

ORDINANCE NO. 25-2021

**AN ORDINANCE AMENDING SECTION 21-2-405 OF THE CODE OF
ORDINANCES OF THE CITY OF ALAMOSA AMENDING SHORT-TERM
RENTAL REGULATIONS**

WHEREAS, Alamosa’s Unified Development Code (“UDC”), codified in Chapter 21 of the *Code of Ordinances of the City of Alamosa*, establishes a comprehensive means of regulating the use and development of property within the City of Alamosa, including short-term rentals; and

WHEREAS, regulating short-term rental units is a complex balance of competing interests, such as tourist demand and revenue, individual property rights, the effect on attainable and workforce housing, and the impact of these short-term guests on permanent residents and local neighborhoods; and

WHEREAS, the supply, demand, and impacts of short-term rentals have increased since the UDC was adopted; and

WHEREAS, at its meeting on September 22nd, 2021, Planning Commission considered this issue and recommended adopting some form of the additional regulations for short-term rental units provided herein; and

WHEREAS, Council passed this ordinance on first reading on November 17, 2021, but tabled the matter on second reading on December 1, 2021 in order to schedule work sessions and facilitate more public input, placing a moratorium on new short-term rental applications in the interim; and

WHEREAS, having further considered the matter at multiple subsequent work sessions with additional public input, Council determined to make changes to the ordinance as reflected in this version finally approved on second reading; and

WHEREAS, City Council finds it in the best interest of citizens to have additional regulations for short-term rental businesses to help ensure the health and safety of occupants, the peaceful enjoyment by citizens of their neighborhoods, and compliance by short-term rental businesses with state and local taxes;

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Amendment of Section 21-2-405. Section 21-2-405 is amended to read in its entirety as follows:

Sec. 21-2-405. Short-term rental of dwelling units.

- (a) *Generally.* The standards of this section apply to short-term rental of residential dwelling units for a term of less than 30 days with the following provisions:

- (1) Single Family Detached Dwellings and Duplex Dwellings may be rented out in their entirety. Multifamily Dwellings are restricted to one licensed unit per Multifamily dwelling. The short-term rental of residential units within Multifamily dwellings with more than four units is prohibited.
 - (2) Owner-occupied short-term rentals or the short-term rental of accessory dwelling units associated with an owner-occupied property are classified as *Bed and Breakfast Inns* and are not subject to these standards except where otherwise provided. For the purposes of this section, an owner-occupied property is defined as a dwelling, or unit thereof, that the owner resides in for at least 9 months per year.
- (b) *License Required.* No Dwelling Unit shall be offered for short-term rental unless the owner or person in control of the property (with the written authorization of the owner) has first secured a short-term rental license for such use from the city. *Bed and Breakfast Inns* must obtain a business license for such use by the city. All owners of short-term rentals and *Bed and Breakfast Inns* are required to collect and remit all applicable taxes for units rented. Each unit must be individually licensed.
- (c) *Short-term Rental Zones Established.* Council shall establish a short-term rental zone map by resolution, setting forth different administrative zones within the city for purposes of managing the distribution of short-term rentals. Except for short-term rentals holding a valid business license at the effective date of this ordinance, and thereafter keeping it continuously current, short-term rental units shall be limited to 5% of the total number of Dwelling Units within each short-term rental zone. New licenses shall be granted on a first-come-first-served basis. The short-term rental zone map, as it may be amended from time to time by resolution of Council, and a waiting list for new applications prioritized by date of filing of application within each zone, shall be kept on file with the Administrator.
- (d) *Transferability.* The right to keep a license in effect after a transfer of ownership and to renew the license in the name of the new owner shall run with the property. New owners must update the name and contact information within 60 days of property transfer or the short-term rental license associated with that property shall be deemed to have lapsed.
- (e) *Inspection, Conditions, Term, and Renewal.*
- (1) The Administrator may require an inspection of the short-term rental unit for the purpose of determining whether the unit is subject to any extraordinary fire hazard or other unique circumstance affecting the use of the unit as a short-term rental as a condition precedent to the issuance of a short-term rental license or license renewal. The Administrator may require such changes or alterations to be made, in, about, upon or in connection with the premises as shall be reasonably necessary to correct any objectionable condition so found to exist as a condition of the issuance of a license for which application shall have been made.
 - (2) If a new license is granted, the Administrator will notify all owners of record owning property within 100 feet of the licensed unit.
 - (3) A short-term rental license expires on December 31 of the year of issuance. An application for renewal of a short-term rental license may be made beginning 45

days prior to the expiration of the existing license, and must be made before expiration of the license. A license shall be renewed as a matter of course unless there have been violations of the terms and conditions of the license or of any laws of the state or ordinances of the city during the expiring term.

(f) *Requirements and Operation Limitations.*

- (1) *Parking.* All vehicles shall be parked on the property on which the short-term rental unit is located or the adjacent street segment. No motor vehicle shall be parked on a lawn or landscaped area of a short-term rental property. Properties with on-site parking are allowed two on-street parking spaces. Properties with no on-site parking are allowed three on-street parking spaces.
- (2) *Occupancy.* Short-term rental contracts shall limit the number of guest vehicles to the number of parking spaces that are available as allowed above to accommodate them.
- (3) *Life Safety.* Each premises licensed under this chapter shall conform to the applicable requirements of the city's building, technical and safety codes that may have been adopted by the City, and in addition, shall have smoke detectors, carbon monoxide detectors and fire extinguishers installed and maintained in operable condition. Chimneys of wood burning fireplaces and stoves shall be cleaned on an annual basis.
- (4) *Renter Information Notice.* An owner shall place and maintain near the primary entrance within each short-term rental unit a notice to renters in a form approved by the Administrator.
- (5) *Advertising Notice.* All advertising for a short-term rental unit shall include the short-term rental license number in the listing title.
- (6) *Noise and Nuisance.* All short-term renters must comply with all city ordinances, including, but not limited to, unreasonable noise, offensive odors, and rubbish.
- (7) *Local Operator Information and Liability.* The contact information of the local short-term rental owner, operator, or their designated responsible agent shall be kept on file with the Administrator. The local operator must permanently reside within Alamosa, Conejos, Costilla, Mineral, Rio Grande, or Saguache County. The owner and operator are jointly and severally liable for ensuring compliance with provisions of the *Code of Ordinances of the City of Alamosa* intended to ensure the health, safety and quiet enjoyment of residential neighborhoods (e.g. snow and ice removal, weed control, trash removal, noise levels, etc.). The local contact must be available to respond to any issues arising from the short-term rental within 24 hours. The designated responsible party may be the owner of the property.

Section 2. Licensing for Existing Short-term Rentals. Short-term rental units operating with a valid business license as of December 15th, 2021, and having been kept continuously current shall obtain a short-term rental license within 45 days of the effective date of this ordinance.

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 7. Codification. The City Clerk is directed to codify the provisions of Section 1 of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein. Sections 2 and following shall not be codified.

INTRODUCED, READ AND APPROVED on first reading the 17th day of November, 2021, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 4th day of May, 2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 20th day of April, 2022.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk