

## ORDINANCE 12-4 SERIES 2022

### AN ORDINANCE PERMITTING AND PROVIDING REQUIREMENTS FOR SHORT TERM RENTALS

WHEREAS, The Town is authorized by state statutes, including but not limited to C.R.S. §§ 29-20-101 et seq., 31-15-401, 31-15-601, 31-23-201 et seq. to plan and regulate the use and development of land, the construction and use of buildings and other structures, and related development activities within the Town; and

WHEREAS, the Board of Trustees recognizes that residents and property owners are currently renting their dwellings for periods of time less than thirty (30) days; and

WHEREAS, the Board recognizes that there are benefits to permit owners of dwelling units to rent those units or portions thereof on a short-term basis, such as providing additional diversity in lodging options available for commercial and recreational travelers, bringing visitors and increasing income by which owners of dwelling units may offset the costs of ownership; and

WHEREAS, the Board also finds that renting or leasing dwelling units as short-term rentals may have adverse impacts upon adjacent properties, the character of the community, the availability of affordable housing, public services, and the health and welfare of residents; and

WHEREAS, in order to protect the integrity of the Town, the Board of Trustees finds that it is necessary to adopt regulations and restrictions on the renting or leasing of short-term rentals; and

WHEREAS, in order to protect the integrity of the Town, the Board of Trustees finds it necessary that the licensee of an STR is a Jamestown resident.

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

Section 1. Applicability: This ordinance is intended to permit the planning, development and use of short-term rentals and establish reasonable regulations governing the same, with an emphasis on safety of occupants and compliance with town ordinances (see Addendum), and safety and fire regulations.

Section 2. Definitions: As used in this ordinance terms shall have the following meanings:

**Short-Term Rental (STR):** Defined as a rental of any residential home unit or accessory building for a period less than 30 days. Short-term rentals may include the following: Entire homes, a portion of, or a room in a home, or the rental of an Accessory Dwelling Unit (ADU).

**Jamestown Resident:** Licensee must have a Jamestown address as their primary residence. The property owner or licensee's primary residence is the address reported for motor vehicle registration, voter registration, and state income tax filing.

**Property Manager:** Representative who will act as communication liaison with the Town of Jamestown and STR occupant and will provide STR maintenance support in the absence of the Licensee.

Section 3. Short-Term Rentals Permitted: Short-Term Rentals shall be permitted within the Town under the following conditions:

- A license from Jamestown is required for each individual STR property.
- The Licensee who is a Jamestown resident must obtain a license and comply with Jamestown requirements for STRs.
- STR must be within a single-family dwelling, attached to a single-family dwelling, or a separate dwelling on the property or a separate dwelling on a separate property owned by a Jamestown resident limited to one additional property.
- No more than 2 STR licenses will be issued to any Jamestown address.

Section 4. License required: Short-term rentals are required to have a license to ensure that the STR licensee and/or occupants adhere to town ordinances and safety requirements, and to minimize adverse effects upon adjacent properties.

The License application form shall be prepared by the Town and shall include a self-inspection safety checklist to be completed and notarized by the Licensee.

The Good Neighbor Guidelines approved by the Town Board December 14, 2020 shall be attached to each license. (See Addendum below.)

The license shall be renewed annually. Applications or renewals must be accompanied by a fee of \$75. Licenses are not transferrable between persons or properties. Licensees must advise the Town Clerk within 10 days of any changes to the property that might affect the issuance or renewal of a license.

Section 5. Short-term Rental – Limitations:

- The Licensee must provide parking spaces that do not obstruct flow of road traffic or emergency vehicles and are appropriate in number to the size of the rental unit.
- The number of persons occupying a STR space shall be appropriate for the size of the STR.
- Short-term renters should follow the Good Neighbor Guidelines in respect to noise and general respect for neighbors.
- In the event of a complaint, the licensee of the STR or their property manager must respond in writing to the Town Clerk within 48 hours of receiving notification. Anonymous complaints will not be considered.

Section 6. Short-term Rental Prohibitions: It shall be a municipal violation of this ordinance if any of the following occur:

- Failure to comply with the terms of the license application and the posted recommendations of the Good Neighbor Guidelines.
- Failure to respond within 48 hours of a complaint filed.
- Failure to have required operational equipment, such as smoke detectors, carbon monoxide detectors, fire extinguishers and other life safety equipment as required by the Town of Jamestown.
- Failure to obtain or renew a STR license.
- Failure to notify the Town Clerk within 10 days of any changes to the property that might affect the issuance or renewal of a license.
- Transferring the license to another licensee.

Section 7. Penalty Clause and Delinquency Remedies: It shall be unlawful for any person to commit any act or omission in violation of this ordinance and any such act shall constitute a municipal offense.

First Offense: Written warning

Second Offense: \$150.00 fine

Third or more Offenses: Not more than \$1,500.00 fine and/or not more than a one (1) year suspension of the short-term rental license at the discretion of the Board of Trustees.

The Town of Jamestown will work directly with the licensees and will provide warnings for a first-time violation. Town staff or an appointee by the Town Board will also ensure that there is ongoing education with licensees to prevent further violations.

