

**TOWN OF FRASER
ORDINANCE NO. 488
Series 2022**

AN ORDINANCE AMENDING CHAPTER 6 ARTICLE 8 OF THE FRASER MUNICIPAL
CODE REGARDING SHORT-TERM RENTAL REGISTRATION

WHEREAS, the Board of Trustees has determined that it is in the public's interest to establish rules and regulations relating to the registration and operation of short-term rentals in the Town of Fraser.

WHEREAS, Affordable Housing Initiatives have been identified as the Town's number one priority and implementing a short-term registration fee structure appropriate to the impacts of short-term rentals is needed.

WHEREAS, the regulatory fee will help address the secondary impacts caused by the short-term rental industry by protecting the character of the local community and town neighborhoods where accommodation units are located.

WHEREAS, revenues received from short-term rental applications and permit fees will contribute towards affordable housing initiatives, programs, and infrastructure.

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

PART 1: AMENDMENT OF MUNICIPAL CODE.

Chapter 6 (Business Licenses and Regulations), Article 8 of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") are hereby amended as follows [Note: additions are shown in **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

ARTICLE 8 - Short-Term Rental Registration

Sec. 6-8-10. - Intent.

This Article shall provide requirements for registration and regulations for the operation of short-term rentals in the Town of Fraser.

Sec. 6-8-20. - Definitions.

For purposes of this Article, the following definitions shall apply:

Short-term rental (STR) means any rental of a residential dwelling or portion thereof for less than thirty (30) days for residential purposes.

Sec. 6-8-30. - ~~Requirements.~~ **Rules and Regulations**

(a) The owner of a property used for any short-term rental must maintain a current registration. Registration shall be accomplished by submittal of an application on a form as provided by the Town Manager and upon approval of the Town Manager. Said application will include, at a minimum:

(1) Property owner information.

(2) Proof of ownership.

(3) A local contact or management company available 24 hours a day to attend to property problems or problems arising from the rental, within one (1) hour.

(4) Parking plan.

(5) A receipt of a short-term rental booking of the subject property issued within the 60 days following registration showing collection of all taxes due the Town of Fraser as a result of the rental.

~~(5)~~ **(6)** Any other information as may be deemed necessary by the Town.

(b) Any property owner or designated property manager responsible for the management of the property shall maintain a current business license in accordance with Chapter 6 (Business License and Regulations) of the Fraser Municipal Code. The fee for a business license is \$40 annually.

~~(b)~~ **(c)** The registration **short-term rental** application fee **per unit per year** and the annual renewal fee is one hundred fifty dollars (\$150.00). **The purpose of the application fee is to finance the cost of administering and monitoring compliance of terms, conditions and requirements for short-term rental operations.**

(d) The permit fee per unit per year is \$350 per bedroom according to the property assessor plus every additional sleeping area with a bed (not including sofas) will be counted as an additional bedroom. Studios are counted as one bedroom.

(e) Purpose, Use, and Commencement Date of Regulatory Fees

1) The short-term rental application fee will be used to defray the costs to the Town, including, but not limited to, for staff, personnel, and short-term rental software required for the administration and enforcement of the Short-Term Rental Registration Program.

2) Commencing September 1, 2022, and continuing thereafter, all permit fees, as specified in Section 6-8-30 (d) of this article, will be collected, retained, and expended for the purpose of funding affordable housing initiatives and programs.

as approved by the Fraser Housing Authority.

(e) (f) Registration expires and must be renewed annually, and the application and permit fees must be paid annually upon registration. The annual term for registration shall commence upon approval of the application and payment of all required fees.

(g) The short-term rental unit permit is issued to the specific owner of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

(d) (h) Proof of current registration must be posted in a conspicuous location within the short-term rental property.

(i) A local contact or management company's contact information available 24 hours a day to attend to property problems or problems arising from the rental within one (1) hour must be posted within the short-term rental property in a prominent location. Any changes to the contact information for the local contact or management company must be updated through the short-term rental registration platform with the property manager's or homeowner's existing login information within seven (7) calendar days of the change.

