

**THE DECEMBER 11, 2018 COUNCIL PACKET MAY BE VIEWED  
BY GOING TO THE TOWN OF FRISCO WEBSITE.**

**RECORD OF PROCEEDINGS  
WORK SESSION MEETING AGENDA OF THE  
TOWN COUNCIL OF THE TOWN OF FRISCO  
DECEMBER 11, 2018  
2:00PM**

Agenda Item #1: Executive Session Pursuant to C.R.S. 24-6-402(4) (f), Concerning Personnel Matters Regarding Town Manager Recruitment

- Interviews 2:00pm-4:00pm
- Council Discussion 4:00pm-5:00pm

Agenda Item #2: Historic Preservation Update 5:00pm

Agenda Item #3: Code Amendment Application Discussion 5:30pm

Agenda Item #4: Summit Stage Update 5:45pm

**RECORD OF PROCEEDINGS  
REGULAR MEETING AGENDA OF THE  
TOWN COUNCIL OF THE TOWN OF FRISCO  
DECEMBER 11, 2018  
7:00PM**

**STARTING TIMES INDICATED FOR AGENDA ITEMS ARE ESTIMATES ONLY AND MAY  
CHANGE**

**Call to Order:**

Gary Wilkinson, Mayor

**Roll Call:**

Gary Wilkinson, Jessica Burley, Daniel Fallon, Rick Ihnken, Hunter Mortensen, Deborah Shaner, and Melissa Sherburne

**Public Comments:**

Citizens making comments during Public Comments or Public Hearings should state their names and addresses for the record, be topic-specific, and limit comments to no longer than three minutes.

NO COUNCIL ACTION IS TAKEN ON PUBLIC COMMENTS. COUNCIL WILL TAKE ALL COMMENTS UNDER ADVISEMENT AND IF A COUNCIL RESPONSE IS APPROPRIATE THE INDIVIDUAL MAKING THE COMMENT WILL RECEIVE A FORMAL RESPONSE FROM THE TOWN AT A LATER DATE.

**Mayor and Council Comments:**

**Staff Updates:**

**Consent Agenda:**

Minutes November 27, 2018 Meeting  
Warrant List  
Purchasing Cards

**New Business:**

Agenda Item #1: New Retail 3.2% Off Premise Beer License – Kum And Go STAFF: DEBORAH WOHLMUTH 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Agenda Item #2: First Reading Ordinance 18-15 an Ordinance Amending Chapter 53 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Alcoholic Beverages, by Amending All References Within Chapter 53 to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits Statutes to Reflect the State of Colorado's Recent Recodification of Said Codes and Statutes; and by Amending Section 53-18, Concerning Alcoholic Beverage Tastings, to Reflect Recent Substantive Amendments to the Colorado Statutory Provisions that Concern Alcoholic Beverage Tastings STAFF: DEBORAH WOHLMUTH 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Agenda Item #3: First Reading Ordinance 18-16 an Ordinance Amending Chapter 127 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Offenses, by Amending Section 127-7, Concerning Public Consumption of an Alcoholic Beverage and Possession of an Open Container, to Properly Set Forth All References therein to the Colorado Liquor Code Which Liquor Code was Recently Recodified by the State of Colorado STAFF: DEBORAH WOHLMUTH 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Agenda Item #4: First Reading Ordinance 18-10, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning the Licensing of Businesses, by Adding a New Article III, Concerning the Licensing and Regulation of Short-Term Rentals Within the Town STAFF: CHAD MOST 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

**Executive Session:**

Agenda Item #5: Executive Session Pursuant to C.R.S. 24-6-402(4)(f), Concerning Personnel Matters Regarding Next Steps in the Town Manager Recruitment Process

**Adjourn:**



## MEMORANDUM

**TO:** MAYOR AND TOWN COUNCIL

**FROM:** CHAD MOST, REVENUE SPECIALIST

**RE:** FIRST READING OF ORDINANCE NO. 18-10 - AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE LICENSING OF BUSINESSES, BY ADDING A NEW ARTICLE III, CONCERNING THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN THE TOWN.

