

Town of Marble
Ordinance Number _____
Series of 2019

**AN ORDINANCE AMENDING THE ZONING CODE
WITH RESPECT TO SHORT TERM RENTALS**

WHEREAS:

- A. The Town of Marble (the “Town”) is a statutory town organized pursuant to Colorado Law; C.R.S. § 31-1-101 et seq.;
- B. The Town is authorized to regulate land use matters within its boundaries, see C.R.S. § 31-23-101 et seq., and has adopted land use regulations known as the Zoning Code;
- C. The Town recognizes that there are benefits to allowing owners of residential units within the Town to rent their Dwellings, or portions thereof, for periods of time less than thirty days. However, due to the potential for adverse impacts on surrounding residential uses, short term rentals must be regulated by the Town to protect the health, safety, and welfare of owners, neighbors, and visitors.
- D. The Town desires to update the Zoning Code provisions regarding short term rentals and add provisions regarding short term rentals and business licenses for short term rentals.

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

- 1. Section 7.10 of the Zoning Code shall be amended to read in its entirety as shown on the attached Exhibit A.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, _____, by a vote of _____ in favor and _____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk

Exhibit A

7.10 Short Term Rentals

Sections:

- 7.10.10 Purpose
- 7.10.20 Effective Date
- 7.10.30 Definitions
- 7.10.40 Short Term Rentals Allowed
- 7.10.50 Permit Application Process
- 7.10.60 Issuance; Renewal; Appeal; Suspension; Revocation
- 7.10.70 Compliance and Standards

7.10.10 – Purpose

The Town of Marble recognizes that there are benefits to allowing owners of residential units within the Town to rent their Dwellings, or portions thereof, for periods of time less than thirty days. Short term rental of Dwellings bring additional visitors to the Town, can allow owners to recoup housing costs, and provides revenues for the Town through the additional tax collections. However, due to the potential for adverse impacts on surrounding residential uses, short term rentals must be regulated by the Town to protect the health, safety, and welfare of owners, neighbors, and visitors.

7.10.20 – Effective Date

This Article, 7.10, shall be effective commencing on . Any property operated as a Short Term Rental after such date without a business license for a Short Term Rental shall be in violation of this Article.

7.10.30– Definitions

- A. **OWNER** is defined as the natural person, partnership, corporation, association, company, or other public or corporate entity, or any combination of one or more of the same, that holds legal title to the subject property.
- B. **SHORT TERM RENTAL** is the leasing, letting, or contracting out of a Dwelling, or any portion thereof, for residential, dwelling or sleeping purposes, for any period of time less than 30 consecutive days. This definition does not include offering the use of one's property where no fee is charged or collected. This definition does not allow for the rental of tents, RVs or other structures that do not meet the definition of "Dwelling" under Section 7.1.70 of this Zoning Code.
- C. **DESIGNATED RESPONSIBLE PERSON** is defined as a person located in the Crystal River Valley who will be immediately available (within an hour of notification) to respond to any issues arising from the short term rental of the property, whether it be from the rental property, public safety personnel, utility personnel, or any other municipal party. If this person is not the Owner, they must have authority from the Owner to make decisions and authorize work on behalf of the Owner, and have physical access to the property.

- D. **OCCUPANCY LIMIT** is defined (calculated) as the lesser of (a) the number of bedrooms in the Dwelling documented in the Gunnison County Assessor Records times 2, plus 2; and (b) the number of dedicated off-street parking spaces documented on an approved site plan times 4.

7.10.40 Short Term Rental Limitations and Requirements.

- A. Short Term Rental is prohibited except pursuant to this Article 7.10. It shall be unlawful and a violation of this Article for any person to use any property as a Short Term Rental without first having obtained a business license for a Short Term Rental from the Town.
- B. Short Term Rental licenses will only be issued for parcels zoned as Residential.
- C. All Short Term Rentals shall strictly comply with all applicable Town ordinances, codes, and regulations.
- D. Short Term Rental licenses are issued on a parcel by parcel basis. Only one license is allowed and required per parcel. A parcel will be defined based on the Gunnison County Assessor's records, subject to compliance with all applicable minimum lot size restrictions in the Town Code. For parcels with more than one Dwelling, a maximum of two dwellings may be used as Short Term Rentals.
- E. A natural person is limited to holding two Short Term Rental licenses, either directly or indirectly through an entity in which such person owns an interest.
- F. Insurance. Standard homeowner and landlord insurance policies may not cover claims arising from the short terms rental use of a property. Owners are required to obtain insurance that covers claims arising from the short terms rental use of a property, as an endorsement to a standard policy, umbrella coverage, a stand-alone short term rental policy, or otherwise. If coverage is limited to certain number of nights, the license shall be limited to the number of nights for which coverage is provided. The insurance requirement may be met if the Owner represents that it is only renting the parcel through a service that automatically provides owners with insurance coverage for bodily injury or property damage in the minimum amount of \$1,000,000.
- G. Release and Indemnification. Every Owner shall, in submitting an Application and being issued a license, agree to release and indemnify the Town from and against any claims arising from the Owner's short term rental.

7.10.50 - Application

- A. Application, whether initial or for any renewal, for a business license for a Short Term Rental shall be made on a form provided by the Town of Marble. The application shall include, at a minimum, the following:
1. The Owner's name, address, and phone number (if the Owner is not a natural person, the names of all natural persons who own an interest in the Owner);
 2. The address of the Short Term Rental;
 3. A Designated Responsible Party (see 7.10.30.C) and Secondary Designated Responsible Party with applicable contact information that will be made available to the public upon request;
 4. The Maximum Occupancy for the Short Term Rental as calculated in 7.10.30.D; and
 5. Colorado Sales Tax ID #.
- B. Additional documentation required to be submitted with the Application shall include:

1. Gunnison County Assessor's record for the Property, showing purported ownership and bedroom count;
 2. Proof of required insurance coverage;
 3. Completed Short Term Rental Self Inspection Form. The form will be supplied by the Town. The form shall be signed by the Owner, and shall certify and covenant that at the time of application and throughout the duration of the license, the licensed structure complies and will comply with the requirements listed on the form;
 4. 8-1/2" x 11" Site Plan denoting Off Street Parking; and
 5. Any additional information that the Town may specifically request.
- C. At the time of Application, the Owner shall submit to the Town a non-refundable application and license fee, which shall be the same fee as is required for any business license and which may be amended by the Board from time to time.
- D. An Owner must pay the fee at the time of the application, whether it is for a new license or renewal.
- E. Applicants who submit an incomplete form or are missing information shall have 14 days from notification to provide completed information. After 14 days, the application is automatically denied and the property will require a new application and fee.

Sec. 7.10.60 – Permit Issuance; Renewal; Appeal; Suspension; Revocation

- A. Business licenses for Short Term Rentals shall only be issued after a complete application has been submitted by the property Owner and the Town determines that the applicant and the subject property meet the requirements of this Article.
- B. Business licenses for Short Term Rentals shall specify any terms and conditions of the business license.
- C. Business licenses for Short Term Rentals shall be valid from the date of issuance through the immediately following (insert date, March 31?). Licenses must be renewed annually and a renewed license shall be valid for a one year term from (insert date, April 1?) through (insert date, March 31?).
- D. A business license for a Short Term Rental may only be renewed prior to expiration of the active business license.
- E. Applications shall be reviewed, and permits issued, by the Town Clerk.
- F. Applicants may appeal an adverse decision regarding an application for a business license for a Short Term Rental to the Board of Trustees. Such appeal shall be filed with the Town Clerk in writing within 15 days of the notification to the Applicant of the decision and shall be heard by the Board of Trustees within 35 days of receipt of the Applicant's appeal. The hearing on the appeal shall be noticed in accordance with the requirements for notice of regular meeting of the Board. The Board shall render a decision within 21 days of the hearing of the appeal.
- G. A business license for a Short Term Rental attaches only to the property for which it is issued and is non-transferrable upon the sale or other transfer of ownership of the property.
- H. A business license for a Short Term Rental may be suspended or revoked at any time should it be determined by the Town that: (1) The applicant made a material misstatement on the application; or (2) the Short Term Rental is not being operated in compliance with this Article, any other section of the Town Code, any other applicable Federal, State, or local law, or the terms of the business license. An Owner may appeal the decision to suspend or revoke the business license for a Short Term Rental under the process outlined

in Section 7.10.60.F hereof. The suspension or revocation of a business license for a Short Term Rental shall not be deemed a prerequisite to the institution of enforcement proceedings, the imposition of fines and the Town's pursuit of any remedies as described elsewhere in the Code, including but not limited to Section 7.4.10, Zoning Enforcement. Revocation of a permit shall be grounds to not issue another permit to the same Owner for a period of two years from the date of revocation.

Sec. 7.10.70 – Compliance and Standards

- A. The Town of Marble is not a party to and does not enforce any private covenants. Private covenants may restrict the ability for owners to engage in short term rentals.
- B. The Owner of a Short Term Rental shall post the following in a prominent and visible location in the Short Term Rental:
 - 1. A copy of the business license for a Short Term Rental;
 - 2. Contact information for Designated Responsible Party and Secondary Designated Responsible Party;
 - 3. Description of location of fire extinguishers and emergency egress;
 - 4. Rules and regulations of the Town that apply to the occupancy of the Short Term Rental, which shall include, but are not limited to: Parking Restrictions; Noise/Amplified Sound Restrictions; Trash Disposal/Storage/Collection Information; and Relevant Temporary Restrictions such as Water or Fire; and
 - 5. Any other information deemed necessary to ensure the public's health and safety, as indicated on the business license issued by the Town.
- C. The Owner of a Short Term Rental shall post their business license number for a Short Term Rental in all advertisements of the property.
- D. The Owner of a Short Term Rental shall cause to be collected and paid all applicable local, state, and federal taxes including sales and lodging taxes.
- E. It shall be the duty of the Owner to promptly notify the Town of Marble upon any change of Designated or Secondary Designated Responsible Parties.
- F. No on-street parking is permitted for Short Term Rental tenants. Tenant parking should adhere to the submitted on-site parking plan.
- G. All licensed properties are subject to inspection by the Town for the purpose of determining compliance with the requirements for a license issued under this Article.
- H. Nothing in this Article shall be construed to authorize the use of residential property, through short term rental or otherwise, for uses other than residential, dwelling or sleeping purposes (such as commercial or special events).