

ORDINANCE NO. O-023-003

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

AN ORDINANCE REGULATING SHORT-TERM RENTALS

WHEREAS, the Board of County Commissioners of the County of Douglas (“Board”), Colorado has authority pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes (“C.R.S.”) to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term rental; to fix the fees, terms, and manner for issuing and revoking licenses issued for such units; and to regulate a vacation rental service; and

WHEREAS, the Board respects the rights of private property owners to use and enjoy their property, and desires to ensure that lodging units rented for short-term rental are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

WHEREAS, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS as follows:

Section I. Scope of Ordinance and Authority

This Ordinance is authorized pursuant to Section 30-15-401(1)(s) C.R.S., and shall apply to Short-Term Rental Lodging Units, as defined herein, in all zone districts in unincorporated Douglas County. A Dwelling within a Planned Development (PD) shall not be licensed as a Short-Term Rental Property unless such PD specifically allows such use. This Ordinance shall not apply to:

- A. Lodging services in hotels, motels, or campgrounds.
- B. Hotel Units.
- C. Bed and breakfast establishments.
- D. Properties with long-term leases of more than thirty (30) consecutive days.
- E. Lodging Units that are not leased more than 14 days in a calendar year and not advertised as a short-term rental on a regular basis.
- F. Dwellings owned by a Country Club for use by its members or their guests to utilize the Country Club’s facilities and adjacent amenities. This shall not be construed in a way that permits the advertising and leasing of said Dwellings to the public.

Section II. Definitions

As used in this Ordinance, unless the context otherwise requires:

“Advertise” means any act, method, or means of drawing attention to a Short-Term Rental Property for purposes of promoting the same for Lease or occupancy.

“Country Club” means a privately owned club, often with a membership and admittance by invitation or sponsorship, that generally offers both a variety of recreational sports and facilities for dining and entertaining.

“Dwelling” means a building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures.

“Department” means the Department of Community Development.

“Director” means the Director of Community Development, or the Director's designee.

“Hotel Unit” means a portion of a structure that is used by a business establishment to provide commercial lodging to the general public for predominantly overnight or weekly stays, classified as a hotel or motel for purposes of property taxation, and not a unit in a condominium as defined in section 38-33.3-103 (30) C.R.S.

“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 a right to retake control and use of the property.

“Lessee” means the party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means the Owner(s) of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means the owner or owners of record of a Lodging Unit in unincorporated Douglas County.

“Local Responsible Agent” means an individual or the representative of a property management company, who is not a lessee of the Short-Term Rental Property and who is designated by an Owner, applicant, or Licensee to serve as the local agent who shall have access and authority to assume management of the Lodging Unit and take remedial measures.

“Lodging Unit” means any Dwelling, but not a portion thereof, that is available for Short-Term Rental; except that the term excludes a Hotel Unit.

“Short-Term Rental” means the rental of a Lodging Unit for a term of less than thirty (30) consecutive days.

“Short-Term Rental Property” means a Lodging Unit available for lease for a term of less than thirty (30) consecutive days.

"Vacation Rental Service" means a person that operates a website or any other digital platform that provides a means through which an Owner or Local Responsible Agent may offer a Lodging Unit, or portion thereof, for Short-Term Rentals, and from which the person financially benefits.

Section III. Short-Term Rental License Required, Transferability

- A. It shall be unlawful for an Owner to use a Lodging Unit for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental Properties shall be submitted to the County no later than ninety (90) days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Lessees of the Short-Term Rental Property may not be issued a Short-Term Rental license.

Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements

A. License Application.

- 1. Applications for a Short-Term Rental Property license shall be submitted to the Department on a form provided by the Department.
- 2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
- 3. Incomplete applications shall not be accepted and may be returned to the applicant.
- 4. An application may be submitted by the Owner or by a non-Owner applicant with notarized written consent of the Owner.
- 5. It is the duty of each Short-Term Rental Property Owner to ensure that all information provided in a license application is always up to date and it shall be unlawful for an Owner to fail to provide updated information to the County within ten (10) days after the date upon which the current information provided is no longer accurate.
- 6. The following shall be submitted to the Department, unless waived by the Director:
 - a. A completed license application on the form provided by the Department.
 - b. A written, notarized declaration that the Local Responsible Agent is entitled to act, in the Owner's absence, as the representative of the Owner on issues related to the Lodging Unit, the Short-Term Rental, and the Short-Term Rental Property and agrees that the Owner and Local Responsible Agent shall comply with the requirements and limitations of this Ordinance.
 - c. The license application review fee.
 - d. A copy of the Renter Information Interior Signage that complies with the requirements of Section V.M. that will be posted on or within the subject Lodging Unit.
 - e. A copy of the Renter Written Instructions that comply with the requirements of Section V.N. that will be placed in the subject Lodging Unit.
 - f. A parking plan that complies with the requirements of Section V.H.
 - g. An affidavit signed by the Owner, under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in

Section V.E., and that the Renter Information Interior Signage and Renter Written Instructions required by Sections V.M. and V.N. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.

