



Town Council
Monday, September 18, 2023
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

You can watch the meeting live online on our website at tosv.com.

Agenda

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATIONS AND PRESENTATIONS

3.A. Proclamation honoring Robert de Wetter

[Page 3 Proclamation No. 02, 2023 - Robert de Wetter](#)

3.B. Fire Mitigation Update

[Page 4 Agenda Item Summary - Fire Mitigation](#)

4. PUBLIC COMMENT

This section is set aside for the Town Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the Town Council will not discuss the issue and will not take an official action under this section of the agenda. (Five Minute Time Limit)

5. CONSENT AGENDA

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. 2023 Agenda Overview

[Pages 5-6 2023 Agenda Overview](#)

6. PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7. POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A. Ordinance No. 07, Series 2023 RE Leash Law - 2nd Reading

[Pages 7-9 Agenda Item Summary - Leash Law - 2nd Reading](#)

[Pages 10-13 Ord No. 07, 2023 - Leash Law - JJC Redline2](#)

[Pages 14-17 Ord No. 07, 2023 - Leash Law - JJC Clean2](#)

7.B. Ordinance No. 10, Series 2023 RE Mandatory Leash Zones - 1st reading

[Pages 18-19 Agenda Item Summary - Mandatory Leash Zones](#)

[Pages 20-21 Ord No. 10, Series of 2023 - Leash Law - Mandatory Leash Zones](#)

[Pages 22-29 Dog Leash Zone Maps](#)

[Pages 30-31 Dog Leash Area Bruchure](#)

7.C. Ordinance No. 09, Series 2023 Re STR Enforcement - 2nd Reading

[Pages 32-33 Agenda Item Summary - Ord No. 09, 2023 - STR - 2nd Reading](#)

[Pages 35-36 Ord No. 09, 2023 - STR Regulations](#)

[Pages 36-43 Exhibit A 20230911 Short-Term Rental Regulations-2022 - Exhibit A \(Redline\)](#)

[Pages 44-51 Exhibit B 20230911 Short-Term Rental Regulations-2022 - Exhibit B \(Final\)](#)

7.D. Ordinance No. 11, Series 2023 RE Council Compensation - 1st Reading

[Pages 52-53 Agenda Item Summary - Council Compensation](#)

[Pages 54-56 Ord No. 11, 2023 - Council Compensation - 1st Reading](#)

8. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

9. EXECUTIVE SESSION

9.A. Executive Session - deliver Manager Review & Attorney Update

[Pages 57 Agenda Item Summary for Exec Session](#)

[Pages 58 Executive Session Agenda language for performance review](#)

10. ADJOURNMENT

**TOWN OF SNOWMASS VILLAGE
MAYORAL PROCLAMATION
NO. 2, SERIES OF 2023**

**A PROCLAMATION EXPRESSING THE TOWN OF SNOWMASS VILLAGE'S SINCERE
APPRECIATION TO ROBERT DE WETTER
FOR HIS DEDICATION & SERVICE TO THE VILLAGE**

WHEREAS, we are here today to honor and celebrate the exceptional contributions and devoted service of Rev. Robert de Wetter; and

WHEREAS, When Robert began his Pastoral career at the Snowmass Chapel in the Town of Snowmass Village in 2009, he had no idea he would learn how to wrangle goats and manage a thriving YouTube channel with over **one million** views; and

WHEREAS, As a vital member of the Snowmass Village community for over 14 years, Robert presided over countless baptisms, weddings and funerals, and sat at bedsides in the darkest days as well as praised time and again that *the main thing is love*; and,

WHEREAS, Robert and wife Regina brought up a beautiful family including Elizabeth, Catherine and Peter in Snowmass Village; and,

WHEREAS, through his outreach work with the Snowmass Chapel, Robert has written or presided over 209 blogs, thousands of sermons, 626 podcasts and more that 2,700 YouTube videos; and,

WHEREAS, Robert championed mental health issues in the community and advocated for resources dedicated to those in need; and,

WHEREAS, Robert always made sure the Chapel was a place that people felt welcomed and supported; and

WHEREAS, Robert contributed to our community while serving on numerous boards including the Snowmass Rotary, Snowmass Western Heritage Association Board and Response; and,

WHEREAS, Robert and his family have been vibrant and loving members of our community and they will be dearly missed; and,

WHEREAS, in retirement, Robert will have more time to enjoy fishing and trips to the desert while also making continued efforts to improve his golf game.

NOW, THEREFORE, BE IT PROCLAIMED by Bill Madsen, Mayor of the Town of Snowmass Village, Colorado, on behalf of all citizens of Snowmass Village, that Robert de Wetter shall forever be revered and held in the highest appreciation by all citizens of Snowmass Village for his dedication and devotion to OUR community.

We extend our sincere appreciation for his distinguished service and incomparable contributions. We wish him the best in all his future endeavors.

PROCLAIMED September 18, 2023

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

Attest:

Clinton M. Kinney, Town Manager

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Fire Mitigation Plan/Program Update

PRESENTED BY:

Fire Marshal, John Mele

BACKGROUND:

Snowmass Village is located in a beautiful natural environment. The Town is committed to ensuring that the natural environment is protected and sensitively integrated into the Community.

Wildland fire has always been a part of Colorado's natural ecosystems, drought conditions, warmer temperatures, an increasing number of homes in Wildland Urban Interface (WUI) areas, and declining forest health have elevated wildland fire from a manageable natural resource problem to a growing public safety concern.

The Town of Snowmass Village has partnered with Roaring Fork Fire Rescue over the years in mitigations efforts to ensure the safety of our community. Funding for vegetation management has been in the Town of Snowmass Village budget since 2016.

Fire Marshal John Mele is here to give a short overview and update the Council on recent fire mitigation efforts.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

ATTACHMENT:

N/A

DRAFT 2023 Agenda Items

- Regular Meetings begin at 4:00 p.m. unless otherwise noted
- Work Sessions begin at 4:00 p.m. and aim to end at 6:00 p.m.
- The dates on which agenda items are listed are only a best approximation. Agenda items are added to this list as they arise. Agenda items may well be moved to different meeting dates. Agendas are generally not finalized until the Thursday prior to the meeting.
- In addition to agenda items, this document also lists expected absences of Town Council members. In compliance with section 2-49 of the municipal code, once the consent agenda is approved, the absences noted will be considered to have received the prior approval necessary of the majority of the Council for members to be absent from meetings.

Topic to incorporate:

- Dog Park, Leash laws & E-bikes -POSTR needs to meet 1st.

Mon. Sep. 11th – Work Session

- Housing Regulations update continued
- Draft Ord for Council compensation change

Mon. Sep 18th – Regular Meeting

- Ord – Leash Laws – 2nd Reading (& companion Ord?)
- STR enforcement ordinance 2nd reading
- Robert De Wetter Proclamation
- Fire mitigation update
- Executive Session deliver manager review and attorney update
- 1st reading of the council comp ord

Mon Oct. 2nd – Regular Meeting (Kinney virtual; Fridstein virtual)

- Budget Introduction
- Continued PH Regarding Reso for Ski Co Cell Tower Plan
- EOTC Prep for Oct Meeting
- Reso - In support of Ballot Question

Thurs. October 5th – EOTC – City of Aspen Hosts (Fridstein might not be available)

Mon. Oct. 9th – Work Session

- Snowmass Water & Sanitation overview – Kit Hamby
- Budget Review – Tourism, and others

Mon. Oct. 16th – Regular Meeting

- POST Grant – 1st reading?
- Budget Review
- CIRSA update from Sam Light

Thurs. October 26th – EOTC – City of Aspen Hosts (changed to 10/5)

Mon. Nov. 6th – Regular Meeting

- GID Meeting - Adopting the GID Budget
- Budget Adoption
- B & C Applications

As Of: Thursday, September 14, 2023

DRAFT 2023 Agenda Items

- Executive session for attorney review
- Deerbrook Public Hearing
- Ord - removing Board of Appeals
- Review and possibly adopt Housing regulations
- We-Cycle Expansion Update

Mon. Nov. 13th – Work Session

- Place holder – CORE Update – date?
- Planning for Krabloonik post June 2024

Mon. Nov. 20th – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading
- Reso re 2024 TC Dates
- Executive session personnel attorney
- Deerbrook Public Hearing

Mon. Dec 4th – Regular Meeting

- B & C Interviews

Mon. Dec. 11th – Special Meeting

- **GID Meeting – set Mill Levy**

Mon. Dec. 18th – Regular Meeting

- B & C Resolution appointing new Members
- Reso RE 2024 Meeting Dates

Topics for Work Sessions or Other Meetings Requested by Town Council Members

- Schedule Updates will all of the Town Boards to review priorities and current initiatives
 - EAB
 - FAB
 - PTRAB
 - POSTR
 - Marketing
 - Grants – Recent Awards; Review of Criteria; Purpose, etc.
 - SAAB
 - Planning

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Ordinance No. 7, Series of 2023 – An Ordinance Amending the Town of Snowmass Village Municipal Code by Amending Section 7-124 In Article V of Chapter 7 Related to the Town’s Leash Laws for Dogs

PRESENTED BY:

Jeff Conklin, Town Attorney
Brian Olson, Chief of Police
Andy Worline, Parks, Recreation & Trails Director

BACKGROUND:

The Town Code currently requires that dogs be maintained on a leash when on property accessible by the public. Failure to comply with this restriction constitutes a dog running “at large.” In practice, this regulation has proven difficult to enforce, as citizens will often walk dogs off-leash on trails or otherwise appropriately control dogs through voice, visual, or electronic commands.

Accordingly, this Ordinance proposes to amend the Town Code such that a dog is not considered “at large” if the dog is on a leash or under voice, visual, or electronic commands. There are additional standards to help determine when a dog is considered “at large,” such as harassment of other persons or failure to comply with commands. The proposed Ordinance will provide the Police Department with discretion on what constitutes a failure to control a dog.

Further, there are or may be certain areas of Town that are more appropriate to require dogs to be on-leash (or be on-leash at certain times), regardless of compliance with voice, visual, or electronic commands. The proposed Ordinance thus provides a mechanism to create “mandatory leash zones” by the Town Council by Ordinance or through Town Manager rule on a temporary basis. The latter authority will allow for the Town to be more nimble in requiring dogs to be on leash at certain areas at certain times, such as during JAS. Any temporary areas must be posted with adequate signs identifying the mandatory leash zone.

Staff believes the foregoing approach will allow for enforcement to more closely reflect actual practice, and provide a tool for ensuring dogs are on leash when most critical.

Update for Second Reading:

At First Reading, Council had a great deal of discussion regarding the ability of owners to effectively control dogs by voice, visual, and electronic command as well the ability of the Town to enforce such restrictions. Further, Council felt it was necessary to establish “mandatory leash zones” simultaneous with any change to the Town’s leash laws pursuant to this Ordinance, if adopted.

