

AGENDA
TOWN OF DOLORES COLORADO
BOARD OF TRUSTEES

April 26th, 2021 6:30 P.M.

DUE TO THE COVID-19 PANDEMIC MEETING WILL BE HELD VIRTUALLY UNTIL FURTHER NOTICE

Join Zoom Meeting
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1. CALL TO ORDER

2. PLEDGE FOR ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF THE AGENDA: Action Required

5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.

6. CITIZENS TO ADDRESS THE BOARD -6:40 P.M. This is an opportunity for Citizens to address the Board at this time or during a public hearing. Each person will have 5 minutes. The Town Board will conduct this meeting virtually via Zoom out of a precaution for COVID-19. There will be the opportunity for public comment at the meeting during this part of the Agenda and under public hearing items. The public can submit their comments, via email, to the Town Clerk at tammy@townofdolores.com any time during the week and up to the time this item is called up on the Agenda.

7. APPROVAL OF THE CONSENT AGENDA: The Consent Agenda is intended to allow the Board by a single motion approve matters that are considered routine or non-controversial. Here will be no separate discussion of these items unless a Board Member requests an item to be removed from the Consent Agenda and considered separately. Items removed from the Consent Agenda will be Considered under specific Agenda item numbers. **No Action is required at this time.**

7.1 Minutes:

7.2 Proceedings:

7.3 Resolutions:

8. REMOVED CONSENT AGENDA ITEMS:

9. STAFF REPORTS/PRESENTATIONS:

9.1 Sheriff's Report: No report

9.2 Managers Report: Manager Ken Charles

9.3 Town Attorney's Report

10. PUBLIC HEARINGS:

10.1 Public Hearing: No hearing at this time

11. INTRODUCTION TO ORDINANCES AND RESOLUTIONS: None

12. ADMINISTRATIVE BOARD BUSINESS:

12.1 Planning and Zoning Commission Appointments-Action Required

12.2 Discussion and Action Items on Short Term Rental (STR's).

14. TRUSTEES REPORTS AND ACTIONS:

15. ADJOURNMENT:

Town of Dolores
Manager's Update
April 26, 2021

COVID-19

The latest CDPHE Public Health Order 20-38 dated April 15, 2021 is attached to my update. The town's policy has been to follow the State guidelines contained in the various public health and executive orders. I would direct your attention to Section B All Businesses and Government Entities that requires face coverings. What this means is that the public is still required to wear a face mask when in town hall. Public Health Order will expire in 30 days. There is discussion at the state level that the state will end the Dial system and direct the county health departments to set orders and directives.

Solar Project/Energy Services Company/Electric Vehicle Charging Station

The Solar systems on town hall and the town shop are now active and generating solar electricity. The EV charger will be commissioned and up and running soon.

Planning Commission

The terms for Linda Robinson and Deanna Truelsen are both expiring in April and May, respectively. I am recommending that the trustees and mayor reappoint Linda Robinson and Deanna Truelsen to a 3-year and 1-year term, respectively. This is an Action Item later in the agenda.

Bike Trail

Gene Reininger has completed the survey of the town property, which will allow SWCCA to begin development of the bike trail.

Other Items

- May 15 Chamber Banquet
- Salter Y tour April 25
- Food Truck Fridays
- Strategic Planning update-set for Saturday May 22
- May 17 is scheduled for town clean-up



PUBLIC HEALTH ORDER 20-38
LIMITED COVID-19 RESTRICTIONS
April 15, 2021

PURPOSE OF THE ORDER

I am issuing this Public Health Order (PHO or Order) in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order supersedes PHO 20-36 COVID-19 Dial and PHO 20-29 Voluntary and Elective Surgeries and Procedures, and implements reduced restrictions for individuals, businesses and activities, as well as reporting requirements for hospitals, to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home, Safer at Home, and Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of April 14, 2021, there have been 485,318 known cases of COVID-19 in Colorado, 26,661 Coloradans have been hospitalized and 6,319 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of the hospital system due to COVID-19 have leveled off in Colorado.

