

FOR COMMUNITY AND STAKEHOLDER FEEDBACK AND INPUT
DRAFT SHORT-TERM RENTAL LANGUAGE FOR
WESTMINSTER MUNICIPAL CODE

DISCLAIMER: THIS IS DRAFT LANGUAGE TO BE USED WITH CURRENT COMMUNITY ENGAGEMENT EFFORTS. FUTURE CHANGES ARE POSSIBLE BASED ON POLICY DIRECTION, LEGAL REVIEW AND COMMUNITY/STAKEHOLDER RECOMMENDATIONS.

11-17-1 – General Intent

- (A) This Chapter shall be known and cited as the City Short-Term Rental Licensing Code and shall apply to any short-term rental operating in the City as defined herein.
- (B) The City Manager may promulgate additional administrative procedures, rules and regulations to further effectuate the terms of this Article.
- (C) The local licensing system implemented pursuant to this Chapter mitigates the impacts of short-term rentals on the neighborhoods in which they are located, maintains and enhances neighborhood livability and ensures the health and safety of renters of short-term rentals. The system of licensing promotes a fair operating environment and allows for ongoing data collection to further evaluate the impact of short-term rentals on the neighborhoods in which they are located.

11-17-2 – Definitions

- (A) As used in this Chapter, unless otherwise noted:

Advertise, advertising or advertisement shall mean the act of drawing the public's attention to a short-term rental for the purposes of promoting the same for rent or occupancy.

Applicant means the applicant for a license and must be the owner of the premises sought to be licensed for short-term rentals. If a property has multiple owners, including joint ownership by spouses, all persons with an ownership interest must sign the license application.

City means the City of Westminster, Colorado.

Director means the City Director of Community Development, or her or his designee.

Hosting platform means any person or entity that facilitates reservations or payments between a short-term rental licensee and a person seeking lodging accommodations for a period of less than thirty (30) consecutive days.

License means a short-term rental license required under this Article before offering or providing lodging in the form of a short-term rental within the City.

Licensee means the person or entity in whose name the license is issued, who shall be the owner(s) of the real property for which a license is sought.

Licensed premises shall mean a dwelling unit, or portion thereof, that has a valid license issued pursuant to this Article allowing short-term rental of such dwelling unit.

Party means one (1) or more persons who as a single group rents a short-term rental pursuant to a single reservation and payment.

Renter or Lessee means the party contracting to rent the short-term rental.

Responsible Agent means a designated person on the license application who shall be available to respond to the property within one hour of being notified by the city of a complaint about the condition of the property or the conduct of a party at a short-term rental. The Responsible Agent must be available to respond as set forth herein 24 hours per day, seven days per week during any term the short-term rental unit is occupied by or rented to a party. The responsible agent must be able to provide access to the licensed premises and must be authorized to make decisions about the licensed premises.

Short-term rental means the rental for monetary consideration of a residential dwelling unit, or portion thereof, with or without a morning meal, excluding hotels, motels, bed and breakfasts, for periods of less than thirty (30) days, including but not limited to, a single-family dwelling, duplex, townhome, condominium, or similar dwelling. The term short-term rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

11-17-3 – License Required and Fee

- (A) Any person offering to provide or providing lodging in the form of a short-term rental within a residential property located within the City must first obtain and maintain a license from the City.
- (B) Any advertisement for a short-term rental property in the City on any hosting platform must display a current and active license.
- (C) No applicant may operate more than one individual property as a short-term rental within the City at any one time. Licensee shall certify compliance with this requirement on each application submitted to the City.
- (D) An application for a license shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with a \$200 application fee. Application shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record.
- (E) Each license is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which she or he holds.

- (F) Licenses issued pursuant to this Code shall specify the date of issuance, the period which is covered, the name of the licensee, the premises licensed, and the portions of the premises, if so limited, that may be short-term rented.
- (G) A license shall terminate upon transfer of ownership of the licensed premises.
- (H) All licenses shall be valid for a period of 2 years from the date of their issuance or renewal date.
- (I) Following the initial application and before the expiration of the 2-year license period, a Licensee may apply for a license renewal through application and payment of a \$200 application fee.
- (J) Except if the Director has received a complete renewal application along with the requisite fees, it shall be unlawful for any person to operate a short-term rental after the expiration date recorded upon the face of the license.
- (K) Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- (L) Applicants for a license shall provide the City with the following information:
 - (1) Name of the applicant/property owner.
 - (2) Mailing address, phone number and email of the property owner.
 - (3) Mailing address, phone number and email of the responsible agent (if not the same as the property owner).
 - (4) Address of the short-term rental.
 - (5) Narrative or visuals that specify which portions of the Dwelling Unit will constitute the licensed premises available for use by renters.
 - (6) A copy of the recorded deed of trust
 - (7) Signed affidavit by the owner certifying life safety compliance with operational smoke detectors, carbon monoxide detectors, fire extinguishers and other life safety equipment that may be required by the City per Building, Fire or Rental Property Maintenance Code as outlined in Title IX.
 - (8) Signed acknowledgement by the owner that the City has the right of inspection of the rental premises for conformance with the City’s Building, Fire and Rental Property Maintenance Codes per Title XI at any reasonable time.
 - (9) Signed certification of compliance by the owner with all short-term rental regulations and limitations as provided by this Code.
 - (10) Proof of weekly residential trash service
 - (11) Parking plan with a basic narrative and visuals.
 - (12) Certification that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado.