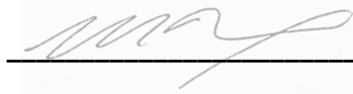
In addition to the foregoing, the Town shall have the right to maintain an action for injunctive relief to enjoin any act in violation of this ordinance, or to enforce the provisions hereof. In the event any such action for injunctive relief is brought, the Town, if it prevails in such action, shall be entitled to recover from the defendant the Town's reasonable attorney fees and costs of suit.

Section 8. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

Section 9. Safety Clause: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY TITLE THIS 5<sup>TH</sup> DAY OF DECEMBER, 2022.**

**Town of Jamestown:**

A handwritten signature in black ink, appearing to read "Michael Box", written over a horizontal line.

**Michael Box, Mayor**

**Attest:**

A handwritten signature in black ink, appearing to read "Kristi Rutledge", written over a horizontal line.

**Kristi Rutledge, Town Clerk**

## **ADDENDUM:**

### **GOOD NEIGHBOR GUIDELINES – Town of Jamestown -**

**December 14, 2020 – Approved by the Jamestown Board of Trustees**

**Presented by the Jamestown Land Use and Housing Advisory Committee (LUHAC)**

The Good Neighbor Guidelines were created to advise Short-Term Rental (STR) owners, property managers and guests on the importance and benefits of being a good neighbor.

STR owners and/or property managers should include these Guidelines with the rental agreement and post the information in a visible place at the property.

**Local Agent Contact Information** – If you have concerns about your stay or the neighbors, please call the 24-hour contact number posted at the property. Please call – 911 if you have an emergency.

**General Respect for Neighbors** – Be courteous and respectful of your neighbors and their property.

**Use of Parks and the Multipurpose Court (Tennis, Basketball, Pickleball)** – Town Parks (Elysian and the Town Square Park) are available for recreational use. The Multipurpose Court at Elysian Park is available for tennis, basketball or pickleball. Please give preference to residents who may want to use the Multipurpose Court – there is regularly scheduled play for pickleball by Jamestown residents.

Please abide by the posted signs and regulations for use of the multipurpose court and the playground in Elysian Park. (Soft-soled tennis or running shoes are the only appropriate footwear for the multipurpose court. Wheeled recreational devices (skateboards, roller blades or skates, bicycles, etc) are not to be used on the court, nor are golf clubs.)

**Noise** – Please be considerate and refrain from activities that will disturb the peace of the surrounding neighborhood.

**Trash Disposal** – Put trash in a provided Western Disposal orange bag and place it where the STR rental owner recommends or by the Firehall. Trash is picked up Friday mornings. Due to bear concerns, please do not put trash out until Friday morning. Following holidays, trash pickup is on Saturday morning.

**Property Maintenance** – Please keep the property clean, presentable and free of trash.

**Parking and Traffic Safety** – Please park in the designated parking place for the property. Do not park on lawns or block driveways. Please drive slowly through neighborhoods and obey posted traffic speed limits.

**Wildlife** – Hunting and feeding wildlife is prohibited within Town limits. Enjoy wildlife at a distance for safety. Lock your car and do not keep any food in your car to protect your property from bears. Note: The discharge of firearms is prohibited within the Town of Jamestown except as provided for in Ordinance No. 9-05, Series 2016, Section 4 concerning the use of rubber bullets, etc. to haze bears and mountain lions.

**Wildfire Safety and Prevention** – Wildfire is a serious threat in Colorado. Fire restrictions may be in place, depending on conditions and the time of year. Please see the current Fire Restrictions posted at the property. Be extremely careful and vigilant: only use approved outdoor devices and ensure all cigarette butts are properly extinguished and disposed of.

For any rental with a wood stove or fireplace, tenants are not to dispose of ash unless the ash is thoroughly cold and also placed in a metal, airtight container. Consult with the home owner as to how to dispose of the ash properly and safely.

**Pets** – Promptly clean up after your pets. This includes the town parks and trails. Store pet food indoors and in a secure container. Prevent excessive barking and do not allow pets to roam at large.

**Guest Responsibility** – Guests and visitors are expected to respect the Jamestown Ordinances and to adhere to the Good Neighbor Guidelines in your rental agreement and posted at the property.

**Jamestown Ordinances:**

**Ordinance No. 1 Series 1997 Section 3**

Depositing, Littering, Abandonment of Materials: No person shall deposit, abandon or dump in any street or alley, public or private, or upon any premises or property in the town, any garbage, refuse, trash, litter or any other offense item or materials of a kind.

**Ordinance No. 9-05, Series 2016 Section 4**

Discharge of Firearms Prohibited: No person, not being a peace officer, shall discharge a firearm within the Town limits. It shall be an affirmative defense to a violation of this section that a person is discharging a firearm in lawful defense of persons or property or the action of use of a firearm to fire rubber bullets, sand bags, bean bags, or other non-lethal physical objects in order to deter bears and mountain lions.

**Ordinance No. 9-05, Series 2016 Section 5**

Disturbing the Peace: It shall be unlawful for any person to disturb the peace of others by violent, tumultuous, offensive or boisterous conduct, or by loud or unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provide breach of the peace.

**Ordinance #6, Series 1997 Section 3**

Running at Large: It is unlawful for any owner to permit any animal or fowl, except a cat, to run at large in the Town.