

AGENDA
TOWN OF DOLORES COLORADO
BOARD OF TRUSTEES & THE PLANNING AND ZONING COMMITTEE
JANUARY 25TH , 2021 AT 6:30 P.M.

DUR TO THE COVID-19 PANDEMIC, THE BOARD WILL MEET VIRTUALLY UNTIL FURTHER NOTICE. PLEASE SEE THE LINK BELOW TO ATTEND VIRTUALLY.

TOD Board

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/800854357>

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Access Code: 800-854-357

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL: ROLL WILL BE CALLED FOR BOARD TRUSTEES, AND PLANNING & ZONING**
- 4. INSENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST**
- 5, APPROVAL OF THE AGENDA** *Motion and second to approve agenda.*
- 6. PUBLIC PARTICIPATION (5 MINUTES ONLY):** The Public may comment at this time.
- 7. REVIEW AND DISCUSSION:**
 - A. Make recommendations of the Draft for Short Term Rentals/Vacation Rental Regulations.
- 8. UPDATES:**
 - A. COVID-19/Vaccine
 - B. Computers
 - C. BOCC Meeting
- 9. DISCUSSIONS:**
 - A. Public Officials Compensation Ordinance
 - B. Discuss Town Board Meetings
- 10. ADJOURMENT**

Initial Guidance Document

January 8, 2020

STR – Short Term Rentals

Currently the Town of Dolores does not address short term rentals. STR's are neither approved, nor denied in the current Land Use Code.

The adopted version of the 2006 International Code Council (ICC) family of codes requires a certificate of occupancy (CO) be issued for any building or structure. It further requires an inspection and a new CO be issued for any change of use or occupancy of any structure or building. An STR is a change of use and occupancy as defined in the adopted ICC codes.

Beginning in 2019, the Town of Dolores began a re-write of the Land Use Code and is currently working with a consulting firm in this endeavor. One of the first items being fashioned is the requirements for STR's.

The items that one should be aware of concerning STR's are as follows:

1. There will be an application process required – This will be an annual requirement.
2. A permit will be required – This permit will be an annual requirement.
3. A business inspection for fire and life safety and other requirements is required – This will be an annual requirement.
4. There will be a business license fee – This will be an annual requirement.
5. There will sales tax and lodger tax required – This will be an annual requirement.
6. Proof of liability insurance in the amount of \$500,000 will be required – This will be an annual requirement.
7. Permits shall be prominently displayed on site.
8. STR's can only be rented for less than 30 days at a time.
9. There will be a limit on the number of STR's that can be operated by one owner.
10. STR's will not be approved in mobile homes, RV's, tents, yurts, tree houses, trailers, portable units, mobile vehicles or temporary structures.
11. STR's will be required to be located in approved *Residential* living spaces that meet the requirements of the adopted building and fire codes as well as other town ordinances.
12. Only one STR will be allowed per property.
13. STR's will only be approved for lodging purposes.
14. STR's will only be approved for rental to one party under one contract.
15. STR's will only be approved as incidental to the primary residential household.
16. STR's will be required to have hardwired smoke detectors, fire extinguishers, and other safety equipment.
17. Off street parking will be required
18. No meals may be prepared and provided to the tenants.
19. Trash removal shall be provided and maintained.

Initial Guidance Document

- 20. An owner, or designated contact person shall be available 24 hrs. per day 7 days per week.
- 21. STR's shall comply with all noise and light ordinances.
- 22. STR's are not transferable to other owners.
- 23. All properties within 100 feet of the proposed STR shall be notified by the town of the STR at the owner's expense.
- 24. STR's may be revoked for numerous reasons.
- 25. Home owners Association , CC&R's, or other similar associations may prohibit STR's
- 26. At this time no decision has been made whether STRs will be allowed in all zoning districts

Why regulate STR's (Educode)

Why regulate home-sharing and short-term rentals in the first place? There are many good reasons why local government leaders are focused on finding ways to manage the rapid growth of home-sharing and short-term rental properties in their communities.

To name a few:

The number one reason to monitor and regulate STR's has to do with safety. A STR is NOT a home-based business and is not operated as a private residence. The Building and Fire Codes establish a STR as an R-1 occupancy. An R-1 according to the IBC – International Building Code is a “residential occupancy containing sleeping units where the occupants are primarily transient in nature” (the same as a hotel or motel), while a single family residential is considered an R-3 – “residential occupancy where the residents are primarily permanent in nature”.

