

ORDINANCE 03 – SERIES 2025

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, AMENDING SECTIONS 6-7-20 AND 6-7-40 OF THE MINTURN MUNICIPAL CODE ESTABLISHING OWNERSHIP AND OCCUPANCY REQUIREMENTS FOR APPROVAL OF A SHORT-TERM RENTAL LICENSE.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Section 6-7-20 of the Minturn Municipal Code (the "MMC") sets forth the definitions for Chapter 6, Article 7 – Short-Term Rentals; and

WHEREAS, Subsection (d) of Section 6-7-40 of the Code requires that the owner of a short-term rental (STR) own the property for at least two years before filing a STR permit; and

WHEREAS, Town Staff has found that some property owners that have owned land for two years or more have obtained a STR permit after receiving a Certificate of Occupancy for the property without having lived on or rented the property as a long-term residential unit; and

WHEREAS, the Town wishes to preserve the availability of long-term housing in the Town; and

WHEREAS, the Council wishes to amend the language of the two-year ownership requirement to reflect the purposes of the STR regulations in the MMC by preserving the housing stock within the Town; and

WHEREAS, the Council finds and declares that the amendments of Sections 6-7-20 and 6-7-40 of the MMC set forth in **Exhibit A** and incorporated herein by this reference, to establish ownership and occupancy requirements for properties to be eligible for STR licenses, are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Amendment of Sections 6-7-20 and 6-7-40. Sections 6-7-20 and 6-7-40 of the MMC are amended as shown in **Exhibit A**.

Section 3. Effective Date. Upon passage of this Ordinance, the provisions hereof shall become effective on February 26, 2025.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 5. Repeal of Inconsistent Laws. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 5th DAY OF FEBRUARY 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 19th DAY OF FEBRUARY, 2025 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 19th DAY OF FEBRUARY, 2025.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

EXHIBIT A

Sections 6-7-20 and 6-7-40 of the Minturn Municipal Code are amended as follows with double underlined text added and ~~strike through text~~ deleted.

Sec. 6-7-20. Definitions.

When not clearly otherwise indicated by the context, the following terms, words, and phrases as used in this Article have the following meanings:

Long-term rental means any residential property dwelling unit or portion thereof rented for a period of six (6) months or more without more than thirty (30) days between tenancies.

Property means any building, house, structure, or unit entirely consisting of residential “square-foot floor area” as that term is defined in Section 13-1-10.

Sec. 6-7-40. License restrictions.

(d) Occupancy. A short-term rental license is subject to the following restrictions.
~~Two-year ownership. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two (2) years of ownership. The short-term rental license is nontransferable with the sale of the property.~~

- (1) Partial short-term occupancy. If the property owner wishes to use thirty-three percent (33%) or less of the “square-foot floor area” of the property, as that term is defined in Section 13-1-10, for short-term rental purposes, the owner may, upon compliance with the provisions of this Article, obtain a short-term rental license for up to thirty-three (33%) of the “square-foot floor area” without prior ownership or occupancy limitations.
- (2) Majority short-term occupancy. If the property owner wishes to use greater than thirty-three percent (33%) of the “square-foot floor area” of the property, as that term is defined in Section 13-1-10, for short-term rental purposes, then for a period of at least two (2) years before applying for a

short-term rental license, the property owner must own the property and:

- a. Live in the property as the owner's primary residence; or
- b. Lease the property as a long-term rental to a tenant who lives in the property as the tenant's primary residence.

Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership.

- (3) The 100-Block Zones are exempt from the two-year ownership and occupancy restrictions and can be licensed as a short-term rental immediately only on second floors and above and only if there is an active, licensed sales tax revenue generating commercial use on the ground floor of the structure.

- (g) The short-term rental license is nontransferable with the sale of the property.