



TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 978
(SERIES 2022)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS AMENDING
CHAPTER 6, ARTICLE 7 – VACATION RENTALS OF THE MUNICIPAL CODE**

WHEREAS, the Town of Pagosa Springs, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended (the “Charter”); and

WHEREAS, pursuant to Section 1.4 A) of the Charter, the Town has all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Council previously adopted Chapter 6, Article 7 of the Town of Pagosa Springs Municipal Code (“Municipal Code”), which relates to Vacation Rentals within the Town; and

WHEREAS, the Town Council recently added Section 6.7.12. – Restrictions on Eligibility and Density, which created the necessity of revised administrative processes and a new application system for accepting Vacation Rental License applications; and

WHEREAS, the Town Council desires to amend Chapter 6, Article 7 of the Municipal Code to deconflict and update certain requirements of the Municipal Code to streamline the revised administrative processes and new application system; and

WHEREAS, the Town Council hereby finds and determines that amending Chapter 6, Article 7 of the Municipal Code, as provided herein, is appropriate and necessary to the function and operation of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:**

1. Amendment to Chapter 6, Article 7, Section 6.7.3. of the Municipal Code.
Chapter 6, Article 7, Section 6.7.3. of the Municipal Code is amended by adding the capitalized and double-underlined text and removing the stricken text, as follows:

Sec. 6.7.3. - Vacation Rental License Required; Term.

Effective January 1, 2019, it shall be unlawful for any person to operate a vacation rental within the Town without first obtaining a vacation rental license for such vacation rental. A vacation rental license shall be in lieu of a business license under Article 1 of this Chapter. A vacation rental license is non-transferable AND SHALL

REQUIRE THE PAYMENT OF THE NON-PRORATED ANNUAL FEE
REGARDLESS OF THE MONTH AND DAY IT WAS OBTAINED and shall expire
ON THE LAST DAY OF THE CALENDAR YEAR OF WHICH IT WAS OBTAINED
~~one (1) year after the date of issuance.~~ Issuance of a vacation rental license shall not
create a continued right to operate a vacation rental beyond the term of the license. All
vacation rentals shall be subject to amendments to this Article.

2. Amendment to Chapter 6, Article 7, Section 6.7.5. of the Municipal Code.
Chapter 6, Article 7, Section 6.7.5. of the Municipal Code is amended by adding the
capitalized and double-underlined text and removing the stricken text, as follows:

**Sec. 6.7.5. - Vacation Rental License Application; Duty to Update; Written
Notice.**

(1) Beginning on JANUARY 1, 2022, ~~October 15, 2018~~, applications for a vacation
rental license shall be submitted to the Licensing Officer VIA ONLINE
APPLICATION AS DIRECTED ~~on a form provided~~ by the Town. The Licensing
Officer shall not accept incomplete applications. Applications shall contain, at a
minimum, the following information:

(a) The full name, residential address, telephone number, and e-mail address of
the applicant. APPLICANT MUST BE THE OWNER OF THE PROPOSED
LICENSED PREMISES.

(b) The full name, residential address, EMAIL ADDRESS and telephone
number of an authorized agent located within sixty (60) MINUTES VIA
VEHICULAR TRAVEL ~~miles~~ of the Town, along with a copy of the writing
authorizing such agent to act, in the applicant's absence, as the representative of
the applicant on all matters related to operation of the vacation rental.

(c) The address of the proposed licensed premises and a description and
illustration of the area(s) that will be used for short-term rental purposes
including, without limitation, parking areas and access.

(d) Proof of lawful possession of the proposed licensed premises by DEED OF
the OWNER applicant, ~~either by deed or lease. If the applicant is not the owner,~~
~~the application shall include written authorized, signed and notarized, from the~~
~~owner of the proposed licensed premises for use of the same for short-term~~
~~rental purposes.~~

(e) If required under Section 4.1.4. of the Land Use and Development Code, a conditional use permit.

(f) If applicable, a copy of the written notification, WITH CERTIFICATE OF MAILING ATTACHED, provided to the governing body of the homeowners or property owners association stating that the applicant desires to operate a vacation rental at the proposed licensed premises.

(g) ~~Proof of current Homeowners insurance coverage~~ OR OTHER TYPE INSURANCE POLICY COVERING THE PROPERTY'S USE AS A VACATION RENTAL for the proposed licensed premises.