The main reason for the safety issue is the occupants are not familiar with their surroundings and therefore, the building has stricter requirements from a code standpoint.

Another reason for the

1. Increased tourist traffic from short-term renters has the potential to slowly transform peaceful residential communities into “communities of transients” where people are less interested in investing in one another’s lives, be it in the form of informal friend groups or church, school and other community based organizations.
2. Short-term renters may not always know (or follow) local rules, resulting in public safety risks, noise issues, trash and parking problems for nearby residents.
3. So-called “party houses” i.e. homes that are continuously rented to larger groups of people with the intent to party can severely impact neighbors and drive down nearby home values.
4. Conversion of residential units into short-term rentals can result in less availability of affordable housing options and higher rents for long-term renters in the community.
5. Local service jobs can be jeopardized as unfair competition from unregulated and untaxed short-term rentals reduces demand for local bed & breakfasts, hotels and motels.
6. Towns often lose out on tax revenue (most often referred to as Transient Occupancy Tax / Hotel Tax / Bed Tax or Transaction Privilege Tax) as most short-term landlords fail to remit those taxes even if it is required by law.
7. Lack of proper regulation or limited enforcement of existing ordinances may cause tension or hostility between short-term landlords and their neighbors.
8. The existence of “pseudo hotels” in residential neighborhoods (often in violation of local zoning ordinances etc.) may lead to disillusionment with local government officials who may be perceived as ineffective in protecting the interests of local taxpaying citizens.

In short, while it may be very lucrative for private citizens to become part-time innkeepers, most of the negative externalities are borne by the neighbors and surrounding community who may not be getting much in return. The big questions is therefore not whether it makes sense to regulate short-term

Why regulate STR's (Educode)

rentals, but how to do it to preserve as many of the benefits as possible without turning neighbors and other local community members into "innocent bystanders". In the next sections we will explore how to actually do this in practice.

Short Term rentals are a change of use and occupancy. And therefore must comply with the adopted codes

**Outline for Joint P&Z/Trustee Meeting
Short Term/Vacation Rental Regulations (STRs)
January 25, 2021**

Purpose of meeting: There have been several discussions and subsequent draft regulations for STRs with the Planning and Zoning Commission (P&Z) beginning at the end of 2019 through 2020. Over the course of the planning and discussions we solicited and received comments and concerns from the affected interests in the community, which subsequently resulted in several changes to the draft regulations. We are at a point where it is necessary to meet jointly to provide guidance to the P&Z and staff as to:

- Town board preferences,
- Seek advice on the policies that guided the development of the regulations, and
- Whether we can move forward to an ordinance or do we move forward with a larger public participation process with the greater community.

Brief history of the town's involvement with drafting STR regulations.

- Beginning in late 2019 and into 2020 town staff began receiving a noticeable increase in inquiries regarding STRs.
- Staff concluded that informing the elected officials was a prudent step and the elected officials suggested having the P&Z address the issue, which the P&Z did with the help of the town's LUC consultant Community Recode.
- Building Official Douady attended a training seminar on STR's.
- Town staff also began accumulating information and data on STRs in general. This included how other communities were addressing STRs and identifying the challenges that may arise.
- The various iterations of STR regulations were developed jointly by P&Z and staff.

The purpose of the short-term rental unit permit program is to:

1. Maintain the character of residential neighborhoods in Dolores;
2. Preserve and expand the availability of long-term residential properties for the residents of Dolores and surrounding local communities;
3. Facilitate the permitting of short-term rental units subject to appropriate restrictions and standards;
4. Allow for varied accommodations and experiences for visitors;
5. Establish a [licensing/permitting] system to ensure that all taxes, fees, and fines related to short-term rentals are both assessed and current;
6. 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.

7. **Proposed-"Ensure safety of guests and occupants".**

History Narrative

Beginning in December 2019 and throughout 2020 several iterations of draft STR regulations were presented to and discussed by the P&Z. A short presentation of some of the modifications made in the course of the year may be helpful. Some were made in response to comments from the public; others were made by the P&Z and staff. See January 2020 Initial Guidance Document, attached.