11-17-4 – License Denial

- (A) Short-term rental licenses may be denied when there is good cause to deny the application. For purposes of this Section, "good cause" means:
- (1) The applicant or licensee has violated, does not meet, or has failed to comply with any of the terms or conditions placed on the license, any city or state law, or any rules and regulations promulgated thereunder;
 - (2) The short-term rental has previously been, or will be, operated in a manner that adversely affects the public health, safety, or welfare of the immediate neighborhood in which the short-term rental is located;
 - (3) The address indicated in the application does not have located thereon a permanent structure that is a legal dwelling unit and/or the application requests a license for a recreational vehicle, travel trailer, temporary structure, or any other accommodation other than the permanent primary dwelling structure at the address; or
 - (4) The applicant fails to provide a complete application and documentation required pursuant to this Article.

11-17-5 – Taxes

- (A) Each short-term rental licensee shall collect and remit lodgers' tax on all short-term rentals according to the provisions of Title IV, Chapter 4 of this Code and any regulations issued pursuant thereto.

11-17-6 – Limitations; Prohibited Uses

- (A) The property owner is responsible for notifying all occupants of applicable restrictions and requirements. The property owner is responsible for any violation of any of the following provisions:
- 1) Each party that rents a short-term rental and every member of each party shall comply with all applicable provisions of the Westminster Municipal Code, including Title VIII, Chapter 4 (Nuisance Abatement). A short-term rental shall not create any public nuisance as defined by W.M.C. 8-4-2.
 - 2) Only one short-term rental reservation to one party at a time is allowed.
 - 3) Use of the short-term rental unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
 - 4) No short-term rental shall exceed occupancy of 8 persons per property (with the exception of children under 13).
 - 5) No short-term rental shall be located in any recreational vehicle, travel trailer, temporary structure or structure that is not the primary dwelling unit at the residence.
 - 6) Failure to comply with these limitations may result in revocation of the short-term rental license.

11-17-7 – Enforcement and Penalties

- (A) Each short-term rental licensee is subject to administrative penalties for violations of this Chapter and other violations of Title XI per Title I, Chapter 23.

11-17-8 – License Revocation and Suspension

- (A) A Short-term Rental License may be revoked, suspended or not renewed by the City:
 - (1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application;
 - (2) When it appears that the use of the property as a short-term rental property is a public nuisance as defined by Code, including W.M.C. 8-4-2;
 - (3) When the property fails to comply with any of the requirements of the short-term rental license.
- (B) The Director shall serve a notice of revocation or suspension by first class and certified mail to the address of the licensee. The Director may also, as a courtesy, send notice to the licensee through electronic mail to any address of the licensee provided to the City. The notice shall identify:
 - (1) The name of the licensee and the license number;
 - (2) The applicable Code section(s) alleged to have been violated together with a description of the violation;
 - (3) The effective date of the revocation or suspension, which shall commence no earlier than fifteen (15) days after the date of the notice; and
 - (4) Information on the right to appeal the decision as set forth in W.M.C. 11-17-9
- (C) Provided that the mailed notice is properly addressed to the licensee's last known registered address with the City, failure of the licensee to receive such mailing or to accept the certified mailing shall not preclude or prevent the imposition of revocation or suspension.
- (D) In addition to the revocation, suspension or refusal to renew any license as set forth herein, the City may take any other legal action available to address violations of the provisions of this Chapter.

11-17-9 – Appeal of Director Decision

- (A) A licensee may appeal a Director's decision regarding a non-renewal, revocation, suspension, or imposition of a condition of the license by submitting a written notice of appeal with the Director within twenty (20) calendar days of the date of the notice of the Director's action. An appeal shall stay (hold in abeyance) the decision to reject or condition a renewal, or revoke, to suspend, or to impose penalty assessment until a

final written decision is issued by the Special Permit and License Board on the appeal. The notice of appeal shall state in writing specifically why the renewal decision, revocation, suspension, assessment, or condition is not warranted, justified, or based on accurate information.

- (B) Upon receipt of the notice of appeal, the matter shall be set for a hearing before the Special Permit and License Board. Notice of the hearing shall be provided to the licensee by first class mail addressed to the licensee's mailing address provided to the City. Notice shall also be provided by first class mail to owners of record of any property with an adjoining property line or directly across a street or alley from the property on which the licensed premises is located.
- (C) At the hearing, the licensee, the City, and any property owners of record of property with an adjoining property line or directly across a street or alley may present evidence and testimony concerning the renewal or violation(s). In determining whether to uphold the revocation, suspension, or imposition of any condition, or to modify the terms of any such action, the Special Permit and License Board shall determine whether the Director's decision was unreasonable, arbitrary or capricious, or not based on sufficient evidence. The Special Permit and License Board may consider the severity of the violation(s), the culpability of the licensee, and /or any measures taken to remedy the violation to ensure it will not reoccur. For appeals of non-renewals, the Special Permit and License Board may instruct the renewal to be issued subject to reasonable conditions which will ensure ongoing conformance of the short-term rental with the requirements of this Chapter and other provisions of the Municipal Code.
- (D) Following the conclusion of the hearing, the Special Permit and License Board shall issue a final decision for purpose of any further appeal pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No stay shall be afforded to any licensee during any further appeal of the Special Permit and License Board decision.

11-17-10 - License Reinstatement

- (A) Any property owner whose license was revoked must first obtain approval from the Special Permit and Licensing Board before seeking reinstatement. Reinstatement may be granted if the property owner served any revocation period and can establish compliance with any conditions imposed by the Special Permit and Licensing Board.