Accordingly, Staff proposes a few changes to the Ordinance for Council’s consideration on Second Reading. To create a clearer standard for control, the revised Ordinance proposes that a dog must be maintained within a “circle of control” by the Owner by leash, voice, visual, electronic commands. A “circle of control” is defined as an area within a 10-foot radius of the feet of the Dog Owner. This amendment would still allow for dogs to be off-leash, but not allow for a dog to wander great distances. The amendment also creates a more clear standard for dog owners to abide and the Town to enforce.

In addition, Staff drafted Ordinance No. 10, Series of 2023 to create several mandatory leash zones as a “companion” ordinance to this Ordinance. Ordinance No. 10 will be presented to Council for First Reading on September 18, 2023.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 7, Series of 2023 on Second Reading. Doing so will amend the Code to reflect the new provisions.
2. Deny Ordinance No. 7, Series of 2023. Doing so will maintain the existing Code, requiring dogs to be on-leash when in public.
3. Continue the Second Reading of Ordinance No. 7, Series of 2023 to October 2, 2023. This will allow for Ordinance No. 10 to “catch up” to this Ordinance for simultaneous consideration, if approved.

STAFF RECOMMENDATION:

Town Staff recommends that Town Council make a motion to continue the Second Reading of Ordinance No. 7, Series of 2023 to October 2, 2023.

ATTACHMENTS:

Ordinance No. 7, Series of 2023

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL

3
4 ORDINANCE NO. 7
5 SERIES OF 2023

6
7 **AN ORDINANCE AMENDING THE TOWN OF SNOWMASS VILLAGE MUNICIPAL**
8 **CODE BY AMENDING SECTION 7-124 IN ARTICLE V OF CHAPTER 7**
9 **RELATED TO THE TOWN'S LEASH LAWS FOR DOGS**

10
11 WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality,
12 duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of
13 the Constitution of the State of Colorado; and

14
15 WHEREAS, Section 3.3 of the TOSV's Charter confers upon Town Council the
16 power to amend the TOSV Municipal Code; and

17
18 WHEREAS, The TOSV's Municipal Code prohibits dogs from being off leash in all
19 areas within the TOSV; and

20
21 WHEREAS, Town Council has determined that it is appropriate to permit dogs to
22 be off leash within the TOSV so long as the dog is within control of the dog owner by other
23 means; and

24
25 WHEREAS, Town Council has determined that it is appropriate to designate areas
26 within the TOSV where all dogs must be leashed; and

27
28 WHEREAS, Town Council wishes to amend the TOSV Code to permit dogs to be
29 off leash in appropriate areas, as designated by Town Council; and

30
31 WHEREAS, Town Council finds that the adoption of this Ordinance is in the best
32 interest of the TOSV.

33
34
35 NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of
36 Snowmass Village, as follows:

- 37
38 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
39 Council.
40
41 2. Text Amendments. TOSV Municipal Code **Sec. 7-124** is hereby repealed in its
42 entirety and replaced with the following.

43
44 **Sec. 7-124. Dogs; running at large.**
45

(a) It shall be unlawful for any Dog Owner or person with care, custody or control of a Dog to permit a Dog to run at large within the Town.

(b) A Dog shall be considered under restraint and therefore not "at large" when:

- a. The Dog is restrained by a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog);
- b. The Dog is confined within a vehicle, or other enclosure capable of restricting entry by other Dogs;
- c. The Dog is confined by structural fencing (of sufficient height to effectively restrain the Dog) or invisible fencing system; or
- d. The Dog Owner or person with care, custody, or control of the Dog has the ability to immediately and consistently control the Dog through the use of a leash, voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations, within a "circle of control," defined as an area within a 10-foot radius of the feet of the Dog Owner or person with care, custody, or control of the Dog.

(c) A Dog shall automatically be considered "at large" when:

- a. The Dog is harassing any other person or animal;
- b. The Dog Owner or person with custody, care, or control of the Dog fails to immediately and effectively control the Dog through the use of a leash, voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations, within the circle of control;
- c. The Dog Owner or person with care, custody, or control of the Dog fails to carry an adequate leash for each Dog and sanitary dog waste bags while with the Dog;
- e-d. The Dog Owner or person with care, custody, or control of the Dog fails to immediately pick up, remove and dispose of (in sanitary fashion) any and all animal litter attributable to such Dog; or
- e. In a mandatory leash zone established under Section 7-124(d), the Dog is not kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog).

d.

(d) A "mandatory leash zone" is an area in Town in which a Dog must be kept on a leash, cord or chain no longer than ten (10) feet in length (and of

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sufficient strength to effectively restrain the Dog). A mandatory leash zone shall be established as follows:

- a. The Town Council may adopt an Ordinance sufficiently identifying such mandatory leash zone(s); or
- b. The Town Manager or designee is authorized to establish a mandatory leash zone through adoption of a temporary rule sufficiently identifying such mandatory leash zone and which shall be effective upon posting of signs or similar notice on or near the property sufficiently identifying the mandatory leash zone.

~~(e)~~ It shall not be a violation of this Section for a Dog Owner or person with custody, care or control of a Dog to permit such Dog to run at large on property belonging to, or rented by, such person.

