

ARTICLE II. SHORT-TERM RENTAL REGULATIONS

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Sec. 11-2 Applicability and purpose.

The purpose of this article is to establish comprehensive licensing provisions to safeguard the public health, safety and welfare, by regulating the use, occupancy, and maintenance of short-term rental properties. This article shall apply to short-term rental properties only, as defined herein. This article shall not supersede or affect any private conditions, covenants or restrictions applicable to a particular property. This article shall not apply to properties which are mandated by recorded covenants or zoning limitations or restrictions to short-term rental units within the property.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 23-1, § 2, 2-7-23)

Sec. 11-3 Short-term rental license requirements.

(a) License required. All short-term rentals, with the exception of buildings mandated to be short term rented by covenant or law, shall be licensed under the terms and provisions of this article prior to renting a property or listing it as a short-term rental in any fashion, whether individually, or through a broker or other advertising site. A short-term rental license may be issued in all zoning districts. Short-term rental licenses are valid only for the property for which the license is issued and are not transferrable upon conveyance of the property.

A license application for which no license has been issued within sixty (60) days of the date the application is submitted to the town shall be deemed denied and no further action by the town shall be undertaken, unless an extension is granted by the town upon the applicant showing good cause for an extension. Upon conveyance of a

licensed property to a new owner, the new owner shall have sixty (60) days to receive a new license from the town without being in violation of this chapter.

The town shall maintain a document entitled “STR Guide” that is consistent with the terms of this article, and which is intended to assist owners in obtaining a short-term rental license, as well as written policies to address whether an extension may be warranted.

In order to obtain a license, an applicant must submit or obtain:

(1) Sales tax and occupational fee licenses. Prior to the issuance of a short-term rental license, the STR licensee of the property shall provide to the town proof of current sales tax and occupational fee license.

(2) Proof of ownership. The STR licensee shall provide evidence of ownership or right to possession of the proposed short-term rental property. In the case of an owner managed short-term rental, the owner shall submit a copy of the deed verifying ownership or a current property tax bill. In the case of a lease managed short-term rental, the applicant must provide verification from the owner that the property can be short-term rented. In the case of an applicant that is not a natural person, but where ownership is held in a corporate entity, the applicant must provide documentation sufficient to demonstrate to the satisfaction of the town clerk that the natural person applicant is either a majority owner in the corporate entity or a majority beneficiary of the corporate entity and is authorized to make application on behalf of the corporate entity. Such documentation may include articles of organization or other materials demonstrating the corporate authority of the natural person or persons signing the application.

(3) An STR license will not be issued for a property that has an open building permit until a certificate of occupancy (CO) (not temporary certificate of occupancy “TCO”) has been issued or the permit has been closed by the town. For a property with an existing license that has an open building permit, the STR license shall be temporarily suspended until a certificate of occupancy (not TCO) has been issued or the building permit has been closed.

(4) STR license fee. A fee set by the town council by resolution shall be paid to the town annually for a short-term rental license. The initial inspection and one follow-up inspection are included in the STR fee. Any further inspections necessary to obtain compliance with the Town Code, prior to issuance of an STR license shall be at an additional cost set by town council by resolution. Fees are non-refundable. If the STR licensee desires to have town staff complete the online application renewal process, the town will assess a fee for that service.

(5) Self-compliance affidavit. No license shall be issued without an affidavit, digitally signed by the owner under penalty of perjury.

(6) Parking plan. The applicant shall provide to the town a site plan for the property showing the number of on-site parking spaces. If the property is managed by a homeowner's association (HOA) the HOA must approve the parking plan.

(7) Occupant capacity count. The occupancy of the STR shall be confirmed by the zoning administrator. Any increase in occupant capacity shall require a new inspection and be subject to the additional inspection fee.

(8) Local representative. The applicant (licensee) must identify and provide contact information for a local representative qualified and capable of providing property maintenance repair who is located within a forty-five (45) minute drive of the property. The local representative shall be on call full time (24/7), shall have physical access to the STR, and shall be authorized to make maintenance and repair decisions regarding the STR on behalf of the licensee. The local representative is also responsible for responding to complaints within forty-five (45) minutes. The local representative may be a property management company. It is the owner's responsibility that the name and contact information for the local representative is provided to the town throughout the term of the license any time the local representative changes. The STR licensee must submit a new local representative form within ten (10) days of a change in their local representative, or their license will be revoked.

