



## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 21, 2020

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
4.a.	Administration	Drew Nelson

### **ITEM:**

Ordinance 2020-07 – An Ordinance of the City Council of the City of Salida, Colorado Amending Chapter 6 of the Salida Municipal Code Concerning Short Term Rentals, First Reading

### **BACKGROUND:**

Following feedback from members of the community (including real estate agents and short term rental owners), the City Council instructed staff to continue to evaluate best practices to ensure the orderly and viable operation of short term rentals in the City of Salida.

Many of you have asked the Clerk's Office and City Attorney to draft an amendment to our short term rental regulations. The proposed change would allow short term rental licenses within the 3 zone districts where the use is permitted "by right" to be obtained at any time during the year. Unlike the City's residential zone districts, there is no maximum cap on short term rental units allowed in the RMU C-1 and C-2 zones and therefore no waitlist required to be maintained by the Deputy City Clerk.

The Ordinance provides clarity, cleans up some questions, and ensures consistency within all chapters of the Salida Municipal Code as it relates to short term rentals. The language was reviewed and approved by the pertinent members of the City staff who process, administer and regulate short term rental licensing.

Although we still plan to have a broader discussion on the general topic of short term rentals at a future City Council work session, we recommend making this change in the interim. The timing works well with the effective dates of all STR licenses within the Clerk's office. Additionally, we are cautiously optimistic that the timing may coincide with when the City is open and ready for business and tourism.

### **FISCAL NOTE:**

None.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the proposed changes regarding short term rentals to allow for applications in the RMU, C-1, and C-2 districts.

### **SUGGESTED MOTIONS:**

A City Councilperson should make a motion to approve Ordinance 2020-07 on first reading and setting a public hearing for April 21, 2020, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 07**  
**(Series of 2020)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA,  
COLORADO AMENDING CHAPTER 6 OF THE SALIDA MUNICIPAL CODE  
CONCERNING SHORT TERM RENTALS**

**WHEREAS**, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; 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 Title 31, Article 15 of the Colorado Revised Statutes, the City also possesses the authority to license and regulate businesses; and

**WHEREAS**, pursuant to this authority, the City has previously adopted, and subsequently amended, certain regulations concerning short-term rentals within Chapter 6, Article VI of the Salida Municipal Code (“Code”); and

**WHEREAS**, through observing the processes provided for in the Code concerning short-term rentals, along with taking into consideration City staff recommendations regarding administration, enforcement and regulation, Council has expressed the desire to amend certain provisions of Chapter 6, Article IV, to ensure clarity, fairness and consistency with the goals of the City, its residents, businesses and customers, as well as with other portions of the Code; and

**WHEREAS**, the Council has conducted its review of the issues, and find that it would further the public health, safety and welfare of the citizens of Salida to amend Chapter 6, Article VI, concerning regulation and enforcement of short-term rentals, as provided below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:**

**Section 1.** The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

**Section 2.** Section 6-6-30 of the Salida Municipal Code is hereby amended to read as follows:

**Sec. 6-6-30. - Application, issuance and renewals.**

- (a) ~~New licenses, and renewals of licenses, shall be issued on June 1 of every year, and shall be valid from July 1 through June 30.~~ Any person desiring a license to engage in the short-term rental business shall apply to the City Administrator prior to any

advertising on forms provided by the City Clerk. **New license applications for properties within the RMU, C-1, and C-2 zone districts must be submitted at least thirty (30) days prior to the date of the intended use and prior to any advertising of the property as a short-term rental. New license applications for properties within any zone district other than RMU, C-1 and C-2, and all renewal applications, shall be submitted by June 1 of every year, and licenses shall be valid from July 1 through June 30. New license application fees for properties within the RMU, C-1 and C-2 zone districts shall not be pro-rated or reduced.**

(b) The City Administrator may issue a 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 the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, and the local contact person.
- (2) The applicant has paid the appropriate fee established by the City Council.
- (3) The property to be used for a short-term rental business has completed and complied with the City short-term rental unit inspection worksheet.

(c) The City Administrator may renew a short-term rental business license upon all the following conditions:

- (1) The applicant has submitted a complete renewal form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, and the local contact person.
- (2) The applicant has paid the appropriate fee established by the City Council, and all applicable taxes throughout the previous year.
- (3) The property to be used for a short-term rental business has completed and complied with the City short-term unit inspection worksheet and there are no outstanding health and safety violations on the property that are related to the "Short-Term Rental License Renewal Fire Department Checklist," any other application requirements set by the Fire Department, or any violations of Chapter 18 of this Code as it relates to habitability.
- (4) The applicant has submitted the appropriate affidavit, as required by Section 6-6-20.
- (5) There have been no violations of the provisions of this Article, or of any law, or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license over the past year.
- (6) The licensee has remitted sales taxes during the previous year.

(d) It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.

(e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

**Section 3.** 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.

**INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL** in a newspaper of general circulation in the City of Salida by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020 and set for second reading and public hearing on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY**, by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF SALIDA

By: \_\_\_\_\_  
Mayor

ATTEST: (SEAL)

By: \_\_\_\_\_  
Deputy City Clerk

**PUBLISHED IN FULL** in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2020, and **BY TITLE ONLY, OR IN FULL**, after Final Adoption on the \_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Deputy City Clerk