**DATE:** DECEMBER 11, 2018

**Background:** Throughout 2017 at the direction of Town Council, the Town of Frisco Housing Task Force Policy Group studied the impact of Short-term Rentals (STRs) on the Frisco community and issued a set of recommended actions in order to, among other goals, preserve and build Frisco's sense of community as a place where people live year round and to minimize the negative impacts that can arise from short-term rentals, all while acknowledging the importance of short-term rentals in maintaining a sustainable tourism-based economy. Recommended actions included updating the licensing requirements for short-term rentals, requiring STR units to meet basic life safety standards, requiring a local contact for each STR property, requiring that neighbors and HOAs receive notice upon the issuance of an STR license, requiring STR owners to provide life safety and good neighbor policy information to guests, establishing occupancy limits for STR units, implementing a monitoring and tracking program to ensure compliance and to evaluate future regulatory needs, and requiring the mitigation of various nuisances such as amplified outdoor music, improperly disposed trash, etc. On October 12, 2017, Town staff also hosted a panel discussion entitled, "New Approaches to Short-term Rental Regulations," bringing in representatives from a varied group of communities, including Crested Butte, Durango, Estes Park, Georgetown, Minturn and Salida, to discuss their approaches to short-term rental regulation.

In a February of 2018 work session, staff presented the recommendations of the Housing Task Force Policy Group, along with months of research gleaned from other communities and third-party compliance firms, to Town Council and requested direction in regards to updating the Town's short-term rental regulatory framework. As other Summit County municipalities and the County itself were also beginning the process of updating their STR regulatory frameworks, staff was directed to work with the other jurisdictions in an effort to be as consistent as possible throughout the County and to develop a public process to ensure the needs and desires of the Frisco community would be met. Throughout the spring and summer, staff participated in working group sessions with other jurisdictions, attended public meetings hosted by other jurisdictions, researched third-party STR compliance firms, and began crafting a proposed STR

ordinance. In September, staff hosted three stakeholder meetings and one general public outreach meeting, in addition to collecting public feedback through written comment cards and surveys, an online survey, and one-on-one communications with concerned constituents.

Based on the months of research conducted, along with Council direction and the results of the public process, staff then finalized the scope and specific language of a proposed STR ordinance, a version of which was presented to Council for final direction in a work session on October 23, 2018. Staff returned for a first reading of the proposed ordinance during the regular meeting on November 13, 2018, but the ordinance was tabled. The updated ordinance presented here for first reading reflects the feedback staff received from Council at the November 13 meeting.

**Analysis:** The proposed ordinance language follows most of the recommendations of the Housing Task Force Policy Group, but does differ in a few key aspects. Based on lessons learned from other communities, public feedback and/or Council direction, staff has left out requirements regarding a “local agent” (opting instead for a “responsible agent” with no local requirement) and requirements regarding public noticing of STR license issuance.

In accordance with the recommendations of the Policy Group, the ordinance does eliminate the ability of a property management firm or owner of multiple units to hold a single license on behalf of multiple units, and requires each STR property to hold a unique license. This requirement will enable staff, with the assistance of a third-party STR tracking and compliance firm, to more readily identify non-compliant properties and ensure a much higher level of compliance than is currently possible. Additional updates to the license application requirements include the designation of a “responsible agent,” a copy of a “renters’ information notice” as required later in the ordinance, a copy of a parking plan as required later in the ordinance, and an affidavit signed by the owner certifying that basic life safety standards, as required later in the ordinance, have been met. The term of the proposed annual STR license would be May 1 through April 30, and licenses would not be transferrable to new property owners.