PHO 20-38 COVID-19 Restrictions

April 15, 2021

4. With the rescission of PHO 20-36 COVID-19 Dial, but the pandemic ongoing, it remains critical for individuals, communities, businesses, and governments to remain vigilant regarding the spread of COVID-19. Individuals are encouraged to remain at least 6 feet away from non-household contacts, wash their hands, and wear a face covering to reduce the likelihood of disease transmission. As we continue to combat COVID-19 in our communities, continuing some limited requirements to mitigate disease spread remain appropriate.

5. The following additional public health orders remain in effect:

- a. PHO 20-20 Requirements For Colorado Skilled Nursing Facilities, Assisted Living Residences, Intermediate Care Facilities, And Group Homes For COVID-19 Prevention And Response;
- b. PHO 20-33 Laboratory Data Reporting for COVID-19; and
- c. PHO 20-37 Vaccine Access And Data Reporting For COVID-19.

INTENT

This Order includes limited requirements for individuals and businesses to mitigate the spread of COVID-19 in Colorado. The Order incorporates the requirements of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, and D 2021 079** concerning face coverings. Additionally, the Order maintains some restrictions on certain activities while we continue to take steps to limit the spread of COVID-19 in Colorado, and includes a provision that authorizes CDPHE to require a county to comply with additional restrictions should certain metrics be met. The Order also includes hospital reporting requirements regarding bed capacity to provide the State with critical information to assess the status of the COVID-19 pandemic relative to the statewide capacity to provide necessary medical care and services to Coloradans.

ORDER

This Order supersedes and replaces Public Health Orders 20-29 and 20-36, as amended, effective at 12:01 AM on Friday, April 16, 2021.

I. COVID-19 RESTRICTIONS

A. FACE COVERINGS

1. Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164, D 2020 190, D 2020**

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April 15, 2021

219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, and D 2021 079, for all individuals in the following settings:

- a. **Preschool through grade 12 schools (including extracurricular activities), child care centers and services, and indoor children’s camps;**
 - b. **Public areas of state government facilities, and areas in state government facilities where members of the public come into contact with state government employees;**
 - c. **Congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes;**
 - d. **Prisons;**
 - e. **Jails;**
 - f. **Emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors’ offices, and non-urgent care medical structures);**
 - g. **Personal services; and**
 - h. **Limited healthcare settings.**
2. **For counties with a one week disease incidence rate in excess of 35 per 100,000, face coverings are also required pursuant to Executive Order D 2020 138, as amended and extended, in a Public Indoor Space, as defined in Executive Order D 2020 138, as amended and extended, where 10 or more unvaccinated individuals or individuals of unknown vaccination status are present.**
 3. **Exceptions to the face covering requirements include**
 - a. **individuals 10 years of age or younger,**
 - b. **individuals who cannot medically tolerate a face covering, and**
 - c. **individuals participating in one of the activities described in Section II.I of Executive Order D 2020 138, as amended and extended.**
 4. **Face coverings may be removed in a school classroom setting for the limited purpose of playing an instrument that cannot otherwise be played while wearing a face covering.**
 5. **Nothing in this Order changes or abrogates the Centers for Disease Control and Prevention’s (CDC) Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC’s Order, which can be found at**
<https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

B. ALL BUSINESSES AND GOVERNMENT ENTITIES. All businesses and government entities shall comply with the requirements in this Section I.B.

1. **Work Accommodations.** Employers are strongly encouraged to provide reasonable work accommodations, including accommodations under the

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Americans with Disabilities Act (ADA) for individuals who cannot obtain access to COVID-19 vaccine or who for medical or other legal reasons cannot take a COVID-19 vaccine.

2. **Face coverings.** All employers must implement the face covering requirements in **Executive Order D 2020 138**, as amended and extended, as applicable.
3. **Disease mitigation practices.** Employers and sole proprietors are strongly encouraged to follow the best practices for disease mitigation found in [CDPHE Guidance](#).