~~(e)~~

3. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.
4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on _____, 2023, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of _____ in favor and _____ against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on _____, 2023, upon a motion by Council Member _____, seconded by Council Member _____, and upon a vote of ___ in favor and ___ against.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Town Attorney

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL

3
4 ORDINANCE NO. 7
5 SERIES OF 2023
6

7 AN ORDINANCE AMENDING THE TOWN OF SNOWMASS VILLAGE MUNICIPAL
8 CODE BY AMENDING SECTION 7-124 IN ARTICLE V OF CHAPTER 7
9 RELATED TO THE TOWN'S LEASH LAWS FOR DOGS
10

11 WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality,
12 duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of
13 the Constitution of the State of Colorado; and
14

15 WHEREAS, Section 3.3 of the TOSV's Charter confers upon Town Council the
16 power to amend the TOSV Municipal Code; and
17

18 WHEREAS, The TOSV's Municipal Code prohibits dogs from being off leash in all
19 areas within the TOSV; and
20

21 WHEREAS, Town Council has determined that it is appropriate to permit dogs to
22 be off leash within the TOSV so long as the dog is within control of the dog owner by other
23 means; and
24

25 WHEREAS, Town Council has determined that it is appropriate to designate areas
26 within the TOSV where all dogs must be leashed; and
27

28 WHEREAS, Town Council wishes to amend the TOSV Code to permit dogs to be
29 off leash in appropriate areas, as designated by Town Council; and
30

31 WHEREAS, Town Council finds that the adoption of this Ordinance is in the best
32 interest of the TOSV.
33

34
35 NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of
36 Snowmass Village, as follows:
37

- 38 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
39 Council.
40
41 2. Text Amendments. TOSV Municipal Code **Sec. 7-124** is hereby repealed in its
42 entirety and replaced with the following.
43

44 **Sec. 7-124. Dogs; running at large.**
45

(a) It shall be unlawful for any Dog Owner or person with care, custody or control of a Dog to permit a Dog to run at large within the Town.

(b) A Dog shall be considered under restraint and therefore not "at large" when:

- a. The Dog is restrained by a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog);
- b. The Dog is confined within a vehicle, or other enclosure capable of restricting entry by other Dogs;
- c. The Dog is confined by structural fencing (of sufficient height to effectively restrain the Dog) or invisible fencing system; or
- d. The Dog Owner or person with care, custody, or control of the Dog has the ability to immediately and consistently control the Dog through the use of a leash, voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations, within a "circle of control," defined as an area within a 10-foot radius of the feet of the Dog Owner or person with care, custody, or control of the Dog.

(c) A Dog shall automatically be considered "at large" when:

- a. The Dog is harassing any other person or animal;
- b. The Dog Owner or person with custody, care, or control of the Dog fails to immediately and effectively control the Dog through the use of a leash, voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations, within the circle of control;
- c. The Dog Owner or person with care, custody, or control of the Dog fails to carry an adequate leash for each Dog and sanitary dog waste bags while with the Dog;
- d. The Dog Owner or person with care, custody, or control of the Dog fails to immediately pick up, remove and dispose of (in sanitary fashion) any and all animal litter attributable to such Dog; or
- e. In a mandatory leash zone established under Section 7-124(d), the Dog is not kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog).

(d) A "mandatory leash zone" is an area in Town in which a Dog must be kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog). A mandatory leash zone

shall be established as follows:

- a. The Town Council may adopt an Ordinance sufficiently identifying such mandatory leash zone(s); or
- b. The Town Manager or designee is authorized to establish a mandatory leash zone through adoption of a temporary rule sufficiently identifying such mandatory leash zone and which shall be effective upon posting of signs or similar notice on or near the property sufficiently identifying the mandatory leash zone.

(e) It shall not be a violation of this Section for a Dog Owner or person with custody, care or control of a Dog to permit such Dog to run at large on property belonging to, or rented by, such person.

3. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on _____, 2023, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of _____ in favor and _____ against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on _____, 2023, upon a motion by Council Member _____, seconded by Council Member _____, and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Ordinance No. 10, Series of 2023 – An Ordinance Identifying Mandatory Leash Zones pursuant to Amended Municipal Code Section 7-124 Related to the Town’s Leash Laws for Dogs

PRESENTED BY:

Jeff Conklin, Town Attorney
Brian Olson, Chief of Police
Andy Worline, Parks, Recreation & Trails Director

BACKGROUND:

The Town Council is currently considering amendments to the Town’s leash laws pursuant to Ordinance No. 7, Series of 2023. Among other things, proposed Ordinance No. 7 provides a mechanism to create “mandatory leash zones” by the Town Council by Ordinance or through Town Manager rule on a temporary basis. “Mandatory leash zones” would require a Dog to be kept on a leash, cord or chain no longer than ten (10) feet in length and of sufficient strength to effectively restrain the Dog.

This Ordinance acts as a “companion” ordinance to Ordinance No. 7 and sets forth several proposed mandatory leash zones, which are identified on maps attached to the Ordinance. Generally, those areas are:

1. Rim Trail Area, as identified in Exhibit A.
2. Base Village Area, as identified in Exhibit B.
3. Village Mall Area, as identified in Exhibit C.
4. Snowmass Center Area, as identified in Exhibit D.
5. Fanny Hill Area, as identified in Exhibit E.
6. Elk Camp Restaurant Recreation Area, as identified in Exhibit F.
7. Vista Trail Area, as identified in Exhibit G

Staff believes these areas are the primary, appropriate areas for requiring a dog to be on a physical leash. These areas could always be later amended by Council to add or remove mandatory leash zones. Finally, Ordinance No. 7 also provides administrative authority to designate mandatory leash zones on a temporary basis.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 10, Series of 2023 on First Reading. Doing so will establish the mandatory leash zones if Ordinance No. 7 is also approved.
2. Approve with Amendments to Ordinance No. 10, Series of 2023 at First Reading. Council could add/remove mandatory leash zones to this Ordinance and still allow it move on to Second Reading.
3. Deny Ordinance No. 10, Series of 2023 on First Reading.