In addition, STR license holders would be responsible for preparing and sharing a parking plan and ensuring that guests follow the Town’s other code provisions in regards to trash and recyclable materials disposal. In an effort to provide flexibility for STR owners, while also acknowledging public concern about overcrowding, overnight occupancy has been limited to two (2) people per bedroom, plus an additional four (4) occupants, or one (1) person per two hundred (200) square feet of area, whichever is greater. This provision also serves Council’s goal of consistency, wherever possible, with currently proposed Summit County STR regulations. The “renters’ information notice” referenced above would need to include EMS contact information, the physical address of the unit, the contact information for either the STR owner or their duly appointed agent, the Frisco STR license number covering the unit, the maximum overnight occupancy of the unit, the location of fire extinguishers and fire escape routes, the maximum overnight occupancy of the unit, the location of allowed parking spaces, the maximum number of vehicles allowed to park on the property, alternate off-site parking (if any), the location of trash and recycling receptacles and the rules for disposal, snow removal instructions or information, noise policies, pet policies and any applicable HOA policies specific to the unit. Council directed staff to remove the requirement that some of this information be located on a “sign” within the unit.

STR license applicants would also be required to certify that the unit conforms to applicable Building Code requirements (Chapter 65), that smoke and carbon monoxide detectors, and fire extinguishers have been installed and maintained, and that wood burning fireplaces and stoves have been cleaned on an annual basis.

Any guest occupying an STR would not be allowed to amplify music outdoors or to violate any provision of the Town's noise ordinance. Guests would also not be allowed to camp, pitch tents or use a recreational vehicle or trailer for overnight purposes. All advertisements for STRs would be required to reference the Frisco STR license number covering the unit and the maximum approved overnight occupancy.

Based on specific complaints, the Town would need to reserve the right to physically inspect an STR unit for the purposes of determining violations of the "renters' information notice" or "basic life safety" standards of the Code.

Should an STR owner be found guilty of non-safety-related violations of the Code more than once in Municipal Court within one (1) year, Town staff would have the right to suspend an STR license for one hundred fifty (150) days. If the violation relates to building or fire Codes, a proper investigation would need to occur and, once complete, the owner would need to be promptly notified. After official notification, a twenty (20) day period would be allowed to correct the violation. Should cause for suspension arise more than once within a twelve (12) month period, revocation would result, for a period of one (1) full year from the official revocation date. Any additional violations would be subject to the penalties and remedies set forth in Section 1-14 of the current Town Code, which include the reimbursement of administrative or court costs, in addition to a fine not exceeding one-thousand (\$1,000.00), or imprisonment not exceeding one (1) year, or both.

Since the work session on October 23, staff has received additional public comment, which has been shared with management and Council, outlining the concerns of some owners and property managers relating to the vagueness of "responsible agent" requirements, in particular the lack of a measured response time. Additional concerns include the ability of owners to name alternate "responsible agents" (an option not currently provided for in the ordinance) and a lack of specificity in relation to the overall complaint submittal and resolution process. Staff met internally with the Police Department to discuss the complaint process shortly before the Council meeting on November 13. Police Department staff indicated a separate call center to field initial complaints would be helpful in allaying the burden on dispatch personnel. Staff believes that the concerns raised above can be more properly handled with well-communicated administrative policies, rather than through updates to the officially codified ordinance.

**Summary:** Based on over a year of intensive research (and many more years of extensive experience), public outreach and Council direction, staff believes the STR ordinance attached here properly balances the need to regulate the STR industry, ensuring compliance and reducing negative impacts, with the need to sustain a vibrant, tourism-based local economy. The Town has taken a modest, measured approach to new regulations and fully anticipates ongoing evaluation to ensure the new framework achieves the goals set forth throughout the process:

1 – Ensure compliance and a level playing field for all STR owners

- 2 – Reduce negative neighborhood impacts and better track complaints
- 3 – Ensure STR owners are providing for the safety of their guests and providing information necessary for guests to be good neighbors
- 4 – Analyze data and communicate directly with STR owners to better understand STR impacts, the need (or lack thereof) for further regulation, and opportunities to incentivize long-term employee housing

**Staff Recommendation:** Staff recommends that the Town Council approve the updated ordinance No. 18-10 upon first reading.