(h) Proof of registration for a sales tax license ~~and a lodgers' tax~~ account with the Colorado Department of Revenue IF APPLICABLE.

(i) A sworn affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the proposed licensed premises as a vacation rental, and that the application is complete and contains no false, misleading, or fraudulent statements.

(j) A non-refundable application fee.

(k) RESERVED ~~A current list of the names and addresses of the owners of all properties located within three hundred (300) feet of the proposed licensed premises; and~~

(l) Such other information determined necessary by the Licensing Officer to evaluate compliance of the applicant, the proposed licensed premises, and/or the proposed vacation rental activity with the requirements of the Municipal Code.

(2) It is the duty of each licensee to ensure that all of the information provided in a vacation rental license application is kept up to date at all times. It shall be unlawful for a licensee to fail to provide updated information to the Licensing Officer within ten (10) BUSINESS days after the date upon which any information contained in the vacation rental license application becomes inaccurate.

(3) Upon ~~receipt of an~~ application for a vacation rental license, the APPLICANT ~~Town~~ shall send written notice thereof AND PROVIDE A CERTIFICATE OF MAILING ~~by first class United States mail, postage prepaid,~~ to the owners of all properties located within three hundred (300) feet of the proposed licensed premises. THE TOWN WILL PROVIDE THE REQUIRED MAILING LIST TO THE APPLICANT. Such property owners shall have fifteen (15) days to submit any comments regarding the application

to the Licensing Officer. THIS SECTION DOES NOT APPLY TO PROPERTIES NOT REQUIRING A CONDITIONAL USE PERMIT UNDER SECTION 4.1.4 OF THE LAND USE DEVELOPMENT CODE.

3. Amendment to Chapter 6, Article 7, Section 6.7.6. of the Municipal Code. Chapter 6, Article 7, Section 6.7.6. of the Municipal Code is amended by adding the capitalized and double-underlined text and removing the stricken text, as follows:

Sec. 6.7.6. - Renewal of Vacation Rental License.

It shall be the duty of each licensee to obtain an annual renewal of the vacation rental license. The application for a renewal of a vacation rental license and the non-refundable, ~~annual renewal application~~ VACATION RENTAL LICENSE RENEWAL fee AND SURCHARGE are due to the Licensing Officer on or before ~~the expiration~~ DECEMBER 31ST of the license year and shall include any updates to the information and documentation contained in the initial application, along with an affidavit, signed by the licensee ~~and notarized~~, attesting to the duration and frequency of the prior year's rental history and confirmation of payment of all applicable lodgers' taxes. Upon timely submission of a complete renewal application, the owner ~~or operator~~ of a vacation rental can continue operating ~~pursuant to the expired vacation rental license for no more than thirty (30) days~~ while the renewal application is being ~~considered~~ PROCESSED. ALL RENEWAL LICENSES WILL BE ISSUED WITH A JANUARY 1ST EFFECTIVE DATE OF THE RENEWAL YEAR. ~~although any renewal license shall be issued as of the original expiration date of the previous license.~~ RENEWAL APPLICATIONS SUBMITTED AFTER DECEMBER 31ST OF THE CURRENT LICENSE YEAR AND ON OR BEFORE JANUARY 31ST OF THE RENEWAL YEAR WILL BE PROCESSED AS A RENEWAL APPLICATION BUT WILL INCUR A LATE FEE. RENEWAL APPLICATIONS SUBMITTED AFTER JANUARY 31ST OF THE RENEWAL YEAR WILL NOT BE PROCESSED AS A RENEWAL. THE LICENSE WILL BE TERMINATED, AND THE OWNER WILL BE SUBJECT TO REAPPLICATION PURSUANT TO THIS CODE. ~~Prior~~ SUBSEQUENT to ~~approving~~ application for a renewal LICENSE of a ~~vacation rental~~ license, THE LICENSED PREMISES ARE SUBJECT TO INSPECTION BY the Town Building Official, or his or her designee, ~~shall inspect the vacation rental~~, as provided in Section 6.7.7.

4. Amendment to Chapter 6, Article 7, Section 6.7.7. of the Municipal Code. Chapter 6, Article 7, Section 6.7.7. of the Municipal Code is amended by adding the capitalized and double-underlined text and removing the stricken text, as follows:

Sec. 6.7.7. - Minimum Health and Safety Standards; Inspections.

