

**ORDINANCE NO. 09**  
**(Series of 2022)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,  
AMENDING THE VACATION RENTAL REGULATIONS IN THE CITY OF ASPEN  
LAND USE CODE.**

**WHEREAS**, the City of Aspen (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”); and,

**WHEREAS**, the City of Aspen currently regulates land uses within the City limits in accordance with Chapter 26.104 *et seq.* of the Aspen Municipal Code pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §§29-20-101, *et seq.* C.R.S; and,

**WHEREAS**, Aspen is a tourists destination, attracting tens of thousands of visitors a year in all seasons, visitors which require transient tourist accommodations and participate in and support Aspen’s tourist economy; and,

**WHEREAS**, a variety of tourist accommodations at varied sizes, quality, and price points is essential to supporting the City’s tourist economy; and,

**WHEREAS**, a tourist-based economy such as the City’s requires a sufficient number of employees to provide the services required to serve such an economy. Without adequate workforce housing, a tourist-based economy cannot thrive; and,

**WHEREAS**, to allow for a sufficient number of employees to be hired to provide the services necessary to sustain a tourist-based economy there must be an adequate supply of workforce housing; and,

**WHEREAS**, historically, the long-term rental of residential property, or at least the long-term rental of space within a residential property, has been an important means for providing workforce housing within the City; and,

**WHEREAS**, in addition to the required workforce housing, it is also essential to the continued vitality of the City’s economy that adequate short-term housing be made available to the many tourists who visit the City each year; and,

**WHEREAS**, short-term rentals are extremely valuable to the City’s economy and exist in various locations throughout the City; and,

**WHEREAS**, the operation of a short-term rental in the City is the operation of a business; and,

**WHEREAS**, without regulations and limitations on their operation and extent, short-term rentals also have adverse impacts on the character of residential neighborhoods and the availability of long-term housing options; and,

**WHEREAS**, tourists visitation, the operation of tourist accommodations, the goods and services demanded by tourists, and the transportation systems required to move tourist to and throughout the community have environmental impacts, measured as Greenhouse Gas Emissions; and,

**WHEREAS**, in keeping with the goal of the City’s Comprehensive Plan to preserve small town character while maintaining livability, the City desires to minimize the negative impacts of short-term rentals on Aspen’s neighborhoods, housing supply, economy, and environment; and,

**WHEREAS**, during the moratorium, adopted Ordinance No. 26, Series of 2021, City staff engaged in a robust public engagement process which included two online surveys regarding community perception of short-term rentals and feelings toward specific regulations; an open house at City Hall which included story boards and an opportunity for feedback; a public work session to discuss the online survey results and expand further into certain topic areas; and research into how other municipalities in Colorado regulate short-term rentals; and,

**WHEREAS**, the Planning and Zoning Commission received and considered the information gathered through the public engagement process, as well as comments from the public, during a Meeting held on May 17<sup>th</sup>, 2022, and voted 4 to 0 to recommend approval of Ordinance #09, Series of 2022 to City Council; and,

**WHEREAS**, on December 12, 2021, City Council adopted Ordinance No. 26, Series of 2021 enacting a temporary moratorium in the issuance of new short-term rental permits until September 30, 2022; and,

**WHEREAS**, at a regular meeting on May 24, 2022, City Council by a 5 to 0 vote, approved Ordinance #09, Series of 2022, approving at First Reading a Code Amendment to Vacation Rental Regulations; and,

**WHEREAS**, at a regular meeting and properly noticed public hearing on June 28th, City Council by a 5 to 0 vote, approved Ordinance #09, Series of 2022 on Second Reading; and,

**WHEREAS**, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:**

Section 1.

Section 26.104.100 “Definitions shall” be amended as follows:

**Condo-hotel.** A condo-hotel is a lodging property which meets the definition of Lodge in 26.104.110, Use Categories and in which ownership of individual lodge units has been condominiumized in accordance with The Colorado Condominium Ownership Act, C.R.S. § 38-33-101, et. seq.

**Hotel.** See definition of Lodge, 26.104.110 Use Categories.

**Motel.** See definition of Lodge, 26.104.110 Use Categories.

**Natural Person.** A living, individual human being, as distinct from a “legal person” for the purpose of assigning certain legal rights.