C. MASS INDOOR GATHERINGS

1. In addition to the requirements in Section I.B of this Order, the requirements in this Section I.C apply to **Mass Indoor Gatherings**.
2. When more than 100 people are gathered in a room in a **Public Indoor Space**, the setting may operate at 100% capacity not to exceed 500 people, with 6 feet distancing required between parties of unvaccinated people or when vaccination status is unknown. Existing approved variances remain in effect, including 5 Star Program approvals granted by a county. Venues may apply to their local public health agency for a variance to exceed 500 people, to be finally approved by CDPHE. These requirements do not apply to the following sectors:
 - a. Places of worship and associated ceremonies,
 - b. Retail services,
 - c. Restaurants that have sit-down dining and do not have unseated areas where 100 or more people could gather (such as dance floors or common gathering areas), and
 - d. School proms and graduations that wish to exceed these thresholds shall be subject to review and approval by local public health agencies in accordance with CDPHE [prom](#) and [graduation](#) guidance.
3. Face coverings are required for all individuals in a **Mass Indoor Gathering**, except in the following circumstances:
 - a. individuals 10 years of age or younger,
 - b. individuals who cannot medically tolerate a face covering, and
 - c. individuals participating in one of the activities described in Section II.I of **Executive Order D 2020 138**, as amended and extended.

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D. OUTDOOR EVENTS

1. Outdoor ticketed, seated event venues in excess of 30,000 square feet require CDPHE approval, in consultation with the local public health agency. Existing approved variances, including 5 Star Program approvals granted by a county, remain in effect.

E. SCHOOLS AND CHILD CARE

1. **Schools** and child care shall work with their local public health agencies as COVID-19 cases occur, and shall follow the CDPHE guidance for [Cases and Outbreaks in Schools and Child Care](#).
2. **Schools** that are entirely remote learning due to ongoing COVID-19 cases and outbreaks shall not have in-person extracurricular activities.

E. ADDITIONAL COUNTY RESTRICTIONS

1. CDPHE may require counties whose resident hospitalizations threaten to exceed 85% of hospital or hospital system capacity to implement additional restrictions to mitigate disease transmission.

II. HOSPITAL FACILITY REPORTING

A. COVID-19 Case Reporting. All Colorado hospitals shall report to CDPHE in a form and format determined by CDPHE, certain information for all suspected (pending laboratory test) and confirmed (positive laboratory test) cases of COVID-19, including but not limited to:

1. race and ethnicity;
2. numbers of suspected and confirmed cases who are hospitalized, who are hospitalized and using a ventilator, or who are in the emergency department waiting for an inpatient bed;
3. numbers of suspected and confirmed cases who are discharged and in recovery;
4. deaths due to COVID-19; and
5. medical equipment and supply information, including but not limited to total bed and intensive care unit (ICU) bed capacity and occupancy, ventilator availability and utilization, and availability of N95 masks.

Reporting by hospitals shall be done in CDPHE's EMResource reporting system on a daily basis or as otherwise required by this Order.

B. Hospital Bed Capacity Reporting. All Colorado hospitals shall report to CDPHE the following in EMResource daily at 10:00 a.m.:

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1. The daily maximum number of beds that are currently or can be made available within 24 hours for patients in need of ICU level care; and
2. The daily maximum number of all staffed acute care beds, including ICU beds, available for patients in need of non-ICU hospitalization.

III. DEFINITIONS

- A. Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services.
- B. Mass Indoor Gathering** is any indoor space where more than 100 unvaccinated individuals or individuals with unknown vaccination status are gathered in a room.
- C. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided.
- D. Public Indoor Space** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. **Public Indoor Space** does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.
- E. School** means pre-kindergarten through 12th grade. A school includes all grade levels contained in a building or multiple buildings on a campus.

