



**Ordinance No. 22-04**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN**

**AN ORDINANCE FOR SHORT-TERM RENTAL REGULATIONS**

**WHEREAS**, over the last one to three years, Gilpin County (herein after "County") has seen an increasing popularity of individuals and companies purchasing, advertising, and renting out residential properties as short-term lodging with a total of one-hundred eighteen (118) licensed short term rentals or 3.4 percent of the total housing stock within Gilpin County, which has resulted in an increasing percentage of Gilpin County's housing stock being utilized as such short-term rentals; and

**WHEREAS**, the conversion of residential properties to short-term rental units has a variety of effects on both the neighborhoods in which such units are located, as well as on the County as a whole, including issues with parking, trash, increased noise, increased traffic, and a net reduction of long-term housing; and

**WHEREAS**, in an effort to address these problems and the concerns of the community, the Gilpin County Board of County Commissioners (herein after "Board") previously adopted text amendments to the Gilpin County Zoning Regulations ("Zoning Regulations"), which set forth regulations for short-term rentals and required that short-term rental operators obtain a permit from the Gilpin County Community Development Department; and

**WHEREAS**, pursuant to C.R.S. §30-15-401(s), the Board has broad authorization to promulgate, through an ordinance, regulations concerning the licensing and operation of short-term rentals located within the boundaries of unincorporated Gilpin County; and

**WHEREAS**, on April 5, 2022 the Board adopted Resolution 22-05, placing a moratorium on the acceptance and processing of short-term rental permits in order to allow County staff and the Gilpin County Planning Commission to work on amendments to the rules and regulations for licensing short-term rentals that help address the impacts of short-term rentals on neighborhoods and the community; and

**WHEREAS**, on May 17, 2022 the Board adopted Resolution 22-15, extending the moratorium until September 7, 2022;

**WHEREAS**, after meetings of the Planning Commission on March 8, April 12, April 26, May 3, and May 10 of 2022, and a public hearing on June 14, 2022, County staff prepared this Ordinance with a recommendation for adoption; and

**WHEREAS**, a Town Hall was held on July 5, 2022 to hear additional comment from the public; and

**WHEREAS**, the Gilpin County Zoning Regulations is concurrently being amended to ensure consistency between the regulations set forth herein and the Zoning Regulations; and

**WHEREAS**, this Ordinance supersedes any prior ordinance, resolution, or decision by the Board on the issues of short-term rentals and other matters addressed herein.

**WHEREAS**, the Board of County Commissioners finds such rules and regulations are reasonable and necessary to protect the public health, safety, and welfare for both residents of and visitors to Gilpin County.

**NOW THEREFORE**, the Board of County Commissioners of the County of Gilpin ordain this Ordinance No. 22-04 "Short Term Rental Regulations" is hereby adopted setting forth rules and regulations that shall apply to the licensing, advertising, and operation of short-term rental units:

**GILPIN COUNTY SHORT TERM RENTAL REGULATIONS**

**Section 1 General**

**(A) Definitions**

- (1) Unless otherwise defined herein, the words and terms used in this Ordinance shall have the meaning as set forth in the Gilpin County Zoning Regulations ("Zoning Regulations").
- (2) For the purpose of this Ordinance, the term "short-term rental property" is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days ("Property").

**(B) Purpose**

The purpose of this Ordinance is to:

- (1) Designate a department of Gilpin County Government to process applications for licenses for Short-Term Rentals ("STR") in unincorporated Gilpin County and to provide the structure by which such entity will process and review applications.
- (2) Establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term rental properties within the unincorporated areas of Gilpin County.
- (3) Ensure that short-term rentals are operated in a manner that is compliant with all applicable rules, laws, regulations, as well as compatible with the surrounding neighborhood and protects the overall community character.

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(C) Applicability.

The regulations set forth in this Ordinance shall apply to short-term rental properties only, as defined herein. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, lodges, timeshares / fractional ownership units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to properties with long-term leases.

**Section 2 Procedures**

(A) Permitted Zones and Structures

- (1) A short-term rental shall be permitted in any zoning district upon the issuance of a valid short-term rental license issued by the Community Development Department;
- (2) A short-term rental shall be permitted in a single-family dwelling, two family dwelling, or multiple family dwelling unit.
- (3) A short-term rental shall not be permitted in a temporary structure or any structure for which a valid Certificate of Occupancy has not been issued.
- (4) An individual short-term rental shall be limited to a total two (2) dwelling units, including accessory units, per parcel or property.