1. **Question, should the town regulate STRs?** The answer was yes as stated in the Purpose Section.
2. **Question, should we require STRs to be hosted by the owner?** Initially the answer was yes, but later it was removed to require STRs to be hosted by the owner of the dwelling. This was thought to be too restrictive and there are other ways to address the concerns of potential problems with unhosted properties. The current STRs do not require the owner to be a resident on the property and can have a representative named in the permit process.
3. **Question, should we require a minimum amount of liability and fire insurance?** Initially the answer was yes, but later this regulation was removed. The town does not require a minimum coverage with other businesses, except for liquor and marijuana establishments.
4. **Question, should there be a limit on how many STRs can be located per block segment?** Initially the answer was yes. P&Z later voted to remove the restriction of one STR per block segment on a 3-1 vote. At least one of the two ex officio members is in favor of maintaining the regulation of one/block. This item relates to the first purpose of the STR Regulations "Maintain the character of residential neighborhoods in Dolores." **The policy question for the elected and appointed officials** is, if limiting one STR/block segment is too restrictive, when does it, or does it ever become a problem to the residential character of a neighborhood.

Durango-allows one unit on each side of a block segment, but also limits the total number in the city.
Silverton-STRs must be 150 feet apart.
5. **Question should we restrict the total number of STRs in Dolores.** The answer was yes and after debating what that number should be, the P&Z settled on 30 STRs. One way to think about this is with 30 STRs with an average of two bedrooms/STR=60 rooms.

This item also relates to the first stated purpose of the regulations of maintaining the residential character of residential neighborhoods. Also, the P&Z concluded that limiting

to 30 can be modified later to allow a greater number if that is a desired outcome, but not vice versa.

For discussion: should the permitting process require the STR to be active in the year it is permitted?

6. As is typical of a process when drafting regulations, many other items objected to, were either modified or eliminated. One we would like your thoughts on.
7. **Off Street Parking.** Several of the public comments were related to restrictive parking requirements. The proposed parking regulation allows only 1 on-street parking space and a minimum of two off-street parking spaces.
8. We want to highlight that STRs are not Home Occupation due to change of use and occupancy in the adopted Building and Fire Codes. ***A single family residential is classified and an R-3 (Occupants are primarily permanent in Nature) by the IBC, An STR is a change of use to an R-1 (Occupants are primarily transient in Nature) and is regulated by the IBC. This Change of use is to higher hazard classification due to the transient nature of the occupants and is the same as a hotel or motel.***

Home Occupation as proposed for the revised LUC-Home Occupation: A use customarily carried on in a business establishment that is permitted to be carried on in an occupants primary residence for financial gain that does not change the occupancy use and is clearly secondary to the use of the dwelling.

We will now review the most recent version of the STR Regulations.

Dolores Draft Short-Term/Vacation Rental Regulations 04.30.20 January 19, 2021

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- B. Applicability 2
- C. Where Permitted 32
- D. Generally Applicable Requirements 3
- E. Short-Term Rental Permit 64
- F. Enforcement, Violation, and Penalties 86

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Definitions [will be moved to LUC Definitions section]:

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.

~~Owner-occupied: For the purposes of this section, a residential dwelling unit that is the owner's primary residence and where the owner lives for the majority of a calendar year, that is 180 days or more.~~

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.

Commented [A2]: Add definitions for HUD housing and another for Multifamily structure.

A. Purpose

The purpose of the short-term rental unit permit program is to:

1. Maintain the character of residential neighborhoods in Dolores;
2. Preserve ~~and expand the availability of~~ long-term rental residential properties for the residents of Dolores and surrounding local communities;
3. Facilitate the permitting of short-term rental units subject to appropriate restrictions and standards;
4. Allow for varied accommodations and experiences for visitors;
5. Establish a [licensing/permitting] system to ensure that all taxes, fees, and fines related to short-term rentals are both assessed and current;
6. 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.
- ~~6-7. Ensure the safety of guests and occupants.~~

B. Applicability

1. 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 Section xx. *[application process included below, will be moved to administrative procedures]*
2. 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.
3. A short-term rental permit shall only be issued to:
 - a. A natural person whose name appears on the deed of the property;
 - b. A trust, if the beneficiary of the trust is a natural person; or
 - c. A not-for-profit corporation licensed pursuant to Section 501(c) of the Internal Revenue Code.
 - ~~e.d. Limited Liability Company or a closely held corporation with five or fewer members or shareholders who are natural persons.~~
4. ~~Proof of primary residence will be required. This can be shown by one of the following: valid driver's license or state I.D. card, valid vehicle registration, military I.D., conceal carry permit, or dependent's school registration. Mail does not count as proof of residency.~~
5. 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.
6. 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

1. ~~Located in an Owner-Occupied Dwelling Unit~~

~~Short-term rentals are limited to the accessory use of an owner-occupied dwelling unit. Short-term rentals are not permitted as the primary use of a dwelling unit.~~

Where we designate what zones STRs can be located. Any?