IV. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with

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April 15, 2021

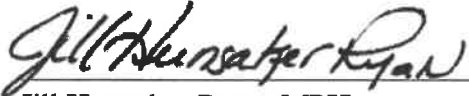
this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

V. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VI. DURATION

This Order shall become effective at 12:01 AM on Friday, April 16, 2021 and will expire in 30 days unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

April 15, 2021

Date

From: Ken Charles
TO: Dolores Mayor and Trustees
RE: Update for April 26 meeting/STRs
DT: 4-20-21

The board did not approve Ordinance #552 Series 2021, Amending Title 5 of the Dolores Municipal Code and Article II and III of the Dolores Land Use Code allowing for and Regulating Short Term Rentals (STR) at their April 12 meeting. After consulting with the mayor as to whether it would be practical to revisit the STR regulations, we both concluded that it would be potentially productive to see if we can reach agreement on the issues that prevent support. The April 26 meeting/workshop was to be a workshop to have the Building Official introduce the 2021 Building and Fire Codes to the mayor and trustees. The April 26 workshop will now be a Meeting and the primarily agenda item will be Discussion and Action Items regarding the STR regulations.

Our Land Use Code consultant, Elizabeth Garvin, has agreed to facilitate the discussion. Elizabeth has been very involved in guiding the P&Z and staff with drafting the regulations over the previous 16 months. P&Z chair Linda Robinson will represent the commission and participate in the discussions.

Purpose of meeting-to come to consensus on items in the proposed STR regulations. The need to Compromise will be invaluable if we are to move ahead. Rather than consensus, another way to think about it is achieving "Informed Consent" or the grudging willingness to go along with a course of action one is opposed to or does not support.

The meeting is designed to have action items and we think that on some of the issues there will be the need to vote or possibly a straw poll will suffice. This to occur after discussion and debate. I would ask that everyone participate in these discussions.

From the conversations with the mayor and trustees there was no interest in reviewing the entire document. Rather, address the topics/sections/issues where there are differences of opinion or need clarification that prevents your support. Based on your input we can cluster many of the comments into issues. Below are the issues and most of

1. Discussion around Section A Purpose #1 "Maintain the character of residential neighborhoods". Several trustees mentioned this value as highly important. # 7 Protect the health, safety and welfare of guests and occupants of Short-term rentals and the residents of the town of Dolores".
2. Whether to have a limit on the number of licenses that would be issued and if so, whether that would be a fixed number or based on a percentage of available housing stock?
3. What will be the fixed number or percentage of available housing stock? There are 307 available Housing units.
4. Whether the 20-minute requirement should be modified?
5. Should properties with Accessory Dwelling Units turned into STRs be excluded from the permit limits? Or for an ADU, only the safety, occupancy and fire hazard requirements apply?
6. Discussion on definitions of boarding house and home occupation. Is an STR a business or is it a residence?
7. There is a concern about corporations receiving permits. How do we want to address this issue?

If you have other issues to add to this list, please email what those are. I suggest you cite the section and number.

TOWN OF DOLORES, COLORADO

ORDINANCE NO. #552 Series 2021

AN ORDINANCE AMENDING TITLE 5 OF THE DOLORES MUNICIPAL CODE AND ARTICLES II AND III OF THE DOLORES LAND USE CODE ALLOWING FOR AND REGULATING SHORT-TERM RENTALS

WHEREAS, The Town Trustees desire to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

WHEREAS After public notice and public hearing as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission recommended approval of proposed changes to the Dolores Land Use Code to allow and regulate Short-Term Rentals.

WHEREAS After public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to the Town of Dolores Land Use Code are necessary to maintain effective regulation of Short-Term Rentals.

WHEREAS, the Board of Trustees has further determined that it is in the best interests of the health, safety and welfare of the inhabitants of the Town to exercise its express statutory authority to establish reasonable regulations concerning Short-Term Rentals and to amend the Dolores Land Use Code and the Dolores Municipal Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

SECTION 1. A new Section 5.04.010 C. under Article V is added to the Dolores Municipal Code as follows:

C. A business license is be required to operate a Short-Term Rental in the Town of Dolores as further defined in and regulated by the applicable provisions for Short-Term Rental Regulations set forth in the Dolores Land Use Code as amended from time to time.

