

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING ARTICLE I OF CHAPTER 6 OF THE BLUE RIVER MUNICIPAL CODE PERTAINING TO THE ADVERTISEMENT OF SHORT-TERM RENTALS

WHEREAS, the Town of Blue River, Colorado (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

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

WHEREAS, the Town adopted regulations governing the operation of short-term rentals which are located in Article I of Chapter 6 of the Town Code (the “STR Ordinance”); and

WHEREAS, a short-term rental business is required to obtain a license from the Town to operate in accordance with the STR Ordinance; and

WHEREAS, property owners often post the availability of a short-term rental for their property on nationally, regionally, or locally accessible hosting platforms such as Airbnb and VRBO, and may also post availability on their personal or business websites; and

WHEREAS, property owners often engage in advertising of their short-term rental operation through other means such as general media; and

WHEREAS, the operation of a short-term rental without securing a license from the Town is unlawful and, additionally, it is unlawful to advertise the availability of a short-term rental without securing a license; and

WHEREAS, to best ensure compliance with the STR Ordinance and protect the public who seek a short-term rental property, requiring postings and advertisements to include the license number and occupancy limits for short-term rentals is reasonable and necessary to protect the public health, safety, and welfare for both residents of, and visitors to, the Town.

BE IT ORDAINED by the Board of Trustees of the Town of Blue River, Colorado, as follows:

Section 1. **Amendment of Section 6-1-20.** Section 6-1-20 of the Municipal Code of the Town of Blue River titled “Definitions” is hereby amended by a change in the definition of “hosting platform” to read in full as follows:

Hosting platform means any manner through which a person, a license holder, an owner of property, business, or other entity (a “host”) may offer a

dwelling unit, or portion thereof, for short-term rental. A hosting platform includes, but is not limited to, an internet-based or web-based platform that allows or permits a host to advertise and potentially arrange for the temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays rent directly to the host or to the hosting platform. Some common hosting platforms include privately owned or operated website addresses, and commercial platforms such as VRBO, Airbnb, HomeAway, and Booking.com.

Section 2. Amendment of Section 6-1-70(a)(11). Subsection (11) of subsection (a) of Section 6-1-70 of the Municipal Code of the Town of Blue River titled “*Application for new short-term rental license*” is hereby amended to read in full as follows:

- (11) A signed written acknowledgement and authorization by the applicant in a form approved by the Town that the Town may contact a hosting platform and demand the removal of any advertisement, offer, or listing when determined by the Town that the advertisement, offer, or listing fails to comply with the requirements of this Article 1 or other provision of the Town’s Municipal Code.

Section 3. Amendment of Section 6-1-70(a). Section 6-1-70(a) of the Municipal Code of the Town of Blue River titled “*Application for new short-term rental license*” is hereby amended by the addition of a new subsection (a)(12) to read in full as follows:

- (12) Such other information determined necessary by the Town Manager to evaluate the compliance of the applicant, licensed premises, or proposed short-term rental property or management with the requirements of the Municipal Code.

Section 4. Amendment of Section 6-1-110(3). Subsection (3) of Section 6-1-110 of the Municipal Code of the Town of Blue River titled “*Operating standards and requirements*” is hereby amended to read in full as follows:

- (3) Advertising requirements. Advertising to the public for a licensed short-term rental by any means or method, including hosting platforms, shall include: (1) reference to the Town-issued license number; (2) the maximum occupancy limitation imposed for the short-term rental by the Town pursuant to subsection (1) above; and (3) the maximum off-street parking limitation imposed for the short-term rental by the Town pursuant to

subsection (2) above. It shall be deemed a flagrant disregard of the standards of operation to advertise that the short-term rental is available for a greater occupancy or greater parking than that established by the Town for the property.

A hosting platform shall prominently display the short-term rental license number, the maximum occupancy, and any Town established parking limitation in any website listing for a short-term rental unit located in the Town. A hosting platform shall remove any listing for a short-term rental from its platform(s) after notification by the Town that the license number associated with the short-term rental is invalid, expired, has been revoked, or that the Town has a prohibition of short-term rentals that applies to the listing. A hosting platform shall remove any listing located in the Town without a short-term rental license number.

The Town will provide notice of a violation of this section to the contact designated by the hosting platform. If the hosting platform fails to provide a contact for this purpose, the Town may provide notification through any publicly available contact information for the hosting platform. The notice will include the listing URL, the address of the short-term rental, and the reason for the requested removal. The hosting platform shall remove the listing within seven (7) days of receiving the notice.

Any person who violates this subsection (3) may be penalized in accordance with the provision set forth in Section 1-4-20 of this Code. Each calendar day that a violation exists shall be a separate offense and violation of this Article.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 7. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the

codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 8. **Safety Clause.** The Board of Trustees finds, determines, and declares that this Ordinance is promulgated pursuant to the Town’s authority and under the general police power of the Town of Blue River, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

Section 9. **Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 19th day of November, 2024.

Nick Decicco, Mayor

ATTEST:

Town Clerk

Published in the Summit County Journal _____ 2024.