2.1. 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 and shall not be located in:

- a. Non-residential areas within buildings or accessory structures (e.g., shed, garage),
- b. Commercial (office/retail) or industrial (warehouse) spaces, or
- c. 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.

3.2. Maximum Number of Permits

- a. A maximum of 30 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.
- b. Short-term rental permits may be distributed as follows:
 - i. In residential districts: one permit per street segment one permit per structure.
 - ii. In mixed-use and commercial districts: one permit per structure.
- c. A short-term rental permit may not be issued for a permanently affordable dwelling unit.

Commented [A3]: Clarify this item

Commented [A4]: Add definituobn for affordable dwelling unit HUD designation.

4. ~~Pre-Existing Primary Short-Term Rentals~~

~~Property owners with non-hosted short-term rental units that pre-existed the adoption of this section will be able to request a determination of pre-existing use. If the short-term rental use is found to be pre-existing, the property owner may apply for a short-term rental permit and will have a one-year grace period to convert the property to hosted rental status or remove it from the short-term rental market.~~

D. Generally Applicable Requirements

1. Use

- a. Short-term rentals shall be used for lodging purposes only.
- b. A short-term rental may not include simultaneous rental to more than one party under separate contracts.
- c. 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.

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- d. Overnight guest occupancy for short term vacation rentals shall be two (2) persons per sleeping room or guest room on the main level of the house and/or the upper floor(s), plus two (2) additional renters overall, up to a maximum occupancy of no more than eight (8) persons. Any sleeping room located in the basement of the house may only be occupied Section 7.01 – Residential Use Standards 7-9 | Page by the home owner or primary resident(s) but not the guests. THIS WOULD ADDRESS PARTY HOUSES
- e. 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.

Commented [A5]: Maybe waive persons under age 10 or 12?

Commented [DD6R5]: Building codes do not care about age and kids are the most vulnerable

2. Noise

- a. 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.
- b. 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.
- c. Pets if allowed by owner shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

3. Outdoor Fire Areas

- e. 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.

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2.4. Taxes and Insurance

- a. The owner shall obtain a business license from the Town of Dolores.
- b. The owner shall be responsible for payment of all applicable sales and lodging taxes.
- c. ~~Does the town require proof of property liability insurance from other uses i.e motels The owner shall maintain and provide proof of property liability insurance covering the short-term rental 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 short term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000 under terms acceptable to the Zoning Administrator.~~

Commented [DD7]: Liquor and Marijuana occupancies are required to provide proof of liability insurance

3.5. 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.

4.6. Health, Safety, and Code Compliance

- a. Short term rental units must remain compliant with all zoning, parking, building, fire, noise, and other applicable Town codes.

- b. 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.
- c. 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.
- e.d. ~~Should we consider this~~ "Parking shall be provided to accommodate one (1) space per the dwelling unit plus one (1) space for each occupied sleeping room or guest room with a minimum of two (2) offstreet parking spaces provided. Any on-street parking, where appropriate, shall be limited to no more than one (1) parking space".
- e.e. 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.

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5.7. Contact Information and Renter Notifications

- a. ~~During the term that a short-term rental unit is occupied by a short-term tenant, the owner and/or the local contact person designated by the owner shall be available 24 hours per day, 7 days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short-term rental unit or the conduct of short-term tenants. If the local contact person designated by the owner changes, then the owner shall update the permit on file within three business days.~~ 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.
- b. Each rental unit shall also display the following information in a prominent interior and easy to access location:
 - i. The short-term rental permit number.
 - ii. Local contact information and emergency safety information along with non-emergency contact numbers for police, fire, and ambulance services.
 - iii. A copy of the Dolores Short-Term Rental Regulations.
 - iv. Site-specific instructions about parking locations and trash pick-up.