SECTION 2. The following definitions are added to Section B of Article II of the Dolores Land Use Code:

Booking Service: Any person or entity that facilitates short-term rental reservations and collects payment for lodging in a short-term rental.

Short-Term Rental Guest (Guest): A person who occupies a room in a hotel, motel or tourist court as well as a bed and breakfast or short-term rental for a period less than 30 days.

Long-Term Tenant: A person who occupies land or property rented from a property owner for 30 days or longer.

Party House: A residential dwelling unit, including all accessory structures, that is rented or used for the purpose of hosting a social, business, or commercial event that is open to more people, either as private invitees or members of the public, than the maximum unit rental capacity calculated at 2 adults per bedroom.

Commercial space is a structure with an established occupancy for commercial use in a designated commercial zone.

Short-Term Rental (STR): the renting, or offer to make available, (by way of a rental agreement, lease, license 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 30 consecutive days or less to a transient guest.

Short-Term Rental, Primary Use: A dwelling unit that is not owner-occupied and is primarily used or made available for short-term rentals.

Short-Term Rental, Accessory Use: A dwelling unit that is owner-occupied and made available for short-term rentals on a periodic basis.

Short-Term Rental Unit: A residential dwelling unit, or portion of such a unit, that is rented by a transient guest for compensation or consideration for less than 30 days at a time; does not include dwelling units owned by the federal government, the state, or the Town, or any of their agencies, or facilities licensed by the state as health care facilities.

Street Segment: A portion of a street which is located between two intersections, or between an intersection and the end of a cul-de-sac or dead-end.

SECTION 3. The Permitted Use Table under Article III of the Dolores Land Use Code is amended to include the following uses:

Permitted Primary Uses	LLR	new	R1	new	MR F	new	MH	CB 1+ 2	CH	LI	new	P	R10	R35
		LL R1	LL R2	N R1	N R2	N R3	M U	M HP	D M U	H M U	IN D	P1	P2	R 10
Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted														
Commercial														
Short-Term Rentals	PL	PL	PL	PL	PL	PL	--	PL	PL	PL	--	--	PL	PL

SECTION 4. A new Section 0 is added under Article III of the Dolores Land Use Code as follows:

O. REGULATION OF SHORT-TERM RENTALS

a. Purpose

This section of the Dolores Land Use Code shall be known as the "Short-Term Rental Regulations". The purpose of the Town of Dolores Short-Term Rental Regulations is to:

- i. Maintain the character of residential neighborhoods in Dolores.*
- ii. Preserve long-term rental residential properties for the residents of Dolores and surrounding local communities.*

- iii. *Facilitate the permitting of short-term rental units subject to appropriate restrictions and standards.*
- iv. *Allow for varied accommodations and experiences for visitors.*
- v. *Establish a licensing and permitting system to ensure that all taxes including sales and lodging taxes, fees, and fines related to short-term rentals are both assessed and current.*
- vi. *Map the location of short-term rental properties within the community with the purpose of measuring their concentration and impact in order to reevaluate the effectiveness of these regulations on a regular basis.*
- vii. *Protect the health, safety and welfare of guests and occupants of Short-Term Rentals and the residents of the Town of Dolores.*

b. *Applicability*

i. *It shall be unlawful for any person to operate any short-term rental unit without a valid short-term rental permit, as approved pursuant to the provisions of this Short-Term Rental Regulations and other applicable provision of the Dolores Land Use Code.*

ii. *The short-term rental permit shall be issued to the specific owner of the property and does not run with 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.*

iii. *A short-term rental permit shall only be issued to:*

(1) *A natural person whose name appears on the deed of the property.*

(2) *A trust, if the beneficiary of the trust is a natural person; or*

(3) *A not-for-profit corporation licensed pursuant to Section 501(c) of the Internal Revenue Code.*