(B) License

A valid license shall be issued prior to the operation of a short-term rental. Incomplete applications shall not be accepted.

(1) Submittal Requirements

- (a) Evidence of a legal water supply;
  - (i) A copy of a valid well permit issued by the State Division of Water Resources. The Department shall not issue or renew a short-term rental license that is inconsistent with the conditions attached to a State issued well permit; or
  - (ii) Declaration of a cistern water supply. If the short-term rental is an accessory dwelling unit with a cistern water supply, then the applicant shall be required to furnish evidence that the plumbing of the short-term rental is not connected to a groundwater source and provide evidence of a water delivery contract for adequate amount of water commiserate with expected usage; or
  - (iii) A copy of a legal water right for a spring issued by the State Division of Water Resources.

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- (b) Evidence of a connection to an onsite wastewater treatment system and a copy of an inspection report dated within one-hundred eighty (180) days of application submittal that has been completed by an inspector that is licensed by the County;
  - (i) If the inspection report states that the onsite wastewater treatment system requires maintenance, including pumping, then the applicant shall provide evidence that the maintenance has been completed at the time of application.
  - (ii) The Department shall designate the acceptable forms to be utilized by licensed inspectors.
  - (iii) The maximum occupancy of the short-term rental shall be limited to the maximum occupancy as dictated by the design of the onsite wastewater treatment system.
  - (iv) Limited occupancy dwellings not served by a water carriage sewer system shall not be eligible for licensing as a short-term rental.
- (c) A copy of a State sales tax license if applicable;
- (d) A site plan that details the following:
  - (i) Size of parcel and boundary lines;
  - (ii) Location of all structures on the property including primary and accessory dwelling units;
  - (iii) Access point to the property;
  - (iv) Location of parking area and number of parking spots;
  - (v) Location of outdoor garbage storage areas;
  - (vi) Location of snow storage areas;
  - (vii) Location of outdoor cooking or fire pit facilities.
- (e) If the application for the license is to be in the name of a business, then applicants shall provide a copy of the **State** business registration that includes a list of all owners, officers, or members and contact information for each. The business shall be in good standing with the Colorado Secretary of State.

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- (f) The applicant shall designate a Responsible Agent to be available at all times during periods in which the short-term rental is occupied.
  - (i) The applicant shall provide written notice of the designated responsible person to all adjacent properties. In the case the property is a multiple family dwelling, the applicant shall provide notice to owner(s) of the adjacent dwelling(s) if the owner differs from the applicant.
  - (ii) The Responsible Agent may be the owner, property management company representative, or other person employed, authorized, or engaged by the owner to manage, rent, or supervise the short-term rental;
  - (iii) The Responsible Agent shall be an individual or a company and be identified by name, telephone, mailing address, and email address. The Responsible Agent contact person may be changed in writing delivered or sent to the Department.
- (2) License Issuance
  - (a) Staff shall not issue a license for a property with any outstanding code violations with the County.
  - (b) Staff shall not issue a license that would allow for a use of the property that is inconsistent with State law or regulations.
  - (c) The name of the applicant shall match the name of the property owner listed on County records. If the applicant is a representative or agent of a business named on the property record, the applicant shall provide an affidavit stating they are authorized to represent the named business for the purposes of the application.
  - (d) Licenses shall be issued in the name of the applicant(s) and shall be non-transferable. Licenses may be transferred to the name of a legal spouse or next of kin in the case of a death of the applicant(s).
  - (e) Licenses shall be valid for (24) twenty-four months and expire on the last day of the last month of the (24) twenty-four-month period.
  - (f) Staff shall notify the County Assessor that a license has been issued for a short-term rental.
  - (g) Prior to issuance of a license, the permitted property shall undergo and pass an initial site inspection by the Community Development Department.
- (3) License Renewal
  - (a) All existing and unexpired licenses can be renewed, including those authorized under previous regulations. Applicants shall submit a request for renewal prior to the last day of the last month of the (24) twenty-four-month period for which the license was authorized.
  - (b) Failure to submit a request for renewal of a license prior to expiration of an existing license shall disqualify a license from renewal eligibility.

