

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 06, Series of 2020, on the Town of Eagle's web site, www.townofeagle.org, on the 27TH day of May, 2020.

Witness my hand and seal this 27th day of May 2020.



Jenny Rakow
Town Clerk



TOWN OF EAGLE, COLORADO
ORDINANCE NO. 06
(Series of 2020)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
AMENDING TITLE 5 OF THE EAGLE MUNICIPAL CODE BY THE ADDITION OF A NEW
CHAPTER 5.17, REGARDING SHORT-TERM RENTALS

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS
FOLLOWS:

Section 1. Title 5 of the Eagle Municipal Code is hereby amended by the addition of a new Chapter 5.17., to read as follows:

CHAPTER 5.17. – SHORT-TERM RENTALS

Section 5.17.010. – Purpose and applicability.

A. The purpose of this Chapter is to establish comprehensive registration regulations to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, location, and maintenance of short-term rentals in the Town.

B. This Chapter shall apply to short-term rentals only, as defined herein. This Chapter shall not supersede or affect any private conditions, covenants, or restrictions applicable to a short-term rental property.

Section 5.17.020 – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Professional Property Management Firm means an entity comprised of one or more professional property managers with all required licenses in good standing.

Professionally Managed STR means an STR that is managed, operated or controlled by a professional property management firm.

Short-Term Rental ("STR") means a residential dwelling unit, or any room therein, available for lease for a term of less than thirty (30) consecutive days, but excluding bed and breakfasts.

Section 5.17.030. – Registration required.

A current, valid registration is required for each STR in the Town, as well as a Town business license pursuant to Section 5.04.020.

Section 5.17.040. – Registration procedure.

A. At least ten (10) days prior to any advertising of an STR, the owner or property management firm shall register the STR with the Community Development Director or designee, on forms supplied by the Town. For professionally managed STRs, registration for multiple STRs may be made by filing a complete list of all the STRs in the Town managed by such firm, on forms supplied by the Town, and the list shall be updated at least quarterly.

B. The fee for STR registration shall be set by resolution of the Town Council.

C. If the STR is located within a unit that shares a wall with another unit, the registration form shall include a copy of a written notice of the proposed STR use provided by the owner or property manager to the last known address of the record owner of the adjoining residential dwelling unit. The written notice shall be sent by first-class mail or electronic mail at least seven (7) days prior to registering the STR.

D. No registration form shall be accepted without an affidavit, signed by the owner or the property management firm, under penalty of perjury, certifying that the STR is in habitable condition and complies with the health and safety standards set forth in Section 5.17.060.

E. Each STR registration is nontransferable.

F. An STR registration shall expire on December 31 of each calendar year, or when title of the STR transfers to a new owner, whichever occurs first. Each change in ownership of a STR shall require a new registration.

Section 5.17.050. – Local representative required.

Each owner or property management firm shall appoint a natural person who remains within a sixty (60) minute distance of the STR and is available twenty-four (24) hours per day, seven (7) days per week, to serve as the local representative for the STR. The owner or property management firm shall notify the Community Development Director or designee in writing of the appointment of a local representative within five (5) days of such appointment or modification of any such appointment, including contact information.

Section 5.17.060. – Health and safety standards.

A. Each STR shall comply with all of the following standards, at a minimum, at all times while the STR is occupied:

1. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended;

2. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected and shall be kept in sound condition and in good repair;

3. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis;

4. Each STR shall comply with local building and fire codes;

5. An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy;

6. There shall be a sufficient number of trash receptacles to accommodate all trash generated by the occupants;

7. Occupancy of an STR shall comply with Title 4, Chapter 4.04. of this Code;

8. The use of portable outdoor fireplaces is prohibited;

9. Electrical panels shall be clearly labeled; and

10. All pets shall be subject to Title 8, Chapter 8.12. of this Code.

Section 5.17.070. – Parking.

Parking for each STR shall comply with all applicable provisions of the Code. All vehicles shall be parked in designated parking areas, and parking is prohibited in any landscaped area.

Section 5.17.080. – Signage.

An owner or property management firm shall post a sign conspicuously inside each STR. The sign shall include the local representative's current contact

information, the street address of the STR and the STR registration number. All exits shall be clearly identified.

Section 5.17.090. – Advertising.

Advertising for an STR shall include the STR registration number or, for all professionally managed STRs, the Town business license number, immediately following the description of the STR.

Section 5.17.100. – Taxes.

A. For each STR, all applicable Town sales and lodging taxes shall be timely collected and remitted.

B. Professionally managed STRs may submit one tax payment for multiple properties, so long as there is sufficient supporting information to identify each individual STR and the taxes collected on such STR.

Section 5.17.110. – Notice.

Any notice required by this Chapter is sufficient if sent by first-class mail or electronic mail to the address provided by the owner or property management firm on the most recent registration form or registration list, provided that notice to the local representative shall also be sufficient to satisfy any required notice to the owner under this Chapter.

Section 5.17.120. – Liability.

A. An owner shall be liable for any and all violations occurring on the STR.

B. A property management firm shall be jointly and severally liable for any and all violations occurring on any of its professionally managed STRs in the Town.

Section 5.17.130. – Initial complaints.

Initial complaints concerning a short-term rental property shall be directed to the local representative. The local representative shall take reasonable steps to resolve the issue within sixty (60) minutes, including visiting the site if necessary.

Section 5.17.140. – Violations, penalties, and enforcement.

A. It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be a ~~“Non-criminal offense”~~ *civil infractions*. Each day of violation shall be deemed a separate offense and be punishable as such.

B. Violations of this Chapter shall be subject to the following fines and penalties, per STR:

First violation in a 12-month period:	Written warning
Second violation in a 12-month period:	\$500
Third violation in a 12-month period:	\$1,500
Additional violation in a 12-month period:	STR prohibited for two years

C. Enforcement of this Chapter may be initiated in any of the following ways:

1. A citation may be served by posting on the front door of the STR, or by personal service on the owner or the local representative, if present, or by mailing first-class or certified mail to the last known address of the owner, local representative or property management firm;

2. A summons and complaint may be served on the owner of the STR as provided in the Colorado Municipal Court Rules of Civil Procedure; or

3. A summons and complaint may be served on the associated property management firm or local representative for the STR as provided in the Colorado Municipal Court Rules of Civil Procedure.

D. In addition to the penalties described above, the Town shall have all remedies provided by law for a violation of this Chapter, including without limitation: damages; specific performance; and injunctive relief, including an injunction requiring eviction of any occupants of the STR and an injunction to prohibit the occupancy of the STR. All remedies shall be cumulative.

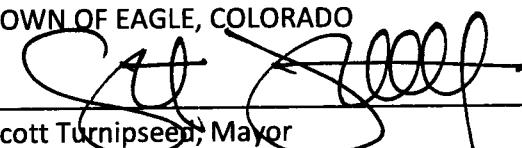
Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

MAY 26, 2020

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON ~~APRIL 28, 2020.~~

TOWN OF EAGLE, COLORADO


Scott Turnipseed, Mayor

ATTEST:


Jenny Rakow, Town Clerk



PUBLISHED ON WWW.TOWNOFEAGLE.ORG

MAY 27, 2020

JENNY RAKOW, TOWN CLERK