(4) *Limited Liability Company or a closely held corporation with five or fewer members or shareholders who are natural persons.*

iv. *Nothing in this section shall limit the ability of a property owner; property covenants, conditions, and restrictions (CC&Rs); homeowners' association or similar association from prohibiting or further limiting the short-term rental of property where the authority to do so exists.*

v. *Nothing in this section shall prohibit the operation of a hotel, motel, or bed and breakfast inn where such use is permitted.*

c. *Where Permitted*

i. *Short-Term Rentals are permitted in all zones except the MH – Mobile Home and P – Public zones where all Short-Term Rentals are expressly prohibited.*

ii. *Located in a Habitable Structure*

Short-term rentals shall be located in a habitable structure that complies with the Dolores LUC and applicable Town building and life safety codes adopted under Title 15 of The Dolores Municipal Code as may be amended from time to time and shall not be located in:

- (1) Non-residential areas within buildings or accessory structures (e.g., shed, garage),*
- (2) Commercial (office/retail) or industrial (warehouse) spaces, or*
- (3) Outdoors in a temporary structure (e.g., tent, yurt, treehouse, or other similar structure) or in a recreational vehicle, mobile home, travel trailer, commercial or passenger vehicle or trailer, or any portable storage unit.*

iii. Maximum Number of Permits

- (1) A maximum of 20 short-term rental permits will be issued in Dolores for any one-year period. In any year where the maximum number of permits has been issued, whether new or renewal, no additional permits will be issued.*
- (2) No more than one permit shall be issued per structure.*
- (3) A short-term rental permit may not be issued for a permanently affordable dwelling unit.*
- (4) Short-Term Rentals in existence at the time of adoption of this Short-Term Rental Regulation shall be subject to all of the requirements of this Regulation, the Dolores Land Use Code, and the applicable provisions of Title 15 of the Dolores Municipal Code. The owners of existing Short-Term Rentals shall apply for and obtain a Short-Term Rental Permit not later than 60 days after the effective date of the ordinance adopting this Short-Term Rental Regulation or shall be deemed to be in violation hereof.*

d. Generally Applicable Requirements

i. Use

- (1) Short-term rentals shall be used for lodging purposes only.*
- (2) A short-term rental may not include simultaneous rental to more than one party under separate contracts.*
- (3) Use of the short-term rental unit as a party house for any commercial or large social events or gatherings, such as weddings, is prohibited. These uses may be permitted through the Town's temporary use permit or special event process.*
- (4) Overnight guest occupancy for Short-Term vacation rentals shall not exceed the maximum number of allowable overnight guests permitted by the applicable building codes adopted by the Town of Dolores under Title 15 of the Dolores Municipal Code as determined by the Building Official and stated in the permit.*
- (5) During the daytime, maximum number of total guests and visitors allowed at any time in a short-term vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property, or fourteen (14) persons, whichever is less.*

ii. *Noise*

(1) *Quiet hours shall be from 10:00 p.m. to 7:00 a.m. and no outside assembly of more than the maximum overnight occupancy shall be permitted during this period.*

(2) *Outdoor amplified sound (microphone or speaker system) shall not be allowed at any time. This provision does not apply to casual music from personal music devices or similar situations that are typical of residential surroundings.*

(3) *Pets if allowed by owner shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.*

iii. *Outdoor Fire Areas*

Outdoor fire areas, when not prohibited by state or local fire codes, may be allowed but shall be limited to three feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is unattended or by 10:00 p.m. whichever is earlier.

iv. *Taxes and Insurance*

(1) *The owner shall obtain a business license from the Town of Dolores.*

(2) *The owner shall be responsible for payment of all applicable sales and lodging taxes.*

v. *Advertising*

All short-term rental advertising shall include the Dolores Short-Term Rental Permit (Permit) number and the maximum unrelated occupancy permitted in the unit pursuant to the currently adopted International Building Code or International Residential Code, as applicable.