(9) Good neighbor policy. Complete the good neighbor policy form.

(10) Initial inspection. Upon filing a complete application, the STR applicant shall schedule an inspection of the property with the zoning administrator. The inspection shall include building code compliance related to life safety issues, as well as compliance with the approved parking plan. No property shall be granted a short-term rental license until the zoning administrator determines the property to be in compliance with applicable provisions of the Town of Mt. Crested Butte Town Code. A property that has been issued a certificate of occupancy for improvements permitted by the town and to which modifications cannot be reasonably made as to life safety building code provisions, shall be deemed to be in compliance with Town Code, subject to written acknowledgement by the owner or lessee of the property accepting liability and agreeing to indemnify the town against any claim for any injury occurring on the property due to such issues. The town may require modifications to any property seeking a license including, but not limited to, the addition of fire extinguishers, ladders, handrails, or other life/safety equipment.

(b) Requirements following licensure.

(1) Periodic life-safety inspections. Because STR's are, by their nature, intended to be occupied by guests for short periods of occupancy, it is determined that the town's ability to periodically inspect STRs is in the interest of public safety. Therefore, the zoning administrator may enter an STR at all reasonable times to inspect the STR. If the STR unit is occupied, the zoning administrator shall first present the proper credentials and request entry. If the STR unit is unoccupied, the zoning administrator shall first make a reasonable effort to locate the licensee, the local representative, or other person having charge or control of the STR and request entry. If such entry is refused, or if the STR is locked, the zoning administrator shall have recourse to every remedy provided by law to secure entry. When the zoning administrator has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, licensee, occupant, or any other persons having charge, care, or control of the unit shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the zoning administrator for the purpose of inspection of the STR. No inspection warrant or permission shall be required for the zoning administrator to enter and inspect a short-term rental in the case of an emergency involving the potential loss of property or human life.

(2) Posting of documents.

a. Each STR licensee shall post the STR license number, maximum occupancy, approved parking plan, and local representative information on any advertisement of the property.

b. Each STR licensee shall post in a conspicuous location inside the STR a copy of the STR license approved parking plan, local representative contact information, self-compliance affidavit, the good neighbor policy, and trash instructions.

c. Property owner agrees that the town will post to the town website the property address, STR licensee name, local representative name and phone number, maximum occupancy, and number of parking spaces allowed by the license.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 21-7, § 2, 8-13-21; Ord. No. 21-10, § 1, 11-16-21; Ord. No. 23-1, § 2, 2-7-23)

Sec. 11-4 Duration and renewal.

An STR license is valid for the duration or remainder of the calendar year. A license holder shall submit an application for license renewal not less than sixty (60) days prior to expiration of the current license. The application shall include a new self-compliance affidavit that is signed by typing the applicant's name on the application form in the proper location.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 21-7, § 3, 8-13-21; Ord. No. 23-1, § 2, 2-7-23)

Sec. 11-5 Taxes.

An STR licensee shall be responsible for the collection and submission of all taxes in compliance with state, county, and local law, and remit the same to the proper taxing authority. Delinquent taxes constitute a lien on the real property and may be made effective by the town certifying the amount of the charges and the period covered by the charges and giving a legal description of the premises to the county treasurer, to be collected and paid to the town by the county treasurer. The town may add to the amount due the late payment penalty, and costs incurred by the town in attempting to collect the amount due, including attorney's fees, to the delinquent tax lien.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 21-7, § 4, 8-13-21; Ord. No. 23-1, § 2, 2-7-23)

Sec. 11-6 Enforcement.

The property owner of any property licensed as an STR shall be liable for any violations of this article as well as applicable provisions of the Town of Mt. Crested Butte Town Code.

The failure to license an STR constitutes a violation of this article in addition to any other violations.

The town may enforce the requirements of this article by any or all of the following means:

(a) The town may issue a warning letter complying with section 11-7 to any person or entity renting a property as an STR without a license, or for any other violations of

the Town Code, providing a date for cessation or compliance and providing an invoice detailing sums due to the town for such violation, including attorney fees and costs incurred by the town in attempting to obtain compliance.

(b) The town may suspend, revoke or refuse to renew an STR license.

(c) The town may prosecute a civil action pursuant to Town Code provisions applicable to the violation.

(d) Fines for violation of this article are:

(1) Up to one thousand dollars (\$1,000.00) per day the unit is advertised or rented without a license.