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- (c) Holders of expired licenses that have not applied for renewal by the deadline of their expiration will be required to apply for a new license.
  - (d) Applications for license renewal shall not be required to complete a site inspection.
- (4) Operating Standards
- (a) Initial Site Inspection

An initial site inspection shall be conducted by the Community Development Department prior to issuance of the short-term rental license. The following items shall be verified during the site inspection:

- (i) The address of the property is clearly marked on the exterior wall of the primary building that faces the road from which access to the property is obtained. A reflective address sign is posted at the entrance to the driveway from the road.
- (ii) The required posted information is posted on or near the main entry door.
- (iii) Landings, porches, and decks that are more than thirty (30) inches above grade have properly installed guard rails that are tight and secure.
- (iv) All faucets are operable and hot and cold water flows freely from each faucet.
- (v) All toilets are operable.
- (vi) The property is free of any evidence of insects or rodents.
- (vii) All outside garbage containers are of bear-proof design.
- (viii) All windows are unbroken. Operable windows easily open and close.
- (ix) All advertised bedrooms have at least two means of egress.
- (x) Two (2) charged, unexpired, and operable fire extinguishers are present inside the dwelling.
- (xi) Smoke detectors and carbon monoxide detectors are operable when tested. Smoke detectors are located in each bedroom and in main living areas. Carbon monoxide detectors located in the hallway outside of bedrooms.
- (xii) GFI outlets operable when tested. GFI outlets are located within bathrooms and within thirty-six (36)" inches of the kitchen sink.
- (xiii) All stairways have properly installed handrails.
- (xiv) All appliances are operable.
- (xv) All electrical outlets have faceplates that are secured.

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(xvi) A fixed system for providing heat that has been installed in accordance with the manufacturer's instructions. Active and passive heating systems shall be able to maintain the dwelling at a minimum temperature of sixty-five (65) degrees when measured three (3)' feet above the floor.

(xvii) A patio or landing is sturdy and is in a safe state of repair.

(b) Posted Information

The following information shall be posted in a conspicuous place inside the short-term rental:

- (i) License issued by the County, with County contact information provided;
- (ii) The name, address, and telephone number of the designated responsible agent, management company, or owner of the short-term rental that can be reached on a twenty-four (24) hours basis;
- (iii) The maximum number of persons allowed to occupy the short-term rental.
- (iv) The maximum number of vehicles allowed to park on the short-term rental property and notice that all vehicles shall park in designated off-street parking spaces and that on-street parking is prohibited;
- (v) A map clearly indicating the subject parcel boundaries, location of residence, and locations of appropriate parking spaces;
- (vi) The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal;
- (vii) The entire property address, including house number, street name, and city shall be visibly posted inside the short-term rental with instructions to call 911 in the case of an emergency;
- (viii) Information regarding fire suppression types available onsite. If a Fire Restriction or Fire Ban is in effect, the terms of that restriction or ban shall be included;
- (ix) Information regarding fire/emergency evacuation routes out of the area;
- (x) The discharging of firearms or fireworks on the premises is strictly prohibited;
- (xi) Notification to the occupants that they are fully responsible for cleaning up after the domestic animal(s) and where animal waste collection bags and disposal container are located;
- (xii) Gilpin County Good Neighbor Guide.

(c) Addressing

Address numbers shall be posted on the exterior of the building and the driveway entrances so that it is clearly visible from the traveled road.

(d) Animals

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Domestic animal(s) shall be kept within a fully enclosed fenced area or on a leash at all times. See Gilpin County Zoning Regulations Section and the Gilpin County Dog Ordinance No. 16-01.

(e) Fireworks and Firearms

The discharge of fireworks or firearms on the premises of the short-term rental shall be prohibited.

(f) Snow Storage

On-site snow storage shall be separate from designated parking spaces and shall not block access to and from the structure.

(g) Fires

(i) No open fires shall be permitted.

(ii) Fires shall be contained within an enclosure, constructed of steel or other noncombustible material. Enclosure shall be no larger than three (3) feet inside diameter. There shall be an area of at least three (3) feet of clearance of combustible materials surrounding the fire enclosure. Fires shall not be permitted within twenty-five (25) feet of any structure. Fires are permitted year-round but not allowed during periods of high fire danger. Fires shall only occur in designated and approved fire pits and/or enclosures. Fire pits and enclosures for fires shall be inspected and approved by the applicable fire district prior to use.