vi. *Health, Safety, and Code Compliance*

(1) *Short-Term rental units must remain compliant with all zoning, parking, building, fire, noise, and other applicable Town codes.*

(2) *The short-term rental unit shall be equipped with operational smoke detectors, carbon monoxide detectors, 2A:10B:C fire extinguisher, and other life safety equipment as may be required by the Town.*

(3) *Parking in private driveways shall be utilized first with overflow parking on the street where permitted. Parking on-site in non-driveway areas (e.g., setbacks or yards) shall be prohibited. Where on-site parking is not available, the property owner shall instruct the renter where to find the closest legal parking, which may include on-street parking.*

(4) *Short-Term Rental permit holders will encourage guest parking limited to the frontage of the permitted STR and shall otherwise comply with the parking requirements of the zone in which the Short-Term Rental is located.*

(5) *The owner shall maintain weekly trash collection services. Garbage/refuse containers shall not be left out at the collection point 24 hours after collection and property shall be free of trash and debris.*

vii. *Contact Information and Renter Notifications*

(1) *Local contact and guest information: Each vacation rental shall have a designated local contact person(s). The local contact may be a property management/real estate company, rental agent or other person engaged or employed by the owner to rent, manage or supervise the vacation rental. A property owner may designate themselves as the local contact person if the owner meets the criteria of this section. The local contact must reside within a twenty-minute (20) drive of the rental property and be available twenty-four (24) hours a day 365 days a year during tenancies for timely response to guest and neighborhood questions and concerns. An alternate local contact shall be designated, available and meet the criteria of this section when the primary is not available. All local contacts shall list their name, address and telephone/cell number and it shall be provided to the Town of Dolores on the application for a short-term rental which shall be made available to the Town Marshal. Any change to the contact(s) name, address or telephone/cell number shall be submitted to the Town within twenty-four (24) hours.*

(2) *Each rental unit shall also display the following information in a prominent interior and easy to access location:*

- (a) *The short-term rental permit number.*
- (b) *A copy of the Dolores Short-Term Rental Regulations.*
- (c) *Site-specific instructions about parking locations and trash pick-up.*
- e. *Short-Term Rental Permit*
- i. *Application Contents*

In addition to any other information prescribed by the Zoning Administrator, an application for a short-term rental permit shall include the following information:

(1). *Contact information for the owner of the property.*

(2) *Local contact and guest information: Each vacation rental shall have a designated local contact person(s). The local contact may be a property management/real estate company, rental agent or other person engaged or employed by the owner to rent, manage or supervise the vacation rental. A property owner may designate themselves as the local contact person if the owner meets the criteria of this section. The local contact must reside within a twenty-minute (20) drive of the rental property and be available twenty-four (24) hours a day 365 days a year during tenancies for timely response to guest and neighborhood questions and concerns. An alternate local contact shall be designated, available and meet the criteria of this section when the primary is not available. All local contacts shall list their name, address and telephone/cell number and it shall be posted in a prominent location within the vacation rental and the contact information shall also be provided to the Town of Dolores on the application for a short-term rental. Any change to the contact(s) name, address or telephone/cell number shall be submitted to the Town within twenty-four (24) hours.*

(3) *Attestation and agreement to comply with the requirements of this section.*

(4) *Identification of all dwelling units that will be rented on a short-term basis.*

(5) *A zoning development permit with confirmation of a passed building, fire, and life safety inspection.*

(6) The URL (i.e., the website address) and names of any booking services for any and all advertisements of the short-term rental of the property.

(7) Attestation that short-term rental of the property is not prohibited by Covenants, Conditions and Restrictions (CC&Rs), or rules or restrictions of a homeowners' association or similar association, and that applicant has notified such association that the property owner is applying for a short-term rental permit. Proof of notification must be retained for the duration that the applicant maintains a short-term rental permit for the property.

(8) If seeking a short-term rental permit in a multifamily structure, contact information, including a phone number, for all tenants. Copies of the leases for all tenants, and proof of ownership of entire building must be provided within 10 days of a request for such information.