E. Short-Term Rental Permit

1. Application Contents

Commented [AB]: Insert fee information.

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

- a. Contact information for the owner of the property.
- b. ~~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. Contact information for the owner's agent with access to the dwelling unit, and authority to fix any problems or violations of this chapter, who is available twenty four hours a day, seven days a week, at a phone number provided to both the Town and any person staying at the property to answer calls from the Town, an agent authorized by the Town to make such calls, or a person who is renting the property.~~
- c. Attestation and agreement to comply with the requirements of this section.
- d. Identification of all dwelling units that will be rented on a short-term basis.
- e. A zoning development permit with confirmation of a passed building, fire, and life safety inspection.
- f. 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.
- g. 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.
- h. 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.

2. 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:

- a. The applicant has not paid all applicable taxes due for the short-term rental or property on which it is located.
- b. The property has any outstanding code enforcement violations.
- c. The property does not comply with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
- d. 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.
- e. 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.
- f. 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.

3. 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.

4. Duration and Renewal

- a. Short-term rental permits shall be issued for one year and must be renewed annually.
- b. 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.
- c. 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.
- d. No permit shall be renewed unless all Town fees and taxes owed by the applicant are paid in full, including the renewal fee.

d.e. Applications for renewal shall include a passing annual fire/life safety inspection conducted by the town Building Official.

5. 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

- 1. 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.
- 2. 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.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DOLORES, AN ORDINANCE ESTABLISHING COMPENSATION FOR THE BOARD OF TRUSTEES

WHEREAS, The Town of Dolores is a Colorado statutory town; and

WHEREAS, CRS § 31-4-301 allows the Board of Trustees to establish compensation for town trustees ordinance; and,

WHEREAS, CRS § 31-4-405 prohibits the Board of Trustees form increasing compensation prior to the end of such Trustee’s term of office;

WHEREAS, CRS § 31-23-203 provides that the Board of Trustees may set compensation for planning commission members pursuant to ordinance;

WHEREAS, the Board of Trustees as established Parks and Recreation Committee to advise the Board of Trustees pursuant to Ordinance No. _____ who presently do not receive compensation;

WHEREAS, CRS § 31-15-201 provides that the Board of Trustees have the general powers to establish and compensate members of committees to advise the Board;

WHEREAS, the Board of Trustees recognize that the complexity of meetings and amount of time required for the duties of the Trustees, Planning Commissioners and the Parks and Recreation Committee members;

WHEREAS the Town of Dolores has not adopted an ordinance establishing compensation for its Trustees, Planning Commissioner and committee members; and,

WHEREAS the Board of Trustees desires to adopt an ordinance to compensate the Town Trustees, Planning Commission Members and Parks and Recreation Committee Members for their time.

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

SECTION 1. That the compensation for the Trustees of the Town of Dolores, a statutory town, elected or reelected to the Town Board in the April 2022 election or thereafter, shall be set at \$100.00 per month. This rate is effective as of the date newly

elected or reelected Trustees take office.

SECTION 2. That the compensation for the Mayor of the Town of Dolores, a statutory town, elected or reelected to the Town Board in the April 2024 election, shall be set at \$150.00 per month. This rate shall be effective on the date the newly elected or reelected Mayor takes office.

SECTION 3. That the compensation for Members of the Planning Commission shall be \$50.00 per public meeting attended effective on the first meeting after the effective date of this Ordinance;

SECTION 4. That the compensation for Members of the Parks and Recreation Committee shall be \$50.00 per public meeting attended effective on the first meeting after the effective date of this Ordinance;

SECTION 5. Trustees who serve as Ex-Officio members of the Planning Commission or the Parks and Recreation Committee shall not be entitled to compensation in addition to the compensation described in Sections 1 and 2 herein.

SECTION 6. This Ordinance shall be codified into Title 2 of the Dolores Municipal Code. Any changes in numbering of paragraphs, sections. or subparagraphs shall not change the validity of any part of the Ordinance.

SECTION 7. This Ordinance shall be in full force and effect from and after its enactment, and publication of the Ordinance, as provided by law.

SECTION 8. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED AND READ on first reading at the regular meeting of the Trustees of the Town of Dolores on _____, 2021 at Dolores, Colorado.

Passed adopted and approved on the first reading this day _____ 2021.
DOLORS BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

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 second and final reading this _____ day of _____, 2021.
DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

DRAFT