(iii) Outdoor fire, cooking, or heating facilities that can be turned on and off and are located at least (5) feet from combustible materials or located on a deck or patio, shall be exempt from Section (B)(4)(g)(i) above.

(iv) A continuous water supply such as a hose hooked to a faucet or other type of fire suppression shall be available at the location of the fire facility for use to put out fires as well as a round tipped shovel with at least a thirty-six (36) inch handle. No fire shall be left unattended by an adult and shall be completely extinguished and saturated with water before abandoning the fire.

(v) Operators of short-term rentals shall be permitted and encouraged to ban guests from having fires on the property.

(h) Cleaning

The short-term rental shall be cleaned between each rental use.

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(i) Access and Parking

Off-street parking area shall be provided in the amount of at least one (1) space per bedroom. If a short-term rental is accessed by a shared driveway, proof of legal access or written permission to access the driveway shall be obtained from each shared driveway property owner. Occupants and visitors utilizing short-term rentals shall park in designated off-street parking spaces. On-street parking areas within a County road or right-of-way or within a private road right-of-way are prohibited. Written property owner permission is required for parking on adjacent or neighboring properties. No person shall be permitted to stay overnight in any motor vehicles, including recreational vehicles, which are parked at a short-term rental.

(j) Garbage

Clearly-defined garbage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage removal (including name and location of provider) shall be identified for all occupants. All outside garbage storage areas and containers shall be of a bear-proof design. Garbage containers shall not be left unattended for on-street pick-up and shall only be left outside on the day of on-street pick-up. If there is no on-street pick-up, the owner or management company representative shall remove garbage. All garbage shall be removed between each rental use and, if the rental is for seven (7) up to thirty (30) days, all garbage shall be removed weekly. The property shall be properly maintained and free of garbage, trash, and litter. The property shall be in compliance with Gilpin County Trash Ordinance No. #99-02.

(k) Parties and Events

Parties and events at the short-term rental are strictly prohibited.

(l) Noise

While occupying or visiting a short-term rental, no person shall make, cause, or permit unreasonable noise to be emitted from the short-term rental that is audible upon neighboring private premises in excess of the limits set forth in C.R.S. §25-12-103 or otherwise disturbs the peace.

(m) Safety

The short-term rental shall contain at least two (2) operable fire extinguishers, that are easily accessible, and operable smoke alarms as required by applicable building code. The short-term rental shall contain operable carbon monoxide alarms in compliance with C.R.S. §38-45-104.

(5) License Tiers

(a) Tier 1: Owner Occupied

Applies to a County resident who maintains the property as a primary residence during periods in which it is rented as a short-term rental.

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- (i) Applicants shall provide an affidavit of primary residence as supplied by the Department.
  - (ii) Applicants shall notify the Department within thirty (30) calendar days of vacating the property as their primary residence.
- (b) Tier 2: Non-Owner Occupied (County Resident)

Applies to a County resident who does not maintain a primary residence at the property during periods in which it is rented as a short-term rental. Additional requirements:

- (i) Applicant shall provide an affidavit of residence as supplied by the Department;
  - (ii) Applicants are limited to the ownership of two (2) short-term rentals within the County. This limit shall apply even in situations where multiple business names are used. The Administrator shall have the discretion to make determinations that applicants of different business or individual names represent a single applicant.
  - (iii) Applicants who have previously obtained an annual operating permit for more than two (2) short-term rentals within the County prior to March 6<sup>th</sup>, 2022, shall be exempt from the two (2) short-term rental license restriction;
  - (iv) If an applicant holding multiple licenses through the exemption (ii) under this tier is subject to license revocation by the Administrator, the exemption (ii) shall lapse;
  - (v) If an applicant holding multiple licenses through exemption (ii) discontinues the property's use as a short-term rental for more than (1) one year, then the exemption (ii) shall lapse.
- (c) Tier 3: Non-County Resident

Applies to a short-term rental that is owned by a Non-County Resident.