(2) Up to two hundred dollars (\$200.00), for an online listing missing STR number or failure to post required items in listing.

(3) A fine of not more than two thousand six hundred fifty dollars (\$2,650.00) per day for violation of any other provision of the article or Code, such fine amount to be determined by the municipal court judge, plus attorney fees and costs.

Each day any violation of any provision of the Code shall continue shall constitute a separate violation for which fines may be assessed.

If a license is revoked, the town shall not accept an application for a new license for the same property for a period of twenty-four (24) months from the date a license is revoked, unless ownership of the property has transferred to a new owner with no legal or other affiliation to the ownership on the date of revocation.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 21-7, § 5, 8-13-21; Ord. No. 21-10, § 2, 11-16-21; Ord. No. 23-1, § 2, 2-7-23)

Sec. 11-7 Notices.

Any notice required by this article is sufficient if mailed by first-class mail to the address provided by the owner of the property on the most recent license application.

(Ord. No. 20-2, § 1, 6-2-20; Ord. No. 21-3, § 1, 5-18-21; Ord. No. 23-1, § 2, 2-7-23)

Secs. 11-8—11-39 Reserved.



Short Term Rental Guide

If you own a property within the Town of Mt. Crested Butte and want to short-term rent (STR) your property, or part of your property, for periods of less than 30 days, you must apply for a Short-Term Rental License. **You are not allowed to short-term rent or advertise your property to short-term rent until you have a license. Failure to have an approved and current STR license before advertising or short-term renting your property will result in a fine of up to \$1,000 per day.**

The cost for a new short-term rental license is \$275 per calendar year.

The annual cost to renew your short-term rental license is \$200 per calendar year.

Licenses are only valid through December 31 of the year you apply for your license.

New applications require the following:

1. **Proof of Property Ownership:** Acceptable documentation is a copy of your Warranty Deed or latest property tax bill. No other documents will be accepted.
2. **Self-Compliance Affidavit:** You and your property must comply with all terms on the self-compliance affidavit. Compliance will be verified during the property inspection and monitored by Town Staff. Any violation of the terms in the affidavit could result in suspension or revocation of the STR License.
3. **Parking Plan:** All STRs must have a parking plan. The parking plan must include the maximum number of available/assigned parking spaces for guests. The onsite parking plan will be verified during the property inspection. Your guests are only allowed to have the maximum number of cars on your property at any given time, including visitors of those guests. All guests must be parked on your property and are NOT allowed to park extra vehicles on the street. If your property is governed by an HOA, you will need to submit a parking plan that has been approved by your HOA. [Click here](#) for the HOA Parking Plan Form that your HOA can complete. A formal approval letter signed by the HOA president or manager clearly detailing

parking will also be accepted. For single family homes, the parking plan must be a diagram or map with the parking locations notated. The parking plan needs to be consistent throughout the year; you can't have one parking plan for the summer and another for the winter.

4. [Local Representative Responsibility & Owner Authorization Form](#): Every STR must have a local representative available 24/7 while guests are in-house to address an emergency or guest caused issue. The local representative must live within 45 minutes of the property, respond to phone calls 24/7, have physical access to the property, and be able to make decisions regarding the property and its guests. If you live in Gunnison Valley and rent your property, you may be your own Local Representative, but when your property is being rented, you are NOT allowed to be further than 45 minutes away from the property. If you change your local representative, you must notify the Town within 10 days by submitting a new Local Representative Responsibility and Owner Authorization Form. A photo of the Local Representative's driver's license or Affidavit of Residency is required to verify this person lives within 45 minutes of the STR. The Local Representative can be a property management company.
5. [Good Neighbor Policy](#): You must read, sign, and post the document in the rental property for guest compliance. Violations of the good neighbor policy could result in suspension or revocation of the STR license.
6. [Occupational Fee](#): You will pay the occupational fee when you apply for your STR License online. The occupational fee is based on the maximum number of people you advertise the property sleeps. The occupational fee is \$10 per person the property is advertised to sleep. For example, if your property is advertising sleeping for eight (8) people, then the fee is \$80. You will pay the occupational fee along with your STR license fee at the end of the application.

**If you submit an application that is substantially incomplete, your application will be denied, and you will have to resubmit your application and pay all fees again. Substantially incomplete means you did not complete at least two (2) of the five (5) required documents properly. **

Please note that applications will be processed once all documentation has been submitted and the payment has been received.