STAFF RECOMMENDATION:

Town Staff recommends that Town Council make a motion to approve Ordinance No. 10, Series of 2023 on First Reading and set Second Reading for October 2, 2023.

ATTACHMENTS:

Ordinance No. 10, Series of 2023

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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**ORDINANCE NO. 10
SERIES OF 2023**

**AN ORDINANCE IDENTIFYING MANDATORY LEASH ZONES PURSUANT TO
AMENDED MUNICIPAL CODE SECTION 7-124 RELATED TO THE TOWN'S LEASH
LAWS FOR DOGS**

WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality, duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado;

WHEREAS, by Ordinance No. 7, Series of 2023, the Town Council amended Section 7-124 of the TOSV Municipal Code related to leash laws for dogs;

WHEREAS, pursuant to amended Section 7-124(d)(a), the Town Council wishes to designate and identify herein certain "mandatory leash zones," in which a Dog must be kept on a leash, cord or chain no longer than ten (10) feet in length and of sufficient strength to effectively restrain the Dog; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interests of the TOSV.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Snowmass Village, as follows:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.
2. Mandatory Leash Zones. Pursuant to TOSV Municipal Code Sec. 7-124(a)(d), the Town Council hereby designates and identifies the following areas as mandatory leash zones in TOSV:
 1. Rim Trail Area, as identified in **Exhibit A**.
 2. Base Village Area, as identified in **Exhibit B**.
 3. Village Mall Area, as identified in **Exhibit C**.
 4. Snowmass Center Area, as identified in **Exhibit D**.
 5. Fanny Hill Area, as identified in **Exhibit E**.
 6. Elk Camp Restaurant Recreation Area, as identified in **Exhibit F**.
 7. Vista Trail Area, as identified in **Exhibit G**.
3. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other

provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

4. Effective Date. This Ordinance shall only become effective upon the approval of Ordinance No. 7, Series of 2023. Then, this Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on _____, 2023, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of _____ in favor and _____ against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on _____, 2023, upon a motion by Council Member _____, seconded by Council Member _____, and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE

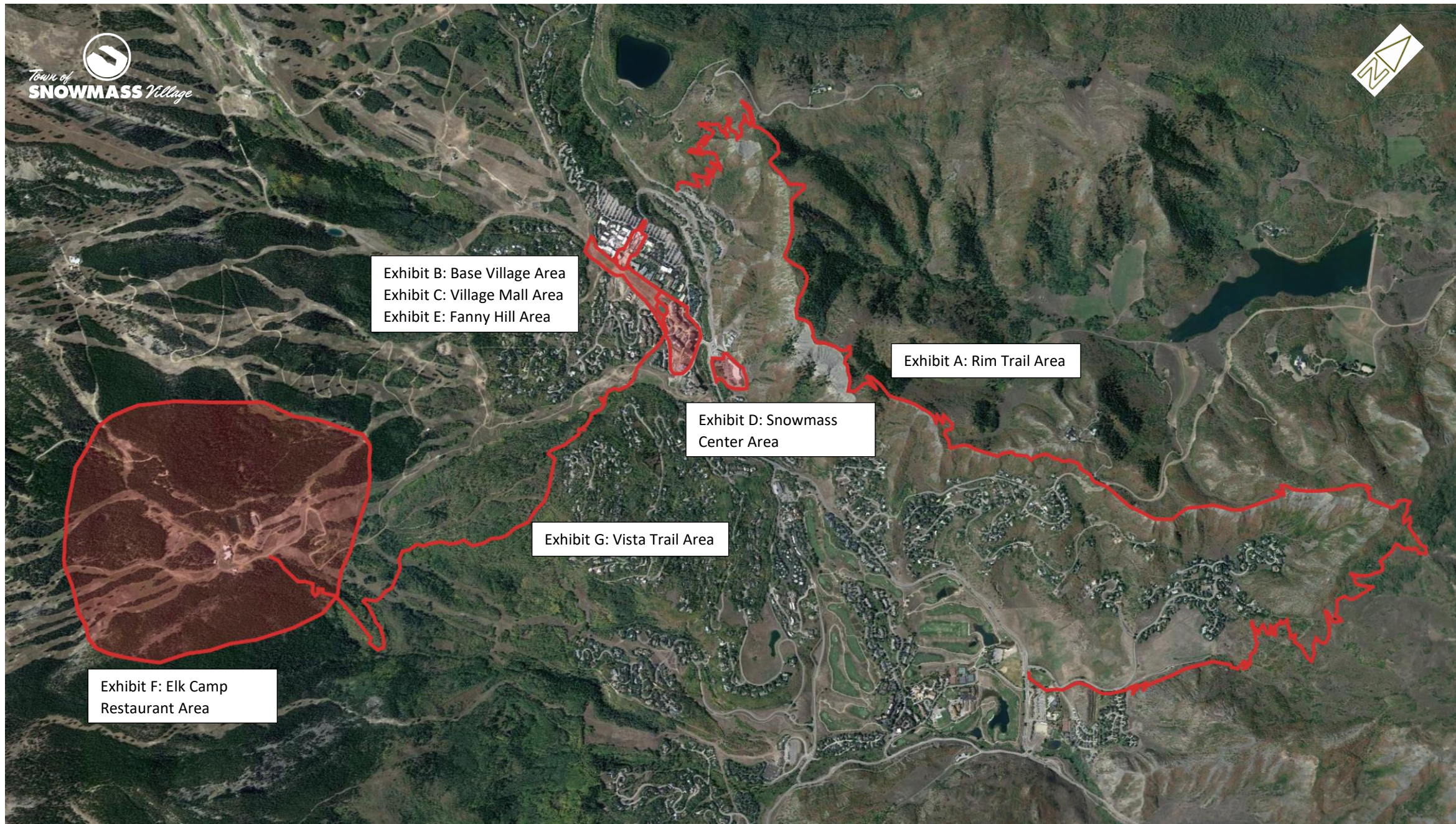
Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Town Attorney



Leash Zone Overview Map



Exhibit A: Rim Trail Area



Exhibit B: Base Village Area



Exhibits C: Village Mall Area



Exhibit D: Snowmass Center Area



Exhibit E: Fanny Hill Area



Exhibit F: Elk Camp Restaurant Recreation Area



Exhibit G: Vista Trail Area

Snowmass Village is a dog-friendly town, where dogs are welcome to play and socialize under proper supervision of their guardian.