Additional requirements:

- (i) Applicants are limited to the ownership of one (1) short-term rental within the County. This limit shall apply even in situations where multiple business names are used. The Administrator shall have the discretion to make determinations that applicants of different business names represent a single applicant;
- (ii) Applicants who have previously obtained an annual operating permit for more than one (1) short-term rental within the County prior to March 6<sup>th</sup>, 2022, shall be exempt from the one (1) short-term rental license restriction;
- (iii) If an applicant holding multiple licenses through the exemption (ii) under this tier is subject to license revocation by the Administrator, the exemption (ii) shall lapse;

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- (iv) If an applicant holding multiple licenses through exemption (ii) discontinues the property's use as a short-term rental for more than one (1) year, then the exemption (ii) shall lapse.

(d) License Cap

Licenses for tiers 2 and 3 shall be subject to a combined (5%) five percent cap of total housing units within the unincorporated County. The total number of housing units shall be determined by the Administrator based on the number of housing units in the County as provided by the U.S. Census Bureau. The Administrator shall subtract the reported housing units from the incorporated areas of the County from the total housing unit number. The Administrator may revise the total number of housing units up or down based on the number of permits issued for construction or demolition of housing units.

(e) License Wait List

When the total number of issued licenses reaches the cap set by Section 2(B)(5)(d) above, the Administrator shall create a wait list for new licenses.

- (i) When a position on the wait list becomes available, the Administrator shall contact the applicant(s) by email on file and post a list of the applicant(s) by first initial and last name that will be posted at the Old Gilpin County Courthouse and on the Gilpin County website, to notify them they have thirty (30) days to submit a complete application for a license. If that person does not respond or fails to submit a completed application by the deadline, their name will be stricken from the wait list permanently. If that occurs, the next person on the list will be contacted promptly.

**Section 3 Violations, Enforcement, and Revocation**

(A) Ongoing Compliance Obligations of Licensee

- (1) Issuance of a license is expressly contingent upon the licensee maintaining compliance with all requirements set forth in this Ordinance. If at any time a licensee fails to maintain such compliance as is required, the licensee shall be in violation of this Ordinance.
- (2) A licensee shall avoid any illegal, dangerous, or harmful practices or conditions which are detrimental to the public property, health, welfare, peace or safety.
- (3) A licensee shall refrain from engaging in business on the licensed premises during the period the short-term rental license is revoked or suspended.

(B) Complaints

- (1) Complaints concerning a short-term rental property shall be first directed to the property's designated Responsible Agent (herein after "Responsible Agent"). The Responsible Agent shall respond to the complaint, including visiting the site if necessary. Failure of a Responsible Agent to affirmatively respond to a complaint and attempt to resolve such complaint within one (1) hour of notification shall be considered a violation of the Ordinance.

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- (2) The County may investigate any complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violations are not corrected or if there are repeat offenders of the Ordinance, Gilpin County may pursue action as provided for herein.
- (3) Remedies for non-compliance: If there is one or more unresolved substantiated complaints for a short-term rental property, or if upon review at any time, Gilpin County determines that the license holder has failed to comply with any of the requirements, operating standards, conditions or restrictions imposed by this Ordinance, Gilpin County may take such action as is deemed necessary to remedy the noncompliance, including but not limited to suspension or revocation of the permit as set forth in Section 3(F) below.

(C) Enforcement

Enforcement of this Ordinance shall be by the Community Development Department and the Sheriff's Office, as deemed necessary and appropriate.

(D) Violations

Violations of this Ordinance shall be considered a civil infraction, and punishable by a penalty assessment procedure as provided for in C.R.S. §16-2-201 and §30-15-402, as amended from time to time. Each day a violation of this Ordinance continues will amount to a separate offense for which a separate penalty may be imposed.

(E) Graduated Fine Schedule

A graduated fine schedule is hereby adopted:

- (1) 1<sup>st</sup> Offense: \$250.00 - Two Hundred Fifty Dollars
- (2) 2<sup>nd</sup> Offense: \$750.00 - Seven Hundred Fifty Dollars
- (3) 3<sup>rd</sup> Offense: \$1,000.00 - One Thousand Dollars

(F) Revocation

- (1) A license issued pursuant to this Ordinance may be revoked by the Administrator following a hearing for any violation of the Ordinance, or violation of the short-term rental regulations in the Gilpin County Zoning Regulations, and the Administrator shall commence revocation proceedings if any of the below occurs:
  - (a) A licensee has been cited for two (2) or more offenses within a three (3)-month period;
  - (b) A licensee submits a license application or other documents as part of the license review process that contains or represents fraud, misrepresentation, or a false statement of material fact;
  - (c) A licensee has violated or is currently violating this Ordinance or the prior in a manner that significantly endangers the public health, safety, and/or welfare;
  - (d) A licensee fails to pay sales and/or property taxes as required.



