

## **5-30: SHORT-TERM RENTAL**

### **5-3001 General**

This section shall govern the use and occupancy of a Single-family Residence, Condominium Unit or Duplex Unit by a third party for compensation for less than 30 consecutive days. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The following standards do not apply in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District, the High Country Area (HCA) Zone District, and the Affordable Housing Planned Unit Development (AHPUD) Zone District.

#### **5-3001 A. Purpose**

The purpose of this Section is to promote public health, safety and general welfare by establishing standards for rental of a Primary Residence for less than 30 days. These regulations are also intended to ensure that individuals or entities that are Short-Term Renting in the unincorporated areas of San Miguel County are paying the requisite State Sales Tax and County Lodging Tax. Any individual or entity advertising a residential unit for Short-Term Rental in any media including the Internet or who has hired a property manager to handle the Short-Term Renting of a residence is required to comply with the standards in Section 5-3001 and obtain a County Short-Term Rental Permit.

#### **5-3001 B. Standards**

- I. County Permit. The owner(s) must complete the application for and obtain a Short-Term Rental Permit approval from the County. An approved Permit is valid for a two-year period and must be renewed every two years.
- II. Registering with the Colorado Department of Revenue (CDOR). Short-Term Rental of a residential unit requires the property owner to file with the CDOR and provide the County Planning Department with a copy of their State Sales Tax License.
- III. The County Short-Term Rental Permit number must appear in a conspicuous place on all Short-Term Rental advertising materials.
- IV. If the Short-Term Rental is not served by a municipal or community sewer system the Dwelling must have an onsite wastewater system recognized and approved by the County Environmental Health Department according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by the County Environmental Health Department.

- V. Occupancy is limited to two persons per bedroom or sleeping room unless the unit is on central sewer or additional occupancy has been incorporated into the capacity of the onsite wastewater system. In this case, the occupancy shall be limited to the number of people for which a County approved onsite wastewater system has been designed but in no case shall the occupancy exceed ten people. Additional persons may be authorized through a specific Administrative Review process where it is determined that the OWS or ISDS is adequate for the proposed use.
- VI. The rental residence will be inspected by the Building Department for surface type safety concerns such as emergency escape windows in bedrooms, smoke and CO detectors, and ingress/egress paths of travel for a fee determined by the current Building Code as adopted by the Board of County Commissioners on the initiation of an application for a Short-Term Rental Permit. Subsequent renewals at two year intervals will only require an affidavit signed by the applicant that the unit complies with all safety standards as listed in this Section.
- VII. Dwellings shall be equipped with operable smoke alarms and carbon monoxide alarms pursuant to State Statute (HB 091091) and the current County's current adopted building code. Dwellings must contain an operable fire extinguisher in proximity to the kitchen.
- VIII. Parking Requirement: One space per bedroom located on the subject property.
- IX. Dwellings shall have adequate trash containers sufficient to serve the guests. All trash containers must be in a bear proof enclosed structure such as a garage, barn, or shed or a waste management metal container with a bear proof latch.
- X. The property owner/manager shall provide each rental guest with a copy of "Being a Good Neighbor" and shall provide the County and the guest with the name, address and contact information, including a 24-hour contact telephone number of a current local contact person.
- XI. The property owner shall notify each adjacent property owner in writing of the name and contact information for the 24-hour local contact and shall do the same notification when local contact information changes.
- XII. It is the property owner's responsibility to determine whether there are private declarations and covenants within their subdivision that prohibits or further restricts the Short-Term Rental of residences.
- XIII. The County Permit authorizes Short-Term Rental of a Primary Residence but the County is not responsible for the Short-Term Rental. Any concerns a renter has should be addressed to the local contact person or property owner.

## 5-3001 C. Revocation of County Permit

Any short term rental permit that the county issues pursuant to LUC Section 5-3001 B. shall constitute a Development Permit for purposes of LUC Section 1-301 and shall be subject to revocation in accordance with LUC Section 3-101 for a permittee's failure to comply with any of the terms and/or conditions of the permit's approval, as well as any applicable LUC provisions, including, but not limited to LUC Section 5-3001 B. Standards.

## **Article 6 Definitions**

### **Primary Residence**

A Primary Residence is considered the main dwelling on a parcel. This dwelling can be a single-family home, a condominium, a one- to four-unit residential building or a manufactured home. There can be only one Primary Residence.

### **Short-Term Rental**

A Primary Residence (residential dwelling) that is rented for durations of less than 30 consecutive days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The following standards do not apply in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District and the High Country Area (HCA) Zone District. Hotels, Bed and Breakfasts, and Hunting Lodges are excluded from this definition and require an application and review through a Special Use Permit process.

### **Short-Term Rental Permit**

Property owners must obtain a "Short-Term Rental Permit" from the County prior to Short-Term renting a residence pursuant to Land Use Code Section 5-30.