- (1) Each licensed premises shall be in compliance with all applicable building, fire, health, and zoning codes, ordinances, or regulations, whether federal, state or local, including but not limited to the exterior lighting requirements set forth in [Section 6.11](#) of the Land Use and Development Code.
- (2) ~~No license~~ AN ORIGINAL VACATION RENTAL LICENSE ~~under this Article~~ shall NOT be issued ~~or renewed~~ until the licensed premises are inspected by the Town Building Official, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. FOR RENEWAL LICENSES, LICENSED PREMISES ARE SUBJECT TO INSPECTION AFTER A RENEWAL APPLICATION IS SUBMITTED. If an inspection report identifies a violation of this Section, the procedures set forth in Sections [6.1.17.](#), [6.1.18.](#), and [6.1.19.](#) shall apply.
- (3) Each licensee shall post an address number on the exterior of the vacation rental such that it is visible and easy to read for emergency response purposes.
- (4) Each licensee shall provide a clearly defined outdoor trash storage area and at least one (1) outdoor trash container that is fly-tight, water-tight, rodent-proof, and bear-resistant. The licensee shall ensure that all refuse at the vacation rental is collected and disposed of at least weekly. USE OF TRASH RECEPTACLES MUST BE IN ACCORDANCE WITH THE LAND USE DEVELOPMENT CODE.
- (5) Each licensee shall post, maintain, and display at all times a notice in a conspicuous location inside the vacation rental within fifteen (15) feet from the main entrance, and provide such notice to the person renting the vacation rental upon confirmation of the booking therefor, that contains, at a minimum, the following information:
- (a) Name and phone number of the licensee;
 - (b) Name and phone number of the licensee's authorized agent if the licensee cannot be reached;
 - (c) The following statement: "IN AN EMERGENCY (POLICE, FIRE, MEDICAL), CALL 911."
 - (d) Street address of the licensed premises;
 - (e) Location of the fire extinguisher(s);
 - (f) Evacuation directions in the event of a fire or other emergency;

- (g) Vacation rental license number assigned by the Town;
- (h) Town's noise restrictions;
- (i) Instructions for trash disposal and the trash and recycling pick-up schedule;
- (j) ~~Instructions for~~ INFORMATION REGARDING SNOW ROUTES PURSUANT TO SECTION 18.2.2. OF THE MUNICIPAL CODE AND snow removal;
- (k) Location for on-site parking of vehicles and the maximum number of parked vehicles permitted for the licensed premises PURSUANT TO THE LAND USE DEVELOPMENT CODE;
- (l) Maximum number of people permitted to sleep in the licensed premises;
- (m) Policy regarding pets AND INFORMATION REGARDING THE LEASH LAWS PURSUANT TO CHAPTER 4 OF THE MUNICIPAL CODE; and
- (n) Policy regarding smoking.

5. Amendment to Chapter 6, Article 7, Section 6.7.8. of the Municipal Code. Chapter 6, Article 7, Section 6.7.8. of the Municipal Code is amended by adding the capitalized and double-underlined text and removing the stricken text, as follows:

Sec. 6.7.8. - Maximum Occupancy.

The maximum occupancy of a vacation rental at any time shall be limited ~~to the greater of:~~ TWO (2) PEOPLE PER BEDROOM, PLUS TWO (2) PEOPLE.

~~(a) One (1) family, as defined in Section 12.5 of the Land Use and Development Code; or~~

~~(b) Two (2) people per bedroom, plus two (2) people.~~

6. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

7. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.


8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 17TH DAY OF MARCH, 2022.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Shari Pierce
Shari Pierce, Mayor

Attest:


April Hessman, Town Clerk



FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 6TH DAY OF APRIL, 2022.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Shari Pierce
Shari Pierce, Mayor

Attest:


April Hessman, Town Clerk



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Kristy Archuleta
Archuleta County

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 978 (Series 2022) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 17 day of March, 2022, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on March 18, 2022, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of April, 2022.



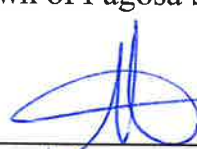
April Hessman, Town Clerk

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I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 978 (Series 2022) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its special meeting held on the 6 day of April, 2022, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on April 7, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of April, 2022.



April Hessman, Town Clerk

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