(2) Hearing on Revocation:

- (a) Notice of a hearing pursuant to this Section 3(F) shall be given to a licensee in writing at the address shown on the license application, and to the Responsible Agent identified in the license application. Such notice shall be mailed via certified mail at least fourteen (14) calendar days prior to the date set for the hearing.
- (b) The licensee may appear with or without representation, and may appear remotely by telephone or video conference.
- (c) The licensee may present evidence at the hearing and shall provide copies of such evidence to the Hearing Officer at or before the hearing.
- (d) The Hearing Officer shall consider the following:
  - (i) The nature and seriousness of the violation(s);
  - (ii) Impact of the violation(s) on the neighborhood and/or community;
  - (iii) Corrective action, if any, taken by the licensee or the designated Responsible Agent;
  - (iv) Prior violations;
  - (v) The likelihood of recurrence of the violation(s);
  - (vi) Entirety of the circumstances surrounding the violation;
  - (vii) Willfulness or lack thereof on the part of the licensee;
  - (viii) Length of time the licensee has held a license.
- (e) The Hearing Officer shall be the Gilpin County Manager or his or her designee.
- (f) Following the hearing, if the Hearing Officer determines that a violation or violations has occurred and good cause exists for the imposition of a sanction against the licensee, the Hearing Officer may impose the following sanctions:
  - (i) License suspension for a time period not to exceed six (6) months;
  - (ii) License revocation.
- (g) Any action taken pursuant to this subsection shall be commensurate with the seriousness of the violation(s) and the action or lack thereof taken by the licensee to resolve the violation(s).
- (h) The Hearing Officer shall provide his or her decision in writing to the licensee holder within fifteen (15) calendar days of the hearing.
- (i) Individuals or entities who have had their license revoked will be placed on the wait list based on the date the license was revoked. They may reapply for a new license after the expiration of one (1) year from the time of revocation, unless a longer period of time is imposed by the Hearing Officer, which period of time shall not exceed three (3) years, if a wait list does not exist.

(G) Appeals of License Revocations



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- (1) A licensee who has had their short-term rental license revoked or suspended may appeal the revocation or suspension to the Board of County Commissioners by emailing, filing, or otherwise submitting a letter of appeal to the Office of the Gilpin County Manager within ten (10) days after the date the letter of decision by the Hearing Officer is emailed. The date of an appeal letter shall be the time it is marked as received by the Manager's Office.
- (2) The Board of County Commissioners shall conduct a de novo hearing on the appeal at a regularly scheduled meeting or special meeting held within thirty (30) days of the date of the appeal letter.
- (3) Any such hearing shall be conducted pursuant to the parameters set forth in Section 1.10 of the Gilpin County Zoning Regulations, as amended from time to time.
- (4) If a licensee who's appeal to the Board of County Commissioners is granted shall be refunded the revocation hearing and appeal fees that have been paid to the County.

(H) Costs of Enforcement, Revocation, and Appeal

In the event it is necessary for the County to take action for enforcement of this Ordinance, there shall be added to any fees due hereunder all reasonable costs and fees incurred by the County, including reasonable attorney fees. If any action is brought in a court of law by or against the County relating to the enforcement, interpretation or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution or defense of such action.

(I) Additional Remedies

In addition to the remedies set forth herein and in the Gilpin County Zoning Regulations, the County reserves the right to employ all other remedies that may exist under Colorado law and in equity to enforce these Short-Term Rental Regulations.

**Section 4 License Fees**

(A) All fees listed and described in Section 4 of this Ordinance may be adjusted by the Board of County Commissioners by Resolution in the future.

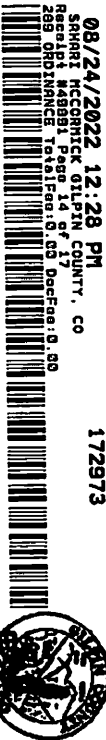
(B) License Fees

The license fee shall apply to each dwelling unit **short-term rental**. The following license fees shall apply at the time of application and shall be updated in the Community Development Department's Fee Schedule as soon as practicable:

- (1) Tier One License: \$500.00 – Five Hundred Dollars
- (2) Tier Two License: \$800.00 – Eight Hundred Dollars
- (3) Tier Three License: \$1800.00 – One Thousand Eight Hundred Dollars

(C) Revocation Hearing Fees

The fee for a revocation hearing shall be equal to the applicable License Fee dependent on the tier of license.



