

**TOWN OF GRANBY
BOARD OF TRUSTEES
ORDINANCE NO. 918**

**AN ORDINANCE AMENDING TITLE 5 OF THE GRANBY MUNICIPAL CODE BY ADDING
CHAPTER 5.20 REGARDING SHORT-TERM RENTAL REGULATIONS AND
REGISTRATION WITHIN THE TOWN**

WHEREAS, the Board of Trustees of the Town of Granby, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of the Town of Granby, Colorado (“the Town”); and

WHEREAS, the use of property within the Town for short-term rentals has increased during recent years, and is expected to continue to increase, and is a matter of concern to the Board of Trustees and the public; and

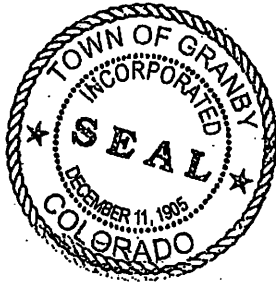
WHEREAS, the Town Manager has done substantial investigating into methods for regulating short-term rentals; and

WHEREAS, the Board of Trustees has held numerous workshops and meetings to involve the public in the discussion of how short-term rentals should be regulated within the Town resulting in the regulations and provisions that are being adopted by this ordinance;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO, THAT:

1. Title 5 of the Granby Municipal is hereby amended by adding Chapter 5.2 Short-term rental regulations and registration as provided in Exhibit A, attached hereto and incorporated herein by reference.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance. Except as specifically amended by this ordinance, all other provisions of the Granby Town Code shall remain in full force and effect.

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY THIS 27th DAY OF AUGUST, 2019.



Votes Approving: 7
Votes Opposed: 0
Absent: 0
Abstained: 0

ATTEST:

BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO

Deborah K. Hess, CMC
Town Clerk

By:

Paul Chavoustie
Mayor

5.20.010 Purpose.

The purpose of the short-term rental regulations are to facilitate the permitting 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.

5.20.020 Definitions.

"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.

5.20.030 Permit Requirement.

- (a) It shall be unlawful for any person to operate or advertise to rent any short-term rental unit without a valid short-term rental unit permit approved by the Town Manager or designee.
- (b) The short-term rental unit permit 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 permit. 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.

5.20.40 Permit Application

Applicants for a short-term rental unit permit shall submit a completed application form which contains such information as required by this section and shall pay all fees required for the permit application. The application shall be reviewed administratively by the Town Manager or designee who shall approve or deny the application within ten (10) working days of submittal or as soon thereafter as reasonable.

The permit application shall include:

- (a) Standard Town application;
- (b) A separate short-term rental permit is required for every rental unit;
- (c) The name, mailing address, physical address of the rental unit and contact information including a 24-hour contact phone number for the owner or the owner's property manager (responsible agent) who can be contacted in the event of an emergency and who, therefore, can promptly address the needs of guest occupying the short-term rental unit and can respond within one (1) hour;
- (d) Proof of insurance as set forth in section 5.20.060(a)(3);
- (e) A narrative addressing all of the short-term rental unit permit review criteria showing how they will be met;

- (f) A statement that the owner has read and understands the rules and regulations for a short-term rental unit set forth in this Chapter;
- (g) The application fee; and
- (h) Evidence of a current sales tax license.

5.20.050 Fee Schedule and Permit.

(a) The permit fee shall be per year per unit:

- (1) One bedroom or studio—two hundred dollars (\$200)
- (2) Two bedrooms—three hundred dollars (\$300)
- (3) Three or more bedrooms—four hundred dollars (\$400)

For the purpose of calculating the permit fee and density, lofts are considered a bedroom.

(b) The permit application fee is a one-time payment of one hundred dollars (\$100). The purpose of the fee is to finance the cost of administering and monitoring compliance of terms, conditions and requirements for short-term rental operations.

(c) The permit must be posted within the short-term rental property.

(d) The permit number must be included in all advertisements.

5.20.60 Permit Criteria.

(a) The Town Manager or designee may approve or approve with conditions an application for a short-term rental unit permit if the following criteria and specific regulations are met.

- (1) Sleeping quarters for short-term tenants shall not be in non-residential areas within buildings or accessory structures (e.g. shed, garage, etc.), in commercial (office/retail) or industrial (warehouse) spaces, outdoors (e.g. tent, etc.) or in a recreational vehicle.
- (2) A separate short-term rental permit is required for each rental unit. Time-share units will be treated as one unit.
- (3) The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.
- (4) Short-term rental units must remain compliant with all planning, zoning, building, health, fire and Town codes.
- (5) The owner shall not have had a short-term rental unit permit revoked within the preceding twelve (12) months.