- h. For the first licensing year, a copy of the Use Permit issued by the Douglas County Health Department for the On-Site Wastewater Treatment System specifying a change in use to a Short-Term Rental, as applicable.
 - i. For the first licensing year, copies of inspection reports and determinations from the Douglas County Building Division and the Douglas County Health Department that such use of the Lodging Unit is acceptable. In subsequent licensing years, the Department may request the Owner to provide confirmation from either or both entities that the Lodging Unit remains acceptable for use as a Short-Term Rental Property.
- 7. Such other information as the application form, as it may be amended from time to time, shall require.
 - 8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.

B. License Term and Renewal

- 1. A Short-Term Rental Property license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner, whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license application.
- 2. The Department shall review a complete application for a new license or renewal of a Short-Term Rental Property license within sixty (60) days of its receipt.
- 3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.

C. Local Responsible Agent Required

- 1. As a condition of receiving a Short-Term Rental Property license, the Owner shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
 - a. The Owner shall notify the Director in writing of the appointment of a Local Responsible Agent within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, email address, and text-enabled telephone number.
 - b. It is the Owner's responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
 - c. The Owner may appoint themselves as the Local Responsible Agent.
 - d. If a Vacation Rental Service provides additional services for the Owner that are related to the Owner's Lodging Unit but unrelated to providing a means of offering the Lodging Unit for Short-Term Rentals through a website or other digital platform, then the Director may regulate the Vacation Rental Service as an Owner's Local Responsible Agent with respect to those additional services.
 - e. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.

2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
3. Either the Local Responsible Agent or the Owner shall be available 24 hours per day, 7 days per week by a text-enabled telephone to respond to questions or concerns. Failure of the Local Responsible Agent or Owner to be available as the need arises shall be cause for suspension of the Short-Term Rental license.
4. During the term of a Short-Term Rental Lease, either the Local Responsible Agent or the Owner shall be able to be physically onsite of the Short-Term Rental Property within two (2) hours at the request of the County. Failure of the Local Responsible Agent or Owner to be available as the need arises shall be cause for suspension of the Short-Term Rental license.

D. Notice Requirements

1. For the first licensing year, the Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. Staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
2. For the first licensing year, the Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited to, the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.
3. In subsequent licensing years, the Department may seek input from referral agencies, as it deems necessary.

Section V. Requirements and Limitations

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a detached single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner is allowed to use only one residence as a Short-Term Rental Property.
- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed onsite.
- C. The Owner or Local Responsible Agent is responsible for ensuring the Short-Term Rental Property meets all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-Term Rental Property license shall be issued for a Lodging Unit that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards. Each Short-Term Rental Property licensed under this Ordinance shall:
 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Lodging Unit for which an on-site wastewater treatment system was not permitted and

- approved by the County for use consistent with the proposed use. If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner shall consult with the Douglas County Health Department within two (2) business days.
2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
 4. Have operable smoke detectors and carbon monoxide detectors, as required by the current County Residential Building Code.
 5. Have at least one (1) portable fire extinguisher rated 2-A:10-B:C or two (2) portable fire extinguishers rated 1-A:10-B:C or higher. Portable fire extinguishers shall be installed and maintained in conspicuous, accessible locations. Recommended location is near an exit and within 30 feet of the kitchen. Extinguishers shall be on hangers or brackets supplied by the manufacturer or placed on shelves. Top of the extinguisher shall not be more than 5 feet above the floor and not less than 4 inches above the floor. Portable fire extinguishers shall be maintained in a fully charged and operable condition. Extinguishers shall be inspected, serviced, or replaced in accordance with the manufacturer's instructions.
 6. If the residence has a fire sprinkler system, it shall be operable and in working condition.
 7. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 8. Have electrical panels with each circuit clearly labeled.
 9. Pools, spas, and hot tubs at a Short-Term Rental Property shall meet the current County Residential Building Code.
 10. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 11. Provide in the Short-Term Rental Lease with any Lessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; use of fireworks; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. **Trash Handling.** There shall be a sufficient number of trash receptacles to accommodate all trash generated by occupants of the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. **Occupancy.** Occupancy of a Short-Term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed two (2) guests per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner, the Local Responsible Agent, or the Lessee of

a Short-Term Rental Property to exceed the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles and trailers of all occupants of the Short-Term Rental Property shall be able to be accommodated on the permitted and approved driveway of the Short-Term Rental Property. No motor vehicles or trailers shall be parked on the vegetated areas of a Short-Term Rental Property. While occupying a Short-Term Rental Property, no person shall park in violation of this Ordinance or in violation of the parking plan the Owner must submit in accordance with Section V.H.2.
2. The Owner of a Short-Term Rental Property shall provide a parking plan for the property that clearly delineates the area(s) for the parking of vehicles and trailers.