(9) Payment of a permit fee the amount of which shall be established from time to time by the Board of Trustees of the Town of Dolores by resolution.

ii. Review

The Zoning Administrator shall review an application for a short-term rental permit for compliance with these regulations. The Zoning Administrator shall not approve an application for a short-term rental permit (or renewal of such permit), or may revoke such permit, if any of the following findings are made:

(1) The applicant has not paid all applicable sales and lodging taxes due for the short-term rental or property on which it is located.

(2) The property has any outstanding code enforcement violations.

(3) The property does not comply with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.

(4) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application, or in any report or statement required to be filed that is related to the application.

(5) The property that is the subject of the application is not in a condition where it may be immediately rented on a short-term basis consistent with the requirements of these regulations.

(6) The property has received more than two citations for violation of the Land Use Code, parking, noise ordinance, or outdoor lighting regulations within a period of 12 consecutive months.

(7) Once issued, it is required that the permit holder will operate a short-term rental on the property. The failure to use the property as a short-term rental for a period of 180 consecutive days or longer shall be grounds to revoke or not renew the permit.

iii. Notice of Approval

When a short-term rental permit is approved, the Zoning Administrator shall provide, at the owner's expense, the contact information for the owner's agent to all dwelling units adjacent to or across the street from the parcel boundary.

iv. Duration and Renewal

- (1) *Short-term rental permits shall be issued for one year and must be renewed annually.*
- (2) *An application to renew a short-term rental permit must be received by the Zoning Administrator not less than sixty days prior to the expiration of the short-term rental permit.*
- (3) *Applications for renewal shall be in a form required by the Town and shall include updates of all information required or submitted for the permit.*
- (4) *No permit shall be renewed unless all Town fees and taxes owed by the applicant are paid in full, including the renewal fee.*
- (5) *Applications for renewal shall include a passing annual fire/life safety inspection conducted by the town Building Official. Effect of Denial or Revocation*
 - (a) *If an application for a short-term rental permit (or an application for renewal of such permit) is denied, the Zoning Administrator shall not approve a new application for that applicant and location for a 12-month period after the denial unless the Zoning Administrator determines that the reason for the denial has been cured and no longer exists. An applicant who has requested review based on cured circumstances but who is then again denied must wait the full 12-month period following the cured circumstances request before submitting a new application.*
 - (b) *If a short-term rental permit is revoked, the short-term rental of the property must cease immediately and shall not be permitted for a period of 12 months from the date of revocation.*
 - (c) *The short-term rental of property (or advertisement or offer of such rental) after denial or revocation of a short-term rental permit shall result in the property and applicant being ineligible to conduct the short-term rental of property (or apply for a short-term rental permit) for an additional six-month period for each such rental; such period is in addition to the prohibitions listed in sections (a) and (b) above.*
 - (d) *No fee refunds shall be issued to any permittee whose short-term rental permit is revoked.*

f. Enforcement, Violation, and Penalties

- i. In addition to the other penalties and remedies available to the Town, violations of this section shall be subject to a fine of \$ 500 per day or violation.*
- ii. The short-term rental permit holder shall be held responsible for citations for violations of the municipal code committed by persons at the property during a period when the property is rented on Short-Term rental basis.*

g. Review by Board of Trustees

The Board of Trustees will calendar this Short-Term Rental Regulation for review not later than two years from the date of its adoption to evaluate its effectiveness and whether the maximum number of permits issued should be adjusted.

SECTION 5. The initial permit fee for a Short-Term Rental is established at \$100.00 per year and may be amended by the Trustees by resolution from time to time without amendment of this ordinance.

SECTION 6. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7. This Ordinance shall take effect May ____, 2020 or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the _____ day of _____, 2021, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this _____ day of _____, 2021.

DOLORS BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

Passed adopted and approved on the second and final reading this _____ day of _____, 2021.

DOLORS BOARD OF TRUSTEES:

By: _____

Attest:

By: _____