**Owner Occupied.** A residential property that serves as the primary residence of the title owner of the property.

**Owner Occupant.** For the purposes of permitting specific types of short-term rentals, owner-occupant is a natural person whose principal residence is the City of Aspen residential property or unit for which a short-term rental permit is sought.

**Pillow.** A unit of measure for assessing affordable housing generation and occupancy of lodge rooms/units per bedroom in a short-term rental. Each lodge and short-term rental unit shall be considered to have two pillows for each bedroom. For calculating occupancy in short-term rentals, sleeper sofas, murphy beds, and similar sleeping accommodations shall be considered as two pillows. Studio units shall be considered to have two pillows.

**Primary residence.** The permanent residential address, as demonstrated by acceptable legal documentation described in this title, of an Owner- Occupied Short-term Rental Permit holder.

**Qualified Owner’s Representative.** A natural person who is legally designated on the permit application by the permittee to apply for and maintain compliance with a City of Aspen Short-term Rental Permit. For each short-term rental property, there may be only one qualified owner’s representative. All qualified owner’s representatives must have a business license through the City of Aspen.

**Short-term Rental (STR).** The use or occupancy of a residential property or dwelling unit, in whole or in part, by the general public for a fee, primarily for tourist accommodations, and for a period of less than 30 days. Timeshare, hotel, motel, and bed and breakfast uses are not short-term rental uses.

**Vacation Rental.** See short-term rental.

## Section 2.

**Valid 2021-2022 Permits.** 2021 Vacation Rental Permits (2021 VRP) issued pursuant to Section 26.575.020 “Vacation Rentals” on or prior to December 8<sup>th</sup>, 2021, shall be deemed to be valid 2022 STR Permits and shall be valid until December 31, 2022. Valid 2022 permits may be renewed annually thereafter, subject to the terms and conditions set forth in this chapter until they are abandoned or revoked in accordance with this chapter. Valid 2022 permits which are

renewed after December 31, 2022, may not be transferred to owners or properties other than that listed on the 2022 STR permit. Upon renewal, 2022 STR permits issued to a corporation, partnership, association, or company must update the permit application information to comply with the requirements of Chapter 26.530. The number of Short-term Rental-Classic (STR-C) permits as of January 1, 2023, may exceed the cap for zone districts, as defined in Chapter 26.530, until such time as they are revoked, abandoned, or otherwise eliminated. Owner-occupied Short-term Rental Permits and Lodging Exempt Short-term Rental Permits may be issued with the requirements of Chapter 26.530 beginning October 1, 2022.

Section 3.

Section 26.575.220 “Vacation Rentals” shall be deleted in its entirety.

Section 4.

Chapter 26.530 “Reserved” shall be deleted in its entirety and replaced with the following:

**Chapter 26.530  
Short-term Rental Regulations**

<b>Sec. 26.530.010</b>	<b>Purpose</b>
<b>Sec. 26.530.020</b>	<b>Applicability</b>
<b>Sec. 26.530.030</b>	<b>Permitting Requirements</b>
<b>Sec. 26.530.040</b>	<b>Permitting Procedures and Standards</b>
<b>Sec. 26.530.050</b>	<b>Occupancy and Operational Standards</b>
<b>Sec. 26.530.060</b>	<b>Enforcement</b>
<b>Sec. 26.530.070</b>	<b>Fees</b>
<b>Sec. 26.530.080</b>	<b>Appeals</b>

**26.530.010 Purpose**

The purpose of this Chapter is to regulate short-term rentals (STRs) as a land use within the City of Aspen. STRs are an important component of the City’s lodging bed base, support a vibrant tourist economy, and provide real property owners with STR permits significant financial benefit. STRs influence property value and occupancy patterns of residential dwelling units. STRs influence neighborhood character by introducing commercial lodging uses in residential neighborhoods. STRs require services and infrastructure to operate. STRs further reduce the potential availability of long-term rental housing to support the local economy and community.

STRs require regulation as a distinct land use to ensure the health, safety, peace, and welfare of the community through the application of zoning police powers. The following regulations support the operation of STRs balanced with community policies related to housing, development, growth management, and a sustainable economy as described in the Aspen Area Community Plan.

**26.530.020 Applicability**

- A. This chapter applies to all STRs in the City of Aspen. STRs are required to obtain a permit in accordance with their type and operation as defined in this section. STRs operating without a permit are subject to enforcement as defined in Section 26.530.060 Enforcement.

- B. It shall be unlawful for any person, whether a principal or agent, clerk, or employee, either for him or herself, or for any other person for anybody, corporation or otherwise, to lease or operate an STR without first obtaining an STR permit in accordance with the provisions and procedures of this section.

## **26.530.030 Permitting Requirements**

### **A. Permits.**

Any property rented as an STR shall require a permit to operate. Permits shall be approved, approved with conditions, or denied by the Community Development Director based on the following criteria:

- 1) **Permittee.** Permits shall only be issued in the name of one natural person who has an ownership interest in the property for which the permit is issued (“Permittee”).
- 2) **Permit Number.** STR permits are issued a unique permit number. That permit number shall be clearly displayed in all advertising and listings of the STR, including but not limited to all digital and print advertising. The permit number must be listed in the STR, along with permittee and/or qualified owner’s representative and emergency contact information as part of the in-unit Community Messaging Program described in the STR Program Guidelines.
- 3) **Permit Application Contents.** The following information is required for STR permit applications: the owner(s) of the property, the name and contact information of the proposed permittee; if title to the subject property is held by a corporation, partnership, association, or company, the name and contact information of any officer, director or stockholder holding ten percent (10%) or more of the interests in the corporation, partnership, association, or company; the property address, Pitkin County parcel identification number; Pitkin County owner name; number of bedrooms and pillows in the unit in its largest configuration; size of heated area of the STR residence, and all previous notices of code violations or complaints filed against the property.
- 4) **Licensing.** STRs are required to maintain a City of Aspen Business License and are required to remit lodging and sales tax in accordance with Municipal Code regulations and Finance department policies. The STR Program Guidelines include details about licensing and tax compliance standards and procedures.
- 5) **Non-Transferability.** Commencing October 1, 2022, STR permits shall be granted only for the property for which it is issued and solely to the permittee to whom it is issued. The permit shall not be transferable to any other person, legal entity, or residential address. If the property is owned by a partnership, corporation, association or company, a transfer shall be deemed to occur if the permittee transfers his or her interest in the property to a third-party individual or entity or if more than ten percent (10%) of the partnership, corporation, association, or company is transferred to a third-party individual or entity, even if the permittee retains an ownership interest in the property. Upon such transfer of ownership, the permit shall be deemed terminated and revoked and the new

owner of the property shall be required to apply for a new STR permit if it wishes to continue the use of the property as a vacation rental. The STR permit shall include a non-transferability clause and notice that the permit shall be deemed terminated and revoked automatically upon the sale or change of ownership of the property for which a permit has been issued, as described herein.

**B. Permit Types.**

STRs shall be eligible for one of three permit types: Short-term Rental Classic, Owner-Occupied Short-term Rental, or Lodging Exempt Short-term Rental. The ability to obtain an STR permit is conditioned upon the permittees consent of the eligibility, requirements, and standards for each permit type as follows:

- 1) ***Short-term Rental Classic (STR-C)*** – this permit is issued only to residential units located in eligible zones and the approved use of which is not a Lodge use. (Condo-hotel properties must apply for a Lodging-Exempt STR permit.)
  - a. STR-C permits shall be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees.
  - b. STR-C permits are subject to the life-safety standards and the operational standards described in this chapter and the STR Program Guidelines.
  - c. There is no annual limit on the number of nights an STR-C permittee may operate the STR unit. Bedrooms, lock-offs, or portions of the residential unit, in addition to the whole residential unit, may be rented. Occupancy for the unit is limited by the standards described in Section 26.530.050.
  
- 2) ***Owner-occupied Short-term Rental (STR-OO)*** – this permit is issued only to owner-occupied residential units, where the property is the primary residence of the permittee. Part 700 of this Title describes the zone districts where STRs are a permitted use.
  - a. STR-OO rental permits shall be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees.
  - b. STR-OO are subject to the life-safety standards for STRs described in this chapter and the Program Guidelines, and who must have two (2) of the following valid documents indicating that the STR is the applicant’s primary residence:
    - i. valid Colorado driver’s license;
    - ii. valid motor vehicle registration;
    - iii. voter registration;
    - iv. Federal or state tax return; or,
    - v. other legal documentation deemed sufficient by the Community Development Director which is pertinent toward establishing principal residence.
  
- 3) ***Lodging Exempt Short-term Rental (STR-LE)*** – Lodges and condo-hotels which meet the definition of Lodge are eligible for STR-LE permits.
  - a. For eligible properties, only one permit is required for all units under management.
  - b. In addition to the limitations of the definition of Lodge and/or Condo-hotel, Lodging Exempt eligible properties must offer STR units under a

unified brand and marketing model where individual ownership of units is secondary to the central brand of the property.

- c. Lodging Exempt permittees must submit an affidavit attesting to their eligibility.
- d. STR-LE permits must be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees. To ensure ongoing eligibility for the STR-LE permit, permittees are subject to the Lodging Occupancy Auditing regulations in Section 26.575.210.

### **C. Zoning Limitations.**

STR-C permits are limited by number in residential zone districts. Refer to Part 700 of this title for permitted uses by zone to assess where STR-Cs are permitted. In zones where STR is not a permitted use, it is a prohibited use.

- 1) STR-C permits are limited by number in specific zone districts as follows:
  - a. RR: 2 permits;
  - b. R-3: 1 permit;
  - c. R-6: 81 permits;
  - d. R-15: 47 permits;
  - e. R-15A: 8 permits;
  - f. R-15B: 12 permits;
  - g. R-30: 1 permit;
  - h. R/MF: 190 permits;
  - i. R/MFA: 12 permits;
  - j. AH: 9 permits;
  - k. MU: 39 permits;
  - l. NC: 1 permit;
  - m. SCI: 2 permits;
  - n. SKI: 2 permits.
- 2) There is no limit to the number of STR-C permits in the following zone districts: Commercial (C-1), Commercial Core (CC), Lodge (L), Commercial Lodge (CL), Lodge Overlay (LP), Lodge Preservation Overlay (LO).
- 3) STR-OO are not limited by number in any allowable zone district. Refer to Part 700 of this title for zone districts where STR is a permitted use.
- 4) STR-LE are not limited by number in any allowable zone district. Refer to Part 700 of this title for zone districts where STR is a permitted or prohibited use.

### **26.530.040 Permit Procedures and Standards.**

Prior to the issuance of an STR permit, the permit application will be reviewed for compliance with the following standards.

#### **A. Zoning Compliance.**

All STR permits must comply with zoning regulations for the zone district in which they are located. STR permit applications shall include the Parcel Identification Number and residential

address including unit number for the property to ensure compliance with underlying zoning. Zone district STR regulations, including permitted uses and cap limitations, may change over time per City Council action. Possession of an STR permit does not supersede compliance with zone district STR regulations.

**B. Life-safety Compliance and Inspection.**

- 1) **Required Noticing.** All new STR applicants shall comply with neighborhood noticing requirements per Section 26.304.060.E.3.b-c, Manner of Notice.
- 2) **Inspections.** By signing and submitting an STR permit application, and subsequently being granted a permit, the owner(s) of the property shall consent to inspections of the property by City of Aspen personnel and their agents for the purpose of determining compliance with City Codes, Regulations and Laws. No inspection will be made without first giving the permittee and, if applicable, the qualified owner's representative, 48 hours' notice of the inspection.
- 3) **Life-Safety.** STRs are required to comply with all applicable life-safety standards in Municipal Code Title 8 and the STR Program Guidelines, as amended from time to time. Life-safety standards including: fire suppression, occupancy limitations, mechanical codes, emergency contacts and procedures, and inspections.

**C. Qualified Owner's Representative.**

Permittees who cannot meet requirement for regulatory compliance, in-person service, emergency response and other regulations in this title may designate a qualified owner's representative. A qualified owner's representative shall be a natural person residing in the Roaring Fork River Drainage area situated in Eagle, Pitkin, Garfield or Gunnison Counties, or within the Colorado River Drainage area from and including the unincorporated No Name area to and including Rifle. The qualified owner's representative is designated by the permittee who is the property owner as the point of contact for the permitted STR. For permittees that designate a qualified owner's representative, the qualified owner's representative shall be responsible for responding to tenant and City inquiries, complaints, enforcement actions, and other on-site needs.

