

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1472, SERIES 2024**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLE 5 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS, TO LICENSE
AND REGULATE SHORT-TERM RENTAL BUSINESSES**

\,WHEREAS, the City of Woodland Park, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article X, 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. § 31-15-501, 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, 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 to adopt licensing regulations and restrictions on the renting or leasing of real property for short-term occupancy of less than 30 days; and

\,WHEREAS, on December 12, 2023, Ordinance No. 1469, Series 2023 was passed via a citizens initiative. This Ordinance contained the following heading and title: "An Ordinance of the Citizens of Woodland Park for the City of Woodland Park, Colorado, Amending Title 18 of the Woodland Park Municipal Code, Concerning Zoning Districts where Short-Term Rentals are Allowed to be Licensed and Operated within the City Limits of Woodland Park, Colorado." The ballot language for this citizens initiative read as follows: "The Woodland Park Municipal Code be amended by a citizens initiative to define a short-term rental unit as a dwelling unit that is rented or utilized for furnishing lodging for any period of less than thirty (30) consecutive days and to define primary residence as the place where a person spends a majority of their time during the year; providing that short-term rental units that are the primary residence of the owner/operator are allowed in all single-family and commercial zoning districts and short-term rental units that are not the primary residence of the owner/operator are only allowed in commercial zoning districts and imposing requirements to which short-term rental units will be subject, including occupancy limits, parking requirements, and a requirement that the primary resident be living onsite throughout a short-term rental visitor stay;" and

\,WHEREAS, the Council finds business licensing regulations on short-term rental businesses will 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 Title 5 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.

Primary residence means a residence which is the usual place of abode for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

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 leased or rented 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 from the City with respect to each short-term rental unit.

- (b) The initial license fee, renewal license fee and penalty amount for operating without a license shall be established by resolution of City Council, as may be amended from time to time. The license fee and renewal license fee shall be payable annually in advance.
- (c) The City shall verify the physical address of the Short-Term Rental Unit, and ensure that the unit and property complies with the permitted uses for the applicable zoning district before issuing or renewing a Short-Term Rental Business license.
- (d) Short-Term Rental Units owned and operated by full-time primary residents of that unit or property are permitted throughout the City, subject to all other applicable City Codes and ordinances.
- (e) Short-Term Rental Units that are not owned and operated by full-time primary residents of that unit or property are permitted only in the NC, CC, SC and CBD zoning districts, and are subject to all other applicable City Codes and ordinances.
- (f) 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.
- (g) 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/short-term rental business licensee.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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, as well as other property maintenance requirements within the Code. 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.

(l) 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.

(m) Each short-term rental unit shall submit to the City, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' vehicles, which provides for a minimum of two (2) off-street, on-site parking spaces for guest vehicles, with all short-term rental units with more than two (2) bedrooms providing a total of one (1) parking space per bedroom.

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. 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) The Short-Term Rental Unit and property complies with the permitted uses for the applicable zoning district, as provided for in the Table of Permitted Uses in Section 18.09.090, for Short-Term Rental Units, 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 one cited violation 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 one violation of any of the Short-Term Rental Business License or application requirements.
 - (6) The Short-Term Rental Unit and property complies with the permitted uses for the applicable zoning district, as provided for in the Table of Permitted Uses in Section 18.09.090, for Short-Term Rental Units, all applicable requirements in Section 5.22.020 and Section 18.78.050 are and have been met, and all applicable application documentation has been provided.
- (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) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12)

months of any of the terms pertaining to the Short-Term Rental Business License. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a Short-Term Rental Business or leasing or renting out a Short-Term Rental Unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in a penalty 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. 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 4. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL AND FINAL READING FOLLOWING PUBLIC HEARING THIS DAY OF 7th July, 2024.

City of Woodland Park


Hilary LaBarre, Mayor

ATTEST:


City Clerk, Suzanne Leclercq