I. Camping and temporary structures. While occupying a Short-Term Rental Property as the Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.

J. Fires, Grills, and Fireworks. While occupying a Short-Term Rental Property as the Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, any other ember-producing equipment, or fireworks.

K. ATVs. While occupying a Short-Term Rental Property as the Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.

L. Shooting. While occupying a Short-Term Rental Property as the Lessee, no person shall shoot a firearm for recreational purposes.

M. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved license in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:

1. The Short-Term Rental license number.
2. The maximum number of people permitted for overnight occupancy.
3. Physical address number and street of the Short-Term Rental Property.
4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
5. Contact information for the Owner and Local Responsible Agent, including a phone number for 24-hour response to emergencies.

N. Renter Written Instructions.

1. Written Instructions shall be maintained within each Short-Term Rental Property that include and address the following:
 - a. A copy of this Ordinance.
 - b. Description of location of fire extinguishers and emergency egress.
 - c. The location, by description or depiction, for vehicle and trailer parking and maximum number of parked vehicles and trailers permitted for the property.
 - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.
 - e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
 - f. Snow removal instructions or information.
 - g. Policies regarding noise.
 - h. Policies regarding pets.
 - i. Applicable homeowners' association policies, if any, specific to the property or community.

- j. Good neighbor and lessee guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
 - k. Any other information deemed necessary by the County to ensure the public's health and safety.
2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Lodging Unit.
 3. It is the Owner or the Local Responsible Agent's responsibility to ensure that the Renter Written Instructions described herein are maintained in a readable form at the Short-Term Rental Property.
- O. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
- P. Taxes. The Owner or the Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
- Q. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner, shall also be sufficient to satisfy any required notice to the Owner under this Ordinance.
- R. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- S. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, the Director or Director's designee, Douglas County Sheriff, or both may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the Director or the Director's designee, the Douglas County Sheriff, or both shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner, the Local Responsible Agent, or Lessee and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the Director or the Director's designee, the Douglas County Sheriff, or both shall have recourse to every remedy provided by law to secure entry. When the Director or the Director's designee, the Douglas County Sheriff, or both has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or Lessee having charge, care, or control of any Short-Term Rental Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the Director or the Director's designee, the Douglas County Sheriff, or both for the purpose of inspection of the Short-Term Rental Property.

- T. Reservations. Any term of a Short-Term Rental Lease shall not overlap with the term of any other Lease.

Section VI. Denial of License

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following:
 - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
 - 2. The proposed property to be used for Short-Term Rental is located in a community or subdivision that expressly prohibits Short-Term Rentals in its covenants, controls, rules, restrictions, declarations, or by-laws.
 - 3. The required license application review fee and/or annual license fee has not been paid.
 - 4. The application is incomplete or contains false, misleading, or fraudulent statements.
 - 5. Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section VII. Suspension or Revocation of License

- A. Suspension. The Director may suspend a Short-Term Rental license based on any of the following:
 - 1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
 - 2. The Owner or Local Responsible Agent operated the Short-Term Rental Property in violation of a building, fire, health, or safety code adopted by the County, said determination being based on investigation by the department, division, or agency charged with enforcing said code.
 - a. In the event of such a code violation, the Director shall promptly notify the Owner and/or the Local Responsible Agent of the violation and shall allow the Owner or Local Responsible Agent a ten (10) day period in which to correct the violation.
 - b. If the code violation is not corrected before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the Owner and/or Local Responsible Agent of the suspension.
 - 3. The Owner failed to pay any taxes due to the County.
 - 4. The Owner failed to timely pay the license application review fee and/or annual license fee.
 - 5. The Owner failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the license application review fee and/or annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.

- B. Revocation. The Director shall revoke a Short-Term Rental Property license upon determining that:

1. The Short-Term Rental Property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.
2. A Licensee gave false or misleading information in the materials submitted as part of the application process.
3. A Licensee knowingly operated the business during a period of time when the Licensee's Short-Term Rental Property license was suspended.
4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner shall not be issued any new Short-Term Rental license for other Lodging Units for one (1) year from the date revocation became effective.