**Attachments:** Ordinance No. 18-10

**TOWN OF FRISCO  
COUNTY OF SUMMIT  
STATE OF COLORADO  
ORDINANCE 18- 10**

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE LICENSING OF BUSINESSES, BY ADDING A NEW ARTICLE III, CONCERNING THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN THE TOWN.

WHEREAS, the Town of Frisco, Colorado (“Town”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate land use, businesses and occupations within its territory; and

WHEREAS, pursuant to this authority, the Town Council (“Council”) previously adopted local land use regulations, codified in Chapter 180 of the Code of Ordinances of the Town of Frisco (“Code”), and business and occupation licensing regulations, codified in Chapter 110 of the Code; and

WHEREAS, there are a variety of lodging types within the Town, including hotels, motels, bed and breakfast operations, and residential dwelling units rented on a short-term basis, but there are no regulations that specifically address the provision of lodging within residential dwelling units; and

WHEREAS, the Town Council finds that the provision of short-term rentals within residential dwelling units without appropriate regulation has adverse impacts on neighboring residential dwelling units, and neighborhoods in general; and

WHEREAS, the Town Council finds that the regulation of short term rentals in the Town would further the public health, safety and welfare by ensuring that such lodging places are operated in a manner compatible with the character of the community and consistent with surrounding residential uses.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO THAT:

Section 1. Chapter 110 of the Code of Ordinances of the Town of Frisco is hereby amended by the addition of a new Article III, to read in its entirety as follows:

**ARTICLE III  
Licensing of Short Term Rental Property**

**§ 110-36. Purpose.**

The purpose of this Article III is to safeguard the public health, safety and welfare by establishing comprehensive licensing regulations to control the use, occupancy and maintenance of short-term rental properties in the Town.

**§ 110-37. Definitions.**

As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

*Accommodation Unit:* a separate and distinct living unit or area, including a condominium, townhouse, house, duplex, trailer, studio unit, lock-off unit or any other such similar building, room, group of rooms or any portion or room thereof or therein, designed for or used as a dwelling; provided, however, that an accommodation unit shall not include any unit or area within a hotel, motel, condominium hotel, hostel or boarding, rooming or lodging facility as such uses are defined in Chapter 180 of this Code, so long as such defined use is conducted within an area within which it is permitted by applicable zoning regulations.

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

*Leasee:* the party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

*Responsible Agent:* a management company or individual who is identified by a licensee as the licensee's responsible agent pursuant to section 110-39.A.2, and who is available 24 hours per day, 7 days per week to respond as the initial point of contact for the short-term rental property.

*Owner:* the owner of an accommodation unit in the Town who intends to lease or leases the unit or portion of the unit as a short-term rental property.

*Short-Term Rental Property:* an accommodation unit available for lease for a term of less than thirty (30) consecutive days.

#### **§ 110-38. License required.**

Effective May 1, 2019, it shall be unlawful for an owner to lease or advertise for lease, or to permit the leasing or advertising for lease, of any short-term rental property within the Town of Frisco without a valid license for the same issued pursuant to this Article. No person who has obtained a license pursuant to this Article shall be required to hold a general business license pursuant to Article I of this Chapter for the same business activity. No person who has obtained a license pursuant to this Article shall be required to hold a sales tax license pursuant to Chapter 160 of this Code for the same business activity.