- 1) If a qualified owner's representative is designated for an STR, the qualified owner's representative must have a City of Aspen business license. The qualified owner's representative shall be listed on the STR permit for the property including the qualified owner's representative's name, entity or company name, telephone number, email address, and physical address.
- 2) STR permittees who designate a qualified owner's representative are liable for compliance with applicable Land Use Code and Municipal Code regulations. The qualified owner's representative is not legally liable for violations of this section or compliance with applicable Municipal Code regulations but is responsible for notifying the permittee when a violation has occurred.
- 3) The name, address, and telephone number(s) of the qualified owner's representative, as shown on the STR permit, shall be made available to the Community Development



Department, the Aspen Police Department, and the Aspen Fire Protection District. Any change to the qualified owner's representative or permittees' contact information shall be promptly furnished to the City of Aspen via a revised STR permit application within ten (10) days. Failure of the permittee to provide or update the qualified owner's representative contact information to the City shall constitute an enforcement violation subject to actions and penalties as described in Section 26.530.070 Enforcement.

- 4) The permittee, or if designated, the qualified owner's representative, shall be available 24 hours a day, year-round to ensure that the property is maintained and operated as required by Land Use Code standards and the STR Program Guidelines. The permittee, or if designated, the qualified owner's representative, shall respond to service or compliance inquiries from occupants and City officials, and shall be available to be at the property within two (2) hours in an emergency. Failure of the permittee, or if designated, the qualified owner's representative, to respond to a call from a tenant or the Community Development Director within 24 hours shall result in an enforcement violation subject to actions and penalties as described in Section 26.530.070 Enforcement against the permittee.

**D. Permit Application, Fees, Issuance, Renewal, Revocation, and Abandonment.**

- 1) **Application.** Permit applications shall be received and processed on a first come, first served basis. The Community Development Director shall deem applications complete based on the requirements of this Chapter and the standards in the STR Program Guidelines. Only complete STR permit applications shall be accepted and reviewed.
- 2) **Fee Payment.** Permit fees shall be remitted at the time of permit application and cover the cost of processing the application. Application fees are nonrefundable.
- 3) **Neighborhood Noticing.** Upon application for a new STR-C or STR-OO permit, the applicant shall provide neighborhood noticing in accordance with Section 26.304.060.E.3.b-c. *Manner of Notice*. Permit renewals do not require neighborhood noticing. Permits shall be approved, approved with conditions, or denied following the notice period. STR-LE are exempt from this provision.
- 4) **HOA Compliance.** Permit applications for residential properties which are in a Homeowners Association (HOA) must include HOA approval for the applicant to operate an STR in the form of a signed letter, including telephone and email contact information for the HOA, with the permit application.
- 5) **Issuance.** Permits shall be approved, approved with conditions, or denied within 21 working days of the closure of the notice period described above. The Community Development Director may issue permits with conditions based on review of the permit application and public comment. The review and issuance period for individual permit applications may be extended at the direction of the Community Development Director.
- 6) **Waitlist.** Once the permit limit is reached for each zone district, applicants will be placed on a waitlist for the next available permit in the order in which the application was received.

A waitlist applicant shall be a natural person. The residential address included in the waitlist application must match the residential address for which the subsequent permit is issued. Applicants who sell the property for which the permit is sought shall be removed from the waitlist. As permits become available, waitlist applications shall be reviewed and approved, approved with conditions, or denied. If the property has been found in violation of this Chapter during the waitlist period, the application shall be denied.

- 7) **Renewal.** STR permits shall be renewed annually in accordance with the procedures in the STR Program Guidelines. Failure to renew a permit within fourteen days (14) of the permit expiration date shall result in the abandonment of the permit.
- 8) **Tax Filing.** STRs must be occupied by a short-term renter a minimum of once per year, as shown in tax filings to be eligible for renewal. Permits with one year of zero tax filings from the date of permit issuance or renewal will be considered abandoned and be processed in accordance with the standards in this chapter.
- 9) **Abandonment.** STR-C and STR-OO permits shall be valid for one year from the date of issuance and shall be renewed annually. Failure to renew a permit in accordance with the STR Program Guidelines will result in the abandonment of the permit. STR permits may be abandoned by permittees at any time by notifying the Community Development Director of the intent to abandon the permit. Abandoned permits will be made available to the next applicant on a first-come, first-served basis or the next applicant on the waitlist for that zone district in accordance with the STR Program Guidelines. STR-LE are exempt from this provision.
- 10) **Revocation.** STR permits may be revoked by the Community Development Director for any of the following reasons: three violations of the requirements of this chapter and applicable Municipal Code standards as described in the STR Program Guidelines, failure to rent the property during the term of the permit, failure to pay STR taxes and fees, or violations of the requirements of this section.