To keep our town dog-friendly, it is required that pet owners take responsibility by acknowledging leash and play area regulations.

Questions?

Questions regarding these regulations or requests for additional information may be directed to Animal Services, located in Town Hall

Town of Snowmass Village

(970) 923-3777

130 Kearns Road
PO BOX 5010

tosv.com



DOGS IN THE TOWN OF SNOWMASS VILLAGE

Mandatory Leash Zones





What Is Voice & Sight Control?

Voice & sight control allows dogs to be off leash in some areas of Town. However, if your dog cannot meet all of the criteria below, they must be on-leash regardless of the area you are in.

Under voice & sight control, your dog will:

- Return to your side immediately upon a single command.
- Remain at your side, regardless of any distractions.
- Not charge, chase, or display aggression toward any person, dog, wildlife, livestock or other being.



Dogs in the Village

Regardless of the behavior a dog displays, it is the owner's responsibility to ensure the safety of their pet, and of those around them. This places legal obligation on said owner to understand and comply with the Town of Snowmass Village animal regulations.

If your dog is off leash and you encounter a dog on leash, please leash your dog or change direction.

Having a leash and doggie bag on-hand are mandatory for all dog custodians at all times within the Town of Ridgway.

The inability to comply with Town regulations or the gross negligence of these privileges may result in fines, impoundment (of dog) and/or court summons (delivered to owner).

Mandatory Leash Areas

Dogs must be on a leash in these designated Town areas shown on the map in this brochure, and including: Snowmass Center, Base Village, Snowmass Mall, Fanny Hill, Elk Camp Restaurant Area, Rim Trail, and Vista Trail.

Licensing & Vaccination of Dogs

A dog license and rabies vaccination is required by the Town of Snowmass Village for any dog six months or older, if the owner resides more than fifteen consecutive days in the Town. The dog's license must be renewed annually and displayed on the dog's collar.

Leave No Trace

Guardians are required by law to remove and dispose of waste their dog may leave behind.

Diseases and viruses may be spread throughout the community through dog excrement. Pickup bags are available throughout Town parks, but guardians are required to carry their own materials for disposal.



Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Ordinance No. 09, Series of 2023 – An Ordinance Amending the Town’s Short-Term Rental Regulations Related to Enforcement and Re-Adopting the Short-Term Rental Regulations

PRESENTED BY:

Jeff Conklin, Town Attorney
Clint Kinney, Town Manager
Sara Nester, Building Code Compliance Manager

BACKGROUND:

The Town Council approved Short-Term Rental (STR) Regulations on November 9, 2022, with an effective date of May 1, 2023. Town Staff has been working to implement the STR Regulations, including license requirements. Town Staff now wishes to be prepared to take enforcement action, if necessary, for failure to comply with the STR Regulations. After discussions with the Town Attorney, Staff believes that issuing citations for violations with enforcement through the Municipal Court is an appropriate procedure for enforcement, similar to other Code violations. Accordingly, this Ordinance would amend the enforcement procedures for the STR Regulations. Further, this Ordinance would re-adopt the STR Regulations in their entirety to ensure penalties may be imposed for violations.

Update for Second Reading:

At First Reading, Town Council approved the Ordinance with clean up changes to Sections 18.4, 18.5, and 18.9 of the STR Regulations. Those changes are incorporated into both the Exhibit A redline of the STR Regulations and the Exhibit B final version of the STR Regulations.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 10, Series of 2023. Approval would create a clear and easily implemented procedure for enforcement of STR Regulations.
2. Approve Ordinance No. 10, Series of 2023 with amendments.
3. Deny Ordinance No. 10, Series of 2023. Denial would result in Town Staff needing to re-evaluate its enforcement options.

STAFF RECOMMENDATION:

Town Staff recommends approval of the Ordinance.

Town Staff recommends that Town Council make a motion to approve Ordinance No. 10, Series of 2023 on Second Reading.

ATTACHMENTS:

Ordinance No. 10, Series of 2023
Exhibit A – Amendments to STR Regulations
Exhibit B – Revised STR Regulations

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL
3

4 ORDINANCE NO. 10
5 SERIES OF 2023
6

7 AN ORDINANCE AMENDING THE TOWN'S SHORT-TERM RENTAL REGULATIONS
8 RELATED TO ENFORCEMENT AND RE-ADOPTING THE SHORT-TERM RENTAL
9 REGULATIONS
10

11 WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality,
12 duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of
13 the Constitution of the State of Colorado;
14

15 WHEREAS, by Ordinance No. 6, Series of 2022, the Town Council enacted a new
16 Section 4-3 of the Town Municipal Code related to short-term rentals, which included the
17 power of the Town Manager to establish rules and regulations for the issuance of Short-
18 Term Rental Permits upon approval of the Town Council;
19