#### **§ 110-39. License application; term; renewal; non-transferable.**

A. *License application.* Applications for a short-term rental license shall be submitted to the Finance Director on a form provided by the Town, and the Finance Director shall accept no incomplete applications. It is the duty of each short-term rental property licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which the information provided is no longer accurate. Applications shall provide the following:

1. The full name, residential address and telephone number for the applicant;
2. The full name, business address and telephone number of the responsible agent for the short-term rental property, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short-term rental and agreeing that the responsible agent shall comply with the requirements and limitations of this Article;



3. The address of the proposed licensed premises and a description or illustration of the area(s) that will be used for short-term rental purposes, along with a statement of the maximum occupancy of the area(s) pursuant to the limitations of Section 110-40.A.3;
  4. Proof of the lawful possession of the licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written authorization, signed and notarized, from the owner of the licensed premises for the use of the same for short-term rentals;
  5. An application fee in an amount set by the Finance Director from time to time. The application fee shall not be prorated for a portion of a license year, and shall be set at an amount that reasonably reimburses the Town for the costs of implementing and enforcing the provisions of this Article. Such costs shall include the Town's direct and indirect costs in (i) accepting, reviewing and issuing decisions on short term rental property license applications; and (ii) inspecting or otherwise engaging in enforcement activities related to the requirements of this Article;
  6. A copy of (i) the information notices that comply with the requirements of section 110-40.A.3 and has been posted or placed on or in the subject property; and (ii) the parking plan that complies with the requirements of section 110-40.A.1;
  7. A copy of a valid Colorado sales tax license for the rental activity or the pending application therefor unless, due to the specific nature of the short-term rental property's booking platform, a separate sales tax license is not required by the State of Colorado;
  8. Such other information determined necessary or desirable by the Finance Director to evaluate the compliance of the application, licensed premises or proposed short-term rental activity with the requirements of this Article; and
  9. An affidavit signed by the owner or authorized leasee, under penalty of perjury, certifying that the short-term rental property complies with the life safety standards set forth in Section 110-40.A.4, and that the information notices required by section 110-40.A.3 have been and will remain posted or placed at a conspicuous location on or in the short-term rental property.
- B. *Updating of application.* It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which any information provided is no longer accurate.
- C. *Term and renewal of license.* Each license issued under this Article shall be valid from the date of issuance until the next subsequent April 30. An application for renewal of a license shall have the same submittal requirements and shall be considered in the same manner as the original application. An application for renewal of a license issued under this Article shall be made not less than thirty (30) days prior to the expiration of the existing license.
- D. *Transferability of license.* No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon, excepting spouses and partners in a civil union.

## § 110-40. Limitations and requirements

A. *Special requirements.* In addition to the other requirements of this Article, the owner of an accommodations unit licensed pursuant to this Article shall, as a condition of such license, be subject to the following requirements and limitations:

1. *Parking.* The motor vehicles of all occupants of a short-term rental property shall be parked only on the site of the short-term rental property. No motor vehicles shall be parked on the lawn or landscaped area of a short-term rental property, or in the public street or right-of-way adjacent to the property. No person shall be permitted to stay overnight in any motor vehicle which is parked at a short-term rental property. The owner of a short-term rental property shall provide a parking plan for the property;
2. *Trash collection.* The storage and disposal of all trash and garbage from a short-term rental property shall comply with the requirements of section 127-17 of this Code, including but not limited to the requirement that any person in charge of real property within the Town that is served by curbside garbage pickup shall place a garbage can or similar refuse receptacle at the curb only on the day of pickup;
3. *Occupancy.* The maximum occupancy for overnight use of a short-term rental property shall be the greater of:
  - a. One (1) person per two hundred (200) square feet of area; or
  - b. Two people per bedroom, plus four people (4).

For purposes of this subsection, a child of age 12 or under shall not count as a person. The maximum occupancy may be adjusted by a written determination of the Town Manager or his or her designee, following physical inspection of the property. The basis for any increase in maximum occupancy shall be a determination of the actual number of sleeping places, within one or more beds, that are located within a room or rooms that conform to the requirements of the applicable building code for a bedroom.