(j) Following issuance of the short-term rental permit, the town manager or his/her designated representative may enter upon and inspect the STR to ensure compliance with the provisions of this chapter. Such entry and inspection shall only be permitted between the hours of 9:00 a.m. to 5:00 p.m. after providing the property manager of the STR at least seven days' written notice of the town's intent to inspect. The property manager or other designated representative is required to coordinate with the town manager or designated representative on the subject property to provide access for compliance inspections. Compliance inspections will be conducted at random or if any public safety concern has been reported.

(k) The unit address shall be clearly marked and visible from the roadway.

(l) To ensure the health, safety, and welfare of short-term renters, the following safety equipment must be installed, and safety measures must be taken in the STR unit:

(1) Smoke detectors must be installed and operable in each STR unit;

(2) Carbon monoxide detectors must be installed and operable in each STR unit near sleeping areas and near gas fueled boilers, furnaces, and fireplaces;

(3) Fire extinguishers on every floor of the STR, which must be visible or clearly marked; and

(4) Egress doors and windows must remain operable and cleared of snow, debris or any other obstruction.

(m) The occupancy limit for all short-term rental units except studios shall be two (2) persons per bedroom as specified in Sec. 6-8-30 (d) for determining the total number of bedrooms plus four (4) additional persons. The occupancy limit for studio short-term rental units shall be a total of four (4) persons.

(n) A site plan showing adequate parking shall be supplied at the time of application. Parking in private driveways shall be utilized first with overflow parking on the street if permitted. Parking on site in non-driveway areas (i.e., front yard areas, and rear and side yards, landscape areas) shall be prohibited. Occupants must comply with all town parking regulations.

(e) **(o)** Registration may be revoked administratively by the Town Manager for any failure to comply with any of the requirements of this Section, or any of the following:

- (1) Failure to pay water and/or wastewater service fees.
- (2) Failure to provide adequate on-site parking.
- (3) Failure to comply with any provisions of the Town Code.
- (4) Failure to provide a local contact available to attend to property problems within one (1) hour.
- (5) Failure to pay any applicable taxes.
- (6) Failure to maintain a current registration, or revocation of a registration, shall not result in any waiver of taxes or fees due.

(7) Failure to comply with the Town's notification to inspect the property within seven (7) business days.

(f) **(p)** It shall be unlawful for any person to cause or permit any short-term rental to occur at any property without a current registration. Any person convicted of a violation of any provision of this Article shall be subject to penalty as set forth in Section 1-4-10 of this Code. **Any person found to be advertising for rent or renting a short-term rental unit in violation of this article, will be notified for their 1st Violation warning by certified mail, return receipt requested, to cease and desist all offending actions. Upon receipt of the notice, the offending party shall have ten (10) business days to correct the offending action. Options would include, for example, removing the offending advertisement, ceasing the rental of the offending unit(s), bringing the rental property into compliance of this article, or obtaining a short-term rental permit. After the ten (10) business day period has ended**

without correction of the offending action or upon any further violation, the offending party shall be determined to be in violation of this section and shall be fined per the 2nd Violation and so forth as listed in the administrative penalty structure below in ten (10) business day increments until the offending action has been corrected or further legal action is taken as set forth in Section 1-4-10 of this code. The Town may levy an administrative penalty in separate ten (10) day increments within a 12-month rolling period for failure to comply with the provisions of this Short-Term Rental Regulation:

(1) 1st Violation – Warning

(2) 2nd Violation – Five hundred dollars (\$500)

(3) 3rd Violation – One thousand dollars (\$1000)

(4) 4th Violation – upon the 4th violation, the short-term rental permit may be revoked or suspended for a period of one (1) year and shall be subject to penalty as set forth in Section 1-4-10 of the Fraser Municipal Code.

Sec. 6-8-40. - Appeals.

An administrative order revoking a short-term rental registration **and/or penalties levied** under this Article may be appealed to the Board of Trustees by filing a written notice of appeal with the Town Manager within ten (10) days following notice of the order. The Board of Trustees will hold a hearing regarding the appeal and render a decision within a reasonable time.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS _____ DAY OF _____, 2022.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

(S E A L)

ATTEST: _____
Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on _____.