20 WHEREAS, on November 9, 2022, the Town Council approved and adopted
21 Short-Term Rental Regulations;
22

23 WHEREAS, the Town Council wishes amend the Short-Term Rental regulations
24 related to enforcement to provide for citation and enforcement through the Town
25 Municipal Court;
26

27 WHEREAS, the Town Council further wishes to re-adopt and approve the Short-
28 Term Rental Regulations in their entirety;
29

30 WHEREAS, Section 4.7 of the Charter provides that "establishing any rule or
31 regulation for the violation of which a penalty is imposed...shall be by ordinance."; and
32

33 WHEREAS, the Town Council finds that the adoption of this Ordinance is in the
34 best interests of the TOSV.
35

36 NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of
37 Snowmass Village, as follows:
38

- 39 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
40 Council.
41
42 2. Short-Term Rental Regulations. The Town Council hereby approves the
43 amendments to the Short-Term Rental Regulations as set forth in **Exhibit A**.
44 Further, the Town Council approves and adopts the amended Short-Term Rental
45 Regulations set forth in **Exhibit B**.

- 46
47 3. Severability. If any provision of this Ordinance or application hereof to any person
48 or circumstance is held invalid, the invalidity shall not affect any other provision or
49 application of this Ordinance which can be given effect without the invalid provision
50 or application, and, to this end, the provisions of this Ordinance are severable.
51
52 4. Effective Date. This Ordinance shall be effective 14 days after final publication in
53 accordance with the Town of Snowmass Village Home Rule Charter.
54

55 READ, APPROVED AND ADOPTED by the Town Council of the Town of
56 Snowmass Village on First Reading on September 5, 2023, upon a motion by Council
57 Member Shenk, the second of Council Member Marolt, and upon a vote of 5 in favor and
58 0 against.
59

60 READ, APPROVED AND ADOPTED as amended, by the Town Council of the
61 Town of Snowmass Village on Second Reading on September 18, 2023, upon a motion
62 by Council Member _____, seconded by Council Member _____,
63 and upon a vote of ____ in favor and ____ against.
64

65 **TOWN OF SNOWMASS VILLAGE**
66

67
68
69 _____
Bill Madsen, Mayor

70 ATTEST:
71

72 _____
73 Megan Harris Boucher, Town Clerk
74

75 APPROVED AS TO FORM:
76
77

78 _____
79 Town Attorney



Short-Term Rental Regulations

Adopted November 9th, 2022

Effective May 1st, 2023

Amended and Re-Adopted:

- 18.1 Purpose
- 18.2 Definitions
- 18.3 Permit Types
- 18.4 Business License, Permits, and Sales and Lodging Tax
- 18.5 Airbnb and VBRO
- 18.6 Maximum Occupancy
- 18.7 Minimum night stay
- 18.8 ~~Enforcement~~ Major Violations and Fines
- 18.9 ~~Major/Minor Violations, and Fines and Penalties.~~
- 18.10 ~~Grievances, and Hardships, or Appeals.~~
- 18.11 Permit Rules
- 18.12 Home Inspection
- 18.13 Homeowner's Associations
- 18.14 Insurance
- 18.15 Designated Local Owner Representative
- 18.16 Complaints
- 18.17 Self Compliance affidavit and Good Neighbor Guidelines
- 18.18 Permit Application Requirements

18.1 **Purpose.** It is the goal of the Town of Snowmass Village to adopt regulations for Short-Term rentals to minimize disruptions to the public, health & safety, and welfare of the community by adopting a permit system and regulations in Ordinance No 6, Series 2022.

18.2 **Definitions.**

Short-Term rental (STR)-is a residential dwelling unit, or any room therein that is rented for less than 30 consecutive days.

18.3 Permit Types.

Anyone who rents their property for less than 30 consecutive days at a time will need a short-term rental permit.

Permit 1: Hotels (ONLY applies to Viewline, Limelight, Wildwood, and Mountain Chalet)-

Hotel/lodge rooms and suites mean a building or portion thereof containing rooms, areas or separate spaces intended for temporary occupancy by guests typically by the day or week, each of which contains sanitation facilities and may contain a small kitchen area. The hotel or lodge generally provides one (1) or more enhanced levels of service, such as:

- a. A level of staffing, amenities, service, or facilities above that customarily found in multi-family dwellings.
- b. Twenty-four-hour front lobby check-in with in-house housekeeping, concierge, room, and maintenance services; and
- c. Standardized fixtures and furnishings with central phone, cable, heating, air conditioning and hot water systems for all units. Accessory use facilities may include associated office space, central laundry or laundry facilities used by the occupants, meeting rooms and similar service/support facilities, none of which shall constitute independent commercial uses.

Permit 2: Multi-Family A- Dwelling, multi-family means a building containing two (2) or more dwelling units sharing vertical and/or horizontal party walls in which each dwelling unit is designated for and used as a dwelling exclusively by one (1) family and their guests. Multi-family dwelling units may be made available for short-term rental. A multi-family dwelling within a proposed development shall be classified as the following:

Multi-family-A means a multi-family dwelling or group of multi-family dwellings located within the same PUD, consisting of at least twenty-five (25) dwelling units and in which the owners of the dwelling units located there are participating in a centralized:

1. Check-in facility
2. Property management program; and
3. Rental management/unit management program

(Provided that the applicant can establish to the Town's reasonable satisfaction that at least sixty-seven percent [67%] of the dwelling units within such dwellings can reasonably be expected to participate in said centralized management program). Does not include multi-family dwellings operated and maintained, in whole or in part, as a hotel/lodge.

Note : You will obtain a permit type 3 if you do not participate in the centralized management program of the complex.