It shall be unlawful to allow the overnight occupancy of a short-term rental property by more than the maximum number of people permitted under this subsection;

4. *Renter information notices.* An owner shall post and maintain a sign in a conspicuous location within each short-term rental property that shall contain the following information:
  - a. contact information for police, fire, and ambulance service in the case of an emergency;
  - b. the physical address of the short-term rental property;
  - c. contact information for the responsible agent or property owner;
  - d. the Town of Frisco's short-term rental property license number; and

e. the location of fire extinguishers, if any, and fire escape routes.

An owner shall place and maintain at a conspicuous location within in each short-term rental property written information that provides:

- a. the maximum number of people permitted for overnight occupancy;
- b. the location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property;
- c. alternative parking locations (if any) for extra vehicles, trailers and campers;
- d. the location of trash and recycling receptacles and the rules and regulations regarding the handling of the same;
- e. snow removal instructions or information;
- f. policies regarding noise;
- g. policies regarding pets; and
- g. applicable homeowners association policies (if any) specific to the property;

5. *Life safety.* Each premises licensed under this Article shall:

- a. conform to the applicable requirements of the Town's building, technical and safety codes adopted by reference in Chapter 65 of this Code;
- b. have smoke detectors, carbon monoxide detectors and fire extinguishers installed and maintained in operable condition; and
- c. have wood burning fireplaces and stoves cleaned on an annual basis;

6. *Noise and nuisance.* While occupying a short-term rental property as a short-term leasee, no person shall amplify music outdoors, make any noise that violates any provision of Section 127-53 of this Code, nor engage in any act or allow any condition on the premises that constitutes a nuisance under Chapter 124 of this Code;

7. *Camping and temporary structures.* While occupying a short-term rental property as a short-term leasee, no person shall camp outdoors, pitch or use any tents, or construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes; and

8. *Advertising.* All advertising for a short-term rental property shall include a reference to the Town of Frisco short-term rental property license number, which license number shall appear immediately following the first description of the property, as well as a statement of the maximum occupancy permitted for the property.

- B. *Owner liable.* Compliance with, and ensuring compliance with, the special requirements set forth in Subsections A.4, A.5 and A.8 of this Section shall be a nondelegable responsibility of the owner of a short-term rental property, and 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 said subsections.
- C. *Inspections.* 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 Town's ability to inspect short-term rental properties is in the interest of public safety. Therefore, whenever it is reasonably necessary to make an inspection to enforce the requirements and limitations of Subsection A of this Section, an authorized public inspector may enter such property at all reasonable times to inspect the same for the purpose of enforcing such requirements and limitations. Provided, that if such short-term rental property is occupied, the authorized public inspector shall first present proper credentials and request entry, and if such property is unoccupied, shall first make reasonable effort to locate the owner, the responsible agent or other person having charge or control of the property and request entry. If such entry is refused, or if the short-term rental property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant or other person having charge, care or control of the short-term rental property shall fail or refuse to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the property. No inspection warrant or permission shall be required for an authorized public inspector to enter and inspect a short-term rental unit in the case of an emergency involving the potential loss of property or human life.
- D. *Municipal court warrant.* The municipal court judge may issue an inspection warrant authorizing the inspection of a short-term rental unit pursuant to this Section in accordance with rule 241(b) of the Colorado Municipal Court Rules of Procedure. The municipal court judge may impose such conditions on the inspection warrant as may be necessary in the judge's opinion to protect the private property rights of the owner of the premises to be inspected, or to otherwise make the warrant conform to applicable law.

**§110-41. Denial of license.**

- A. A short-term rental property license application shall be denied by the Finance Director based on any of the following grounds:
  - 1. All applicable provisions of the town code have not been met;
  - 2. The required application fees have not been paid;
  - 3. The application is incomplete or contains false, misleading or fraudulent statements; or
  - 4. Any reason that would justify suspension or revocation of a license.
- B. In the event of a denial, the Finance 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.