Directions on How to Apply for STR License:

Please email the following information to Heidi Sheldon,
HSheldon@mtcb.colorado.gov.

1. Property owner's name

2. Property owner's mailing address
3. STR Property Address
4. Proof of Ownership Document (Warrantee Deed or latest Tax statement)

You will be provided with your account number, activation code, and directions on how to register in the STR licensing software system, MuniREVS. [Click here](#) for illustrated directions on how to register in MuniREVS and link your property to your account. Once the registration is complete and you have linked your property to your account, there will be a link for the STR license application under "Open Tasks".

Your application will be reviewed after submission, and Town staff will reach out via email to confirm a date and time for the property inspection. Additional information and documentation may be requested.

Additional Details:

1. Inspections: All properties must be inspected for compliance with STR regulations, Town code, and building code. Please refer to the self-compliance affidavit for a list of what is required for the property to pass the inspection. Completing the inspection is required for a new application to be approved. STR properties are subject to Periodic Life Safety Inspections which can be conducted at any point in time.
2. Sales, Lodging and Excise Tax: Airbnb and VRBO collects and remits taxes directly to the Town of Mt. Crested Butte. Taxes for any direct bookings and bookings taken through other websites (Flipkey, Booking.com, etc.) will need to be remitted by completing the Lodging Tax Return Form through your STR license account. If your property is managed by a property manager, the property manager will file the taxes on your behalf. If you do not have a property manager or you manage your online listings, you will be responsible to remit your taxes for all reservations taken outside of Airbnb and VRBO. A zero-tax return can be submitted if there are no taxes to remit. The tax filing frequency for those who only rent through Airbnb and/or VRBO can be set to annual or quarterly tax remittance, instead of monthly.

Also, for any reservations not booked through Airbnb or VRBO you will need to contact the State of Colorado to set up an account with them for the collection of all the other taxes that are not in Mt. Crested Butte.

- Required Sales Tax Amounts and Entities:
 - 5% - Mt. Crested Butte Sales Tax
 - 2.9% - Mt. Crested Butte Excise Tax
 - 4% - Gunnison County Local Marketing District Tax
 - 2.9% - State of Colorado Sales Tax

- 1% - Gunnison County Sales Tax
- 1% - RTA Special District Tax

Once your STR license has been issued, please note the following requirements to rent your property:

1. Advertising Online Posting Requirements:

- ✓ Your Mt. CB STR license number
- ✓ Maximum number of occupants
- ✓ Number of parking spaces available for guests
- ✓ Your listing must post a statement referring people to the Mt. CB [short-term rental webpage](#) to find contact information for the Local Representative. This needs to be viewable prior to booking in case a community member needs to reach the Local Representative to resolve guest issues. Sample Statement: "For Emergency Contact/Local Representative contact information, go to the Town of Mt Crested Butte website and navigate to the Short-Term Rental page." You can view the local representative directory here: <https://mtcb.munirevs.com/business-list/?cityid=322>

**** Failure to post all required information to all online listings will result in a \$200 fine****

2. Posting Requirements Inside Your Property:

- ✓ **License:** Post your STR License near the front door where guests can see it at all times.
- ✓ **Self-Compliance Affidavit, Approved Parking Plan, Good Neighbor Policy, and Trash Instructions** must be posted where your guests view them, like in a Welcome Binder.

3. Local Representative: If you change your local representative, you must submit a new local representative form within 10 days of the change. Please complete the [Local Representative Responsibility & Owner Authorization Form](#) and email it to HSheldon@mtcb.colorado.gov. Include a photo of the Local Representative driver's license. The photo of the driver's license is required to verify the Local Representative lives within 45 minutes of the property and can respond to an emergency or guest caused issue.

4. Change in Number of Occupants: An increase in the number of occupants first requires approval from the Town of Mt. Crested Butte to ensure it is not in violation of your HOA declarations and all beds are in an approved sleeping area. You will be required to submit a new self-compliance affidavit, pay additional occupancy fee, and possibly have your property reinspected. A re-inspection fee is \$75.

I acknowledge that I have read [Chapter 11 Article II](#) of the Mt. Crested Butte Town Code, the Short-Term Rental Guide and understand what is required of me and property as a short term rental owner.

Owner's Signature

Date