, at the short-term rental;
- (4) The holder of the Short-term Rental has failed to remit sales and/or lodging taxes.

(B) In the event a licensee wishes to challenge the revocation or a suspension of a license by the Town Manager, they can request, in writing, an administrative hearing before the Town Council within thirty days of the license being revoked or suspended.

(C) No license shall be issued to any property owner for whom a license has been revoked, until at least one year has elapsed since revocation.

SECTION 5.

Chapter 9 Subsection 1-9(C)(3) of the Ridgway Municipal Code, is amended as follows:

9-1-9(C) Multiple Units on a Single Tap

* * *

Subsection (3) - Multiple unit residences and dwelling facilities including, but not limited to, duplexes, multi-family residences, apartments, mobile homes, mobile home parks, and travel home parks, shall be charged for each water or sewer tap, tap fees equal to those provided by 9-1-9(A) and (B) above, plus 0.72 times the tap fees provided by 9-1-9(A) and (B) above, for each unit after the first served by the tap, regardless of the size of the tap. An accessory dwelling unit, attached to a primary dwelling, may be served off the tap or meter serving the primary residence without payment of additional tap fees.

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INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the 12th day of April, 2017

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this 10th day of May, 2017.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on April 12, 2017, published by title and posted thereafter, and adopted by the Town Council on May 10, 2017.

(SEAL)

Pam Kraft, MMC, Town Clerk