5.20.070 Complaint Procedure.

(a) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made to the Town by contacting the Town of Granby Police Department/ Code Enforcement Officer (non-emergency dispatch number after regular business hours). The subject of the complaint may include without limitations such things as violations of the parking, trash, noise or other requirements related to short-term rental units as

- provided in this Chapter or in the issued permit.
- (b) When a complaint concerning a short-term rental unit has been received, the Officer will attempt to contact the responsible agent for the short-term rental unit using the contact number on file. When the responsible agent is reached by telephone, the agent will be informed of the details of the complaint.
 - (c) The responsible agent is required to attempt to address the issue that was the subject of the complaint within one (1) hour of having been notified. A responsible agent shall initially respond to a complaint by contacting the renter of the short-term rental by telephone, electronic methods or in person and requesting the renter take such action as are necessary to eliminate the violation that is the subject of the complaint. A proper response to a complaint may also require the responsible agent to visit the short-term rental unit to attempt to eliminate the violation identified by the complaint.
 - (d) A responsible agent is not required to and should not place themselves in a situation that could cause them physical harm or cause a public disturbance in order to address a complaint.
 - (e) The responsible agent shall promptly notify the Town if the agent believes that the complaint has been successfully eliminated by the agent. If the Town does not receive notification from the responsible agent that the complaint has been successfully eliminated within one (1) hour of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully eliminated and the complaining party may follow up with the Town about the complaint.
 - (f) If the complaint involves the immediate health or safety of any person or property and the complaint was not eliminated, the responsible agent shall immediately contact the Town of Granby Police Department and follow all direction(s) given to the agent by the Police Department.
 - (g) If the responsible agent fails to respond to a complaint within one (1) hour as required by this Section, the Town of Granby Code Enforcement Officer shall investigate the matter. If the Officer determines that there are reasonable grounds to conclude that a violation of this Chapter has occurred a code violation citation will be issued.

5.20.080 Permit renewal and appeal process.

- (a) If two or fewer code violations have been filed related to the subject property in the previous twelve (12) months and the applicant is current on all taxes, fees and other charges owed the Town, the applicant is only required to purchase a new yearly permit.
- (b) If three (3) or more code violations have been filed related to the subject property in the previous twelve (12) months, there shall be no renewal of the permit for a time period of three (3) months. All future permit applications for the property shall be treated as new applications.
- (c) Applicants seeking an appeal shall do so in writing within ten (10) business days of the date of the notice of denial or revocation to the Town Manager or designee. The Notice of Appeal shall contain the following information:
 - (1) Name of property owner
 - (2) Name of registration holder
 - (3) Property address and legal description
 - (4) Date of violation(s)

- (5) Copy of notice of the violation(s)
 - (6) Brief statement of grounds for appeal
 - (7) Any documentation the property owner or registration holder wants considered
 - (8) Names, addresses, email address, and telephone number for contacting the appellant.
- (d) Appeals are to be heard by the Board of Trustees within 30 days of receipt of notice of appeal.
 - (e) The Board of Trustees shall review the denial or revocation of a permit and shall only overturn the Manager or designee's determination if the Board finds the decision to be arbitrary and capricious.

5.20.90 Rules and Regulations.

(a) It shall be a violation of this Chapter for the owner or short-term rental tenants to fail to comply with the following rules and regulations:

- (1) All short-term tenants shall abide by all applicable noise (8.15.050 Offense Against Peace and Quiet Town of Granby municipal code), open fire, housing and public health ordinances and codes of the Town and all other Town fire and safety regulations.
- (2) A site plan showing adequate parking shall be supplied at the time of application. Parking in private driveways shall be utilized first with overflow parking on the street if permitted. Parking on-site in non-driveway areas (i.e. front yard areas, parkways and rear yards) shall be prohibited. Occupants must comply with all Town parking regulations.
- (3) The Town issued permit number shall be used in all rental marketing materials. It shall be considered a code violation if false or misleading occupancy marketing materials are posted.
- (4) Use of short-term rental unit for any commercial gatherings or events that include attendees other than the short-term tenants (such as weddings) is prohibited.
- (5) During the term that a short-term rental unit is occupied by a short-term rental tenant, the owner and/or responsible agent shall be available twenty-four (24) hours per day, seven (7) days a week, for the purpose of responding within one (1) hour to complaints regarding the condition or operation of the short-term rental unit and its tenants. If the local responsible agent designated by the owner changes then the owner shall update the permit on file within three (3) business days.
- (6) A clearly defined trash storage area, an adequate number of trash containers and a trash company hired for regular pickup must be identified. Wildlife proof trash containers shall be provided by the applicant. The owner or complex shall maintain weekly residential trash collection services. Garbage containers that are placed for street pickup shall not be left out for more than a 24-hour period. The property shall be free of trash and debris.
- (7) The applicant shall obtain prior written consent from all of the governing homeowners' associations (HOA's) if the property is located within a governing HOA.
- (8) Short-term rental properties must comply with the Town sign code.

- (9) If more than one property is accessed by a shared driveway, written permission to access the driveway must be obtained from each affected property owner before a permit will be issued.
- (10) The maximum occupancy of a short-term rental unit shall be limited to four (4) people more than twice the number of bedrooms listed in County records. A loft may be treated as a bedroom. Example: 2 bedroom equals $(2 \times 2) + 4$ or 8 people.
- (11) No more than two (2) pets per short-term rental unit shall be permitted. All pets must have proper vaccinations and all pet owners are required to obey all local, county and state laws and regulations.
- (12) The property owner or property manager shall post the following information in a prominent location within the unit:
- (i) Copy of approved short-term rental permit
 - (ii) Primary and secondary 24-hour contact person
 - (iii) Maximum occupancy permitted, the posting shall include a statement that it is a code violation of the short-term rental permit for the number of occupants to exceed the permitted occupancy.
 - (iv) Maximum parking spaces and location on the property where parking is permitted and a statement that parking on non-designated areas is prohibited.
 - (v) Identify the location of the garbage storage areas, garbage collection day and garbage disposal plan.

5.20.100 Penalties and Revocation

- (a) Code and permit 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 (\$1,000) and/or revocation of permit.

Updated 9 19 2019