**§110-42. Suspension or revocation of license.**

A. *Suspension.* The Finance Director may suspend a short-term rental property license upon determining that a licensee has:

1. Been found guilty on more than one occasion within the last year by the Frisco Municipal Court of having violated a provision of this Article;
2. Operated the business in violation of a building, fire, health or safety code adopted by the Town, said determination being based on investigation by the department, division, or agency charged with enforcing said code. In the event of such a code violation, the Finance Director shall promptly notify the licensee of the violation and shall allow the licensee a twenty (20) day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the twenty (20) day period, the Finance Director shall forthwith suspend the license and shall notify the licensee of the suspension; for purposes of this subsection, code provisions regulating noise shall not constitute a health or safety code violation for which a period to correct the violation is required;
3. Failed to file tax returns or to pay taxes due to the Town pursuant to applicable provisions of the Town Code; or
4. Failed to pay the annual license fee.

The Town Licensing Officer may suspend a short-term rental property license for a period not to exceed one hundred fifty (150) days. The suspension shall remain in effect until and including the last day in the Finance Director's order or until such time as the violation in question has been corrected, whichever is later.

B. *Revocation.* The Finance Director shall revoke a short-term rental property license upon determining that:

1. A cause for suspension in subsection A of this section occurred and the short term rental property license has been suspended more than once within the preceding twelve (12) months;
2. A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a short term rental property license;
3. A licensee knowingly operated the business during a period of time when the licensee's short term rental property license was suspended; or
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.

C. *Effect of revocation.* When the Finance Director revokes a short-term rental property license, the revocation shall continue for one (1) year and the licensee shall not be issued a short-term rental property license for one (1) year from the date revocation became effective.

**§ 110-43. Appeal hearing on denial, suspension or revocation.**

- A. *Appeal.* An applicant or licensee may appeal a denial, suspension, or revocation of his or her short-term rental property license to the Town Manager and shall be entitled to a hearing before the Town Manager. Said appeal shall be made in writing, stating the grounds for appeal, within five (5) working days of the decision of the Finance Director. In the event of a suspension or revocation hearing, the business may continue to operate during the hearing process.
- B. *Hearing.* At the hearing, the Town Manager shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial or the violation alleged for suspension or revocation. The Town Manager shall make findings of fact from the statements and evidence offered as to whether such grounds exist or such violation occurred. If the Town Manager determines that grounds for denial or a cause for suspension or revocation exists, he or she shall issue an order denying, suspending, or revoking the license within thirty (30) 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 licensee at the address on the license.
- C. *Final order.* The order of the Town Manager made pursuant to subsection B above shall be a final decision and may be appealed to the municipal court pursuant to Colorado Rule of Civil Procedure 106(a)(4). Failure of a licensee to appeal said order in a timely manner constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the short-term rental property license.
- D. *Hearing powers.* The Town Manager 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 to the determination of any hearing that the Town Manager conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Town Manager. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. *Recording.* All hearings held before the Town Manager regarding denial, suspension, or revocation of a short-term rental property license issued under this code shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the Town Manager and shall pay all costs of preparing such record.
- F. *No refund of license fee.* In the event of suspension, revocation, or cessation of business, no portion of the short-term rental property license application fee shall be refunded.

**§ 110-44. Violation, penalty and enforcement.**

- A. It is unlawful for any owner, responsible agent or occupant of a short-term rental property to violate any provision of this Article.
- B. In addition to the suspension and revocation actions pursuant to Section 110-60 of this Article, violations of this Article are subject to the penalties set forth in Section 1-14 of this Code, and 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.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid or preempted, such invalidity or preemption shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid or preempted portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The Town Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 3. Effective Date. This Ordinance shall become effective five (5) days after publication on second reading in accordance with the Charter for the Town of Frisco

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 11TH DAY OF DECEMBER, 2018.

TOWN OF FRISCO, COLORADO:

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Gary Wilkinson, Mayor

ATTEST:

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Deborah Wohlmuth, CMC,  
Town Clerk