Section VIII. Listing Removal

- A. Listing Removal. The Director shall notify the Vacation Rental Service that it must remove a Short-Term Rental listing from any digital platforms within seven (7) days of receiving such notice, if there is a prohibition on the Short-Term Rental of the Lodging Unit or if the Owner of the Lodging Unit:
 1. Has a suspended or revoked Short-Term Rental license.
 2. Has been issued a notice of violation or similar legal process for not possessing a valid Short-Term Rental License.
- B. The notification must identify the listing's uniform resource locator (URL) or other specified digital location to be removed and state the reason for the removal.

Section IX. Appeal; Hearing on Denial, Suspension, or Revocation

- A. Appeal. An Owner or applicant may appeal a license application denial, license renewal application denial, license suspension, or revocation of the Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the Director's decision to deny, suspend or revoke. In the event that a Licensee appeals a suspension or revocation, the subject Short-Term Rental Property must cease to operate as a Short-Term Rental until such time a final order overturns the Director's decision to deny, suspend, or revoke.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the Owner or applicant at the address on the license application.
- C. Final Order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of an Owner or applicant to appeal said

Order in a timely manner, pursuant to said Rule 106, constitutes a waiver of any right he or she may otherwise have to contest the denial, suspension, or revocation of the Short-Term Rental Property application or license.

- D. Hearing Powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary for the determination of issues of fact of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by Douglas County's District Court in the State of Colorado.
- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental application or license issued under this Ordinance shall be recorded by an electronic recording device. A copy of the record may be found on the County website at www.douglas.co.us or by request from the Department.

Section X. Fees

- A. The Short-Term Rental Property license application review fee and Short-Term Rental license fee shall be set by Resolution of the Board of County Commissioners. No Short-Term Rental license shall be issued until the applicable fee(s) has been received by the Department.
- B. If an application is approved, the Short-Term Rental license fee is required to be paid prior to issuance of the Short-Term Rental license.
- C. Fees are non-refundable. Upon denial of any license, the license application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked, suspended, or relinquished prior to the end of the license term, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any Licensee.
- D. The Short-Term Rental Property license application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.
- E. The Short-Term Rental license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the provisions in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

Section XI. Violations, Penalties and Enforcement

- A. It is unlawful for any Owner, Local Responsible Agent, Lessee, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. An initial warning may be issued to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, electronically (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner, Local Responsible Agent, Lessee, or occupant.
- C. When any of the following occur or is imminent, a warning may not be provided:
 - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.

- 2. The violation is determined to be affecting the quality of life of residents or visitors within proximity of the Short-Term Rental Property.
- 3. Time is of the essence and authorized by the Director or the Director's designee or the Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.
- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director or the Director's designee, and the Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, C.R.S. and upon conviction thereof, shall be punished by a fine of TWO HUNDRED FIFTY dollars (\$250.00) for a first violation, a fine of FIVE HUNDRED dollars (\$500.00) for a second violation, and a fine of ONE THOUSAND dollars (\$1000.00) for the third and subsequent violations.
- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of TEN dollars (\$10.00) that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

Section XII. Severability


Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XIII. Effective Date

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in Section 30-15-405, C.R.S.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on June 13, 2023,
and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: 
Abe Laydon, Chair


ATTEST:

Deputy Clerk




ADOPTED ON SECOND AND FINAL READING on July 11, 2023, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By 
Abe Laydon, Chair

ATTEST:


Deputy Clerk

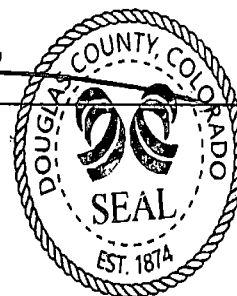


CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-003 was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on June 13, 2023, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on June 29, 2023, and thereafter was adopted as amended on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on July 11, 2023. Said ordinance was published in full on July 20, 2023.

[Handwritten Signature]

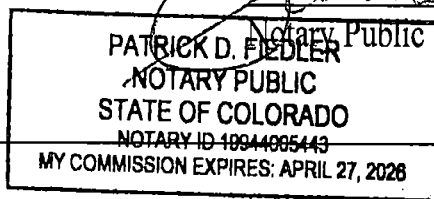
Deputy Clerk



State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 7th day of AUGUST, 2023,
by ROBERTA NELSON, Deputy Clerk.

[Handwritten Signature]



My commission expires:

CERTIFICATION

I, Roberta Nelson, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-003, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

[Handwritten Signature]

Deputy Clerk