#### **26.530.050 Occupancy and Operational Standards.**

Prior to the issuance of an STR permit, the permit application will be reviewed for compliance with the following standards.

##### **A. Occupancy Limits and Unit Size.**

STRs are limited to a total occupancy of two occupants per bedroom plus two additional occupants, studios are limited to a total occupancy of two occupants plus one additional occupant. Permit applications are required to list the number of bedrooms in the unit at its largest configuration. STRs may be inspected for accuracy of bedroom count on the permit application and for compliance with these occupancy requirements. For the purpose of establishing unit occupancy, a studio shall have an occupancy of two occupants plus one additional occupant. Occupancy for each STR shall be included in all STR advertising, the in-unit messaging, and permit on display in each permitted STR. Bedrooms, lock-offs, or portions of the residential unit, in addition to the whole residential unit, may be rented.

**B. Annual Rental Night Limits.**

STR-OO are limited to 120 short-term rental nights per year from the date of permit issuance. There is no annual limit on the number of nights per year an STR-C can be rented. There is no annual limit on the number of nights per year an STR-LE can be rented.

**C. Good Neighbor Guide.**

STRs are required to operate in accordance with all applicable Municipal Code regulations protecting the health, safety, and peace of the community and supporting the maintenance of community character and values. STR owners and permittees are required to assist STR occupants in being ‘good neighbors’ by recognizing their obligation to following the rules and customs of the community. To support these community goals, the Community Development Department maintains the Short-term Rental Program Guidelines, Good Neighbor Guide, and collaborates with non-governmental organizations to promote good neighbor behavior by visitors.

- 1) STR-C and STR-OO permittees, and if designated, their qualified owner’s representatives must comply with the policies described in the City of Aspen Good Neighbor Guide and provide that information at all times to occupants of the unit.
  
- 2) In-unit messaging is essential to assisting STR occupants in supporting the City’s good neighbor policies, ensuring STRs in neighborhoods support community character, and assisting in the promotion of Aspen’s community character. The following notices shall be posted in a conspicuous location inside the rental unit:
  - i. A copy of the STR-C or STR-OO permit,
  - ii. STR license and business number,
  - iii. The name, address, and telephone number(s) of the permittee or qualified owner’s representative,
  - iv. A statement which reads: Occupants shall comply with the City’s Noise Ordinance,
  - v. The location of the required parking spaces,
  - vi. Wildlife protection policy,
  - vii. The location of the fire extinguisher,
  - viii. Information on the trash, recycling, and composting programs including:
    - a. Solid waste pickup schedules;
    - b. Guidelines on living with wildlife and instructions for operating wildlife containers; and
    - c. A notice that trash and recycling containers must be stored indoors except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup, where they may be placed at the curbside or in alleys.
  - ix. City of Aspen emergency services information and contact information,
  - x. The City of Aspen’s Good Neighbor Guide

**D. Adoption of and Compliance with STR Program Guidelines.**

The City Council hereby adopts the Short-term Rental Program Guidelines. The Community Development Department shall keep on file and make available to STR permittees, and if applicable, qualified owner’s representatives. These guidelines set forth the standards, procedures, and supplemental information necessary for the operation of an STR within the City of Aspen. The

Community Development Director may use the guidelines as a basis for enforcement actions in accordance with the requirements of this Chapter. The Guidelines may be updated, amended, and expanded from time to time by City Council Resolution.

