

**Ordinance No. 1431, Series 2022 has been suspended from taking effect. The City Clerk has received Letters of Intent to circulate a Referendum Petition -(City of Woodland Park Charter Section 8.2 and CRS Section 31-11-105)**

**CITY OF WOODLAND PARK, COLORADO  
ORDINANCE NO. 1431, SERIES 2022**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO AMENDING TITLES 5 AND 18 OF THE WOODLAND PARK MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS AND ZONING, TO LICENSE AND REGULATE SHORT-TERM RENTALS**

**WHEREAS**, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

**WHEREAS**, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

**WHEREAS**, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

**WHEREAS**, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

**WHEREAS**, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 and Title 18 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

**WHEREAS**, the Council finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

**WHEREAS**, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:**

**Section 1.** The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

**Section 2.** A new Chapter 5.22, concerning Short-Term Rentals, is hereby added to Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

**CHAPTER 5.22 – SHORT-TERM RENTALS**

**5.22.010 - Definitions.**

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Titles 5 and 18 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

*Applicant* means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the trustee of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

*Short-term rental business* means the occupation of leasing or renting one (1) or more short-term rental units.

*Short-term rental unit* means a dwelling unit, or a portion thereof, that is rented or utilized for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

*Lodging tax* means the tax levied pursuant to Chapter 3.38.

**5.22.020 - Licensing; limitations; requirements.**

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License (“License”) from the City with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
  - (1) A natural person;
  - (2) A trust, if the trustee of the trust is a natural person; or
  - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (g) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (h) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.
- (i) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: rental apartment units, apartment buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and sewer facilities, tents, teepees, campers and other temporary structures.
- (j) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

**5.22.030 - Application, issuance and renewals.**

- (a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City, on application forms provided by the City Clerk or their designee(s). New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was

issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.

- (b) The City may issue a new Short-Term Rental Business License upon all the following conditions:
  - (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
  - (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
  - (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
  - (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.
  
- (c) The City shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:
  - (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
  - (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.
  - (3) There are no outstanding health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
  - (4) Within the last twelve (12) months there has been no more than two violation(s) of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
  - (5) Within the last twelve (12) months, there have been no more than two violation(s) of any of the Short-Term Rental Business License or application requirements or there have been no more than two violation(s) of the Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
  - (6) All applicable requirements in Section 5.22.020 are met.
  
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated

information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.

- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

#### **5.22.040 - Revocation and suspension.**

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax pursuant to this Chapter 3.38 of this Code, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
- (e) Violation of any provisions of this Chapter, this Title, Title 18, this Code, or of any law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
- (f) If, within the last twelve (12) months, there have two or more violation(s) of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, such Short-Term Rental Business License may be revoked for a period of twenty four (24) months.

#### **5.22.050 - Penalties.**

In addition to any other remedies available at law or equity, engaging in a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

**Section 3.** A new section 18.06.480, regarding the definition of Short-term rental business,

is hereby added to read as follows:

**18.06.480 – Short-term rental business.**

“Short-term rental business” means the occupation of leasing or renting one (1) or more short-term rental units.

**Section 4.** A new section 18.06.481, regarding the definition of Short-term rental unit, is hereby added to read as follows:

**18.06.481 – Short-term rental unit.**

“Short-term rental unit” means a dwelling unit, or a portion thereof, that is rented or used for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

**Section 5.** Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

**18.09.090 - Table of uses.**

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HSC LI	PUD
...													
<b>L. Lodgings.</b>													
...													
<b><u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u></b>	<b><u>PC</u></b>	<b><u>PC</u></b>				<b><u>PC</u></b>		<b><u>PC</u></b>	<b><u>PC</u></b>	<b><u>PC</u></b>	<b><u>PC</u></b>		<b><u>PC</u></b>

**Section 6.** A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

**Sec. 18.78.050 – Short-Term Rental Units.**

Short-term rental units shall be subject to the following regulations, provisions and standards:

- (a) Licensing requirements

- (1) All short-term rental units shall comply with Chapter 5.22 of the Woodland Park Municipal Code, which establishes conditions under which a property owner may apply for a Short-Term Rental Business License.
- (b) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:
  - (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
  - (2) Short-term rental units are not permitted in bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.
  - (3) No short-term rental shall be operated in such a way as to constitute a nuisance.
  - (4) The maximum number of occupants permitted in a short-term rental shall be two (2) people per legal bedroom plus an additional two (2) people.
  - (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
  - (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom.

**Section 7.** *Current Business Licensees Operating Short-Term Rental Businesses.* Provided a current and valid business license holder operating a short-term rental business in the MFS or MFU zoning district applies for a Short-Term Rental Business license within 2 months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in the MFS or MFU zoning districts shall not apply to such new Short-Term Rental Business License applications and subsequent renewals for the same short-term rental unit and by the same license holder. Furthermore, owners of property purchased in 2022, prior to November 17, 2022, in the MFS or MFU zoning districts shall be entitled to apply for a Short-Term Rental Business license, provide that said application is submitted within 2 months of the effective date of this Ordinance, and subsequent renewals shall be permitted for the same short-term rental unit by the same license holder.

**Section 8.** *2022 Application and Fees.* Notwithstanding the requirements of new Code section 5.22.030(a), Short-Term Rental Business License granted, and application fees paid, within the last two months of the year 2022, if applicable, shall be effective until and through December 31, 2023.

**Section 9.** *Future Review of STR regulations.* Within twelve to eighteen months from the effective date of this Ordinance, the Planning Commission shall revisit the City's short-term rental regulations. During that timeframe, the City shall direct an update to its most recent housing needs assessment, and shall have a short-term rental economic impact study conducted. Additionally, the City Police and Code Enforcement departments shall capture twelve months of

data regarding calls for service or complaints of crime or nuisance at short-term rental unit properties. Once all data is collected and both studies have been completed, the Planning Commission will review and analyze same to make recommendations to City Council regarding whether amendments to the City's short-term rental regulations are required.

**Section 10.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 11.** *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.

City of Woodland Park

\_\_\_\_\_  
Hilary LaBarre, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk, Suzanne Leclercq