(D) Appeal Fees

The fee for an appeal of a revocation shall be twice the amount of the applicable License Fee dependent on the tier of license.

**Section 5 Compliance Timeline**

(A) Pre-Existing Annual Operating Permits

All short-term rental annual operating permits approved prior to the effective date of this Ordinance shall be allowed to operate pursuant to the standards in place at the time of permitting.

(B) Renewal of Existing Annual Operating Permits

- (1) All existing short-term rental annual operating permits approved prior to the effective date of this Ordinance shall be converted to a twenty-four (24) month license upon reapplication by the permit holder.
- (2) Pre-existing holders of an annual operating permit shall have thirty (30) days from the date of expiration of their annual operating permit to apply for a short-term rental license under the provisions of this Ordinance.
- (3) Pre-existing and unexpired annual operating permits shall be counted first towards the total number of short-term rental licenses allowed under the license cap imposed by Section 2 of this Ordinance.
- (4) Pre-existing holders of an annual operating permit that fail to apply for a new short-term rental license within thirty (30) days of expiration of their current permit shall lose any grandfathered status and will be removed from the initial count of short-term rental licenses allowed under the license cap imposed by Section 2 of this Ordinance.
- (5) Pre-existing holders of an annual operating permit shall be required to meet all of the adopted standards for license issuance when applying for conversion to a short-term rental license with the exceptions allowed under Section 2(B)(5)(b)(iii) and Section 2(B)(5)(c)(ii).

(C) New Licenses

Upon the effective date of this Ordinance, all new applications for a short-term rental license will be subject to all applicable provisions of this Ordinance.

**Section 6 Effective Date**

(A) Effective Date of Ordinance

The Ordinance shall be effective immediately upon adoption, except as set forth above in Section 5.

(B) Necessity of Ordinance for Immediate Preservation of Public Health and Safety

This Ordinance is necessary for the immediate preservation of public health and safety because, without limitation:



- (1) The proliferation of short-term rentals in the unincorporated area of Gilpin County is substantially impacting Gilpin County's neighborhoods; and
- (2) There is currently a moratorium on the acceptance and processing of new short-term rental permit applications. The moratorium is set to expire on September 7, 2022. If the Ordinance does not immediately take effect, staff anticipates dozens of short-term rental applications will be submitted under the prior regulations, creating additional impacts and frustrating the significant and substantial efforts undertaken by staff and the Board of County Commissioners during the moratorium to revise the Short-Term Rental regulations.

(C) Severability

If any part or parts of this Ordinance are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance and each or parts hereof, irrespective of the fact that any one part of parts be declared invalid.

(D) Repeal

Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinance and/or resolutions inconsistent with the provisions of this Ordinance, are hereby repealed, except that this repeal shall not affect or prevent the enforcement against any person any act done or committed in violation of any ordinance hereby repealed prior to the date such ordinance no longer applies to such person.

APPROVED AND ADOPTED UPON SECOND READING BY A VOTE OF 2 TO 1 THIS 23<sup>rd</sup> DAY OF August, 2022.

ADOPTED THIS 23<sup>rd</sup> DAY OF August 2022 BY A VOTE OF 2 TO 1.

BOARD OF COUNTY COMMISSIONERS  
OF GILPIN COUNTY

Sandy Hollingsworth

Sandy Hollingsworth, Chair

CERTIFICATION AND ATTESTION OF THE COUNTY CLERK





Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and publication ordered by the Board of County Commissioners of the County of Gilpin on first reading on the 02<sup>nd</sup> day of August 2022 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the 23<sup>rd</sup> day of August, 2022, at a regularly scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspapers of Record at least ten (10) days prior to final adoption.

*Sahari "Sahari" McCormick*

Sahari McCormick  
Gilpin County Clerk and Recorder

08/24/2022 12:28 PM  
SAHARI MCCORMICK GILPIN COUNTY, CO  
Receipt #49891 Page 17 of 17  
269 ORDINANCE Total Fee: 0.00 Doc Fee: 0.00

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