#### **26.530.060 Enforcement.**

The City of Aspen actively enforces its STR regulations through inspections, citizen complaints, audits, and permitting. These measures ensure that STRs reinforce, not undermine, community policies and character. Active enforcement ensures that visitors who choose to stay in STRs are informed of the unique qualities of mountain living and enhance our community culture by being good visitors and acting as neighbors and community members during their stay. STR permittee, and if applicable, qualified owner's representative, play an essential role in supporting and advancing these policies and supporting the City's enforcement activities.

##### **A. Complaints.**

Any valid complaint received regarding the STR property will first be referred to the permittee, and if applicable, qualified owner's representative for response and correction. The Community Development Director will follow up with any complaining party, the permittee, and if applicable, qualified owner's representative, for compliance or resolution. The permittee or qualified owner's representative must respond to all complaints or inquiries from City officials within 24 hours and occupant complaints within two (2) hours. The City of Aspen is not responsible for complaints against a HOA, hotel, or condo-hotel's own guidelines outside of the City's code, rules and regulations. Failure to respond within 24 hours shall result in a notice of violation and demand to cure. All valid complaints will be recorded and kept on-file including the address, permittee, permit number, business license number associated with the complaint, and the complainer's name and contact information.

##### **B. Enforcement and Penalties.**

Upon receipt of a complaint, the Community Development Department shall investigate and if it is determined there are grounds to believe a violation of this Chapter or any STR rules and regulations may have occurred, the Community Development Director may issue an Administrative Notice of Violation to the permittee. The Director shall revoke the STR permit of any permittee who receives three (3) Administrative Notices of Violation within the one (1) year permit cycle, effective upon mailing notice to the permittee's address on file. The permittee may appeal the decision to revoke the STR permit by providing notice of appeal to the Community Development Director within fourteen (14) days of the date of the decision to revoke the permit. The Administrative Hearing Officer shall hear appeals brought pursuant to this section (B). Appeals shall be governed by the procedures set forth in Section 26.316.030.

- 1) **Penalty.** Any permittee that violates or allows another to violate any section of this Title shall be subject to prosecution in Municipal Court and upon conviction subject to the fines and penalties set forth in Section 1.04.080. A first offense shall be punishable by a fine of no less than five-hundred dollars (\$500). Each day of any violation of this section shall constitute a separate offense.
- 2) **Civil Remedies.**

- a. The City Attorney may institute injunctive, abatement, or other appropriate action to prevent, enjoin, abate or remove a violation of this Title when it occurs. The same right of action shall accrue to any property owner who may be especially damaged by violation of this Title.
- b. In addition to the penalties and remedies set forth herein, an STR permit shall be automatically revoked by the Community Development Director upon the third conviction of a violation of this Title by the permittee of the property subject to the permit within the one (1) year.
- c. Until paid, any delinquent charges, assessments, or taxes made or levied by the City pursuant to this Title shall, as of recording, be a lien against the property on which the violation has been found to exist. If not paid within thirty (30) days from the date of assessment, the City Clerk may certify any unpaid charges, assessments, or taxes to the Pitkin County Treasurer to be collected and paid over by the Pitkin County Treasurer in the same manner as taxes are authorized to be by statute together with a ten percent penalty for costs of collection. Any lien placed against the property pursuant to this Chapter shall be recorded with the Pitkin County clerk and recorder.

**26.530.070 Fees.**

STR permits are assessed an annual fee per unit, remitted at the time of permit application, in accordance with the following table.

	<b>Annual Administrative Fee</b>
STR-Classic:	\$394
STR-Owner-occupied:	\$394
STR-Lodging Exempt:	\$148/unit


*Table 1: Fee Schedule*

**26.530.080 Appeals.**

Permittees may appeal decisions made by the Community Development Director in the enforcement of this chapter. Appeals will be heard by the Administrative Hearing Officer in accordance with Section 26.316.020.D. Appeals shall be processed in accordance with Section 26.316.030.

**INTRODUCED AND READ**, as provided by law, by the City Council of the City of Aspen on the 24<sup>th</sup> day of May 2022.

**ATTEST:**

  
 \_\_\_\_\_  
 Nicole Henning, City Clerk

  
 \_\_\_\_\_  
 Torre, Mayor

FINALLY, adopted, passed and approved this 28th day of June 2022.

ATTEST:

  
\_\_\_\_\_  
Nicole Henning, City Clerk

  
\_\_\_\_\_  
Torre, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James R. True, City Attorney