Permit 3: Multi-Family B- This type of permit is required if you do not meet all the requirements for a Multi-family-A or if you do not participate in the centralized management program of the complex.

Permit 4: Single-Family Homes & Duplexes- A single-family home or duplex is an independent residential structure that sits on its own land and is designed to be used as single dwelling unit or in the case of a duplex a double dwelling unit.

18.4 Business License, Permits, and Sales and Lodging Tax.

Permit 1: Hotels - Each hotel is required to obtain (1) business license and one (1) Short-term rental permit for the hotel. License and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly and may be paid with one (1) payment per hotel. You must also provide the number of occupied nights on the line provided on the lodging tax form.

Permit 2: Multi-Family A - Each Property Management company or property owner will be required to obtain one (1) business license for their parent company and one (1) Short-term rental permit for each unit that they manage. License and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly and may be paid with one (1) payment per complex. You must also provide the number of occupied nights on the line provided on the lodging tax form.

Permit 3: Multi-Family B - Each property owner or property management company will be required to obtain one (1) business license and one (1) Short-term rental permit for each unit managed. Licenses and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly separately per unit. You must provide the number of occupied nights on the line provided on the lodging tax form.

Permit 4: Single-Family Homes & Duplexes - Each single-family home/duplex homeowner will be required to obtain one (1) business license and one (1) short-term rental permit for each property they are renting. License and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly per individual property. You must provide the number of occupied nights on the line provided on the lodging tax form. If a property management company manages your home, they can hold the business license.

Sales and lodging tax is due monthly, no later than the 20th of the following month. If you had no rental activity for that month you will still be required to submit a zero-tax form.

As of the Effective Date**, ~~the applicable taxes in the~~ Town of Snowmass Village ~~are~~^{tax is} 12.8 percent and includes the following

- State tax: 2.9%
- Pitkin County tax: 3.6%
- Roaring Fork Transportation Authority tax: 0.4%
- Town of Snowmass Village sales tax: 3.5%
- Town of Snowmass Village Lodging tax: 2.4%

*The 3.5% sales tax and 2.4% lodging tax are remitted directly to the Town of Snowmass Village through MUNIREvs. The remaining 6.9% (state tax, county tax and transportation authority tax) is remitted directly to the [State of Colorado](#).

**The taxes listed herein are subject to change. Please check with the Town for any updates.

18.5 Online Rental Marketplaces/Airbnb and VBRO

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Online rental marketplaces such as Airbnb and VBRO will no longer be remitting sales and lodging tax on your behalf. If you rent through an online rental marketplace such as~~using~~ Airbnb and VBRO, you will need to now collect your sales and lodging tax and remit to the Town of Snowmass village directly through MUNIREvs. It will be required that you report the number of occupied nights on the line provided on the lodging tax form. Sales and lodging tax will be reported monthly. It is mandatory that you list your Town of Snowmass Village Permit number on your advertising listings. This applies to permit types 3 & 4.

18.6 **Maximum Occupancy.** This applies to Permit types 3 & 4.

The maximum occupancy for units with four (4) or more bedrooms is restricted to two (2) people per legal bedroom plus four (4). For units with three (3) or fewer bedrooms, the maximum occupancy would be restricted to two (2) people per legal bedroom plus two (2). Children five (5) and under will not be considered in this bedroom limit.

18.7 **Minimum night stay.** This applies to Permit 4 ONLY.

Single-family homes and duplexes have a minimum four (4) night stay.

18.8 Enforcement.

Violation of any STR Regulation set forth herein shall constitute a noncriminal municipal offense enforceable through the TOSV Municipal Court and, as applicable, subject to the penalties set forth below, the general penalty provisions in Section 1-72 of the Town Code, and the equitable powers of the Municipal Court in Section 2-152 of the Town Code. Except as provided herein and unless clearly inapplicable, the Colorado Municipal Court Rules of Procedure shall apply to enforcement of such violations. Any citation or notice of violation may be served upon a Permit holder or other person violating these STR Regulations by certified mail

or otherwise as allowed by law. Each day any violation of these STR Regulations continues shall constitute a separate offense, unless otherwise provided.

18.9 Major/Minor Violations, and Fines and Penalties.

Major violations will consist of:

- Renting your property without a STR permit.
- 2nd conviction or a guilty plea of municipal code violation for noise ordinances or wildlife ordinances within a two-year period.
- Life safety violation including smoke and carbon monoxide detectors, or fire extinguishers.
- Providing false information.
- Failure to remit sales and lodging taxes.

1st major violation may result in loss of your STR permit and/or business license for up to two (2) years, as well as fines up to \$1,000.

2nd major violation may result in loss of your STR permit and/or business license for up to five (5) years, as well as fines up to \$1,000.

~~18.9 Minor Violations and Fines.~~

Minor violations will consist of:

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- Occupancy limits
- Parking violations
- Failure to list your Permit number on all advertising listings.
- Recurrent delinquent sales tax filing and or remittance.
- Any administration issues with the permitting.
- Violation of any other applicable provision of these STR regulations.

1st minor violation may result in up to a \$1,000 fine.

2nd minor violation may result in up to a \$1,500 fine.

3rd minor violation may result in major violation and loss of your STR permit and/or business license for up to two (2) years.

18.10 Grievances and, Hardships, ~~or Appeals~~. All grievances and hardships, ~~or appeals~~ may be presented to the Town of Snowmass Village Town Manager or his/her designee for further consideration of a reasonable accommodation to the strict application of the STR Regulations. Any such request must be made prior to any citation for violation of these STR Regulations.

18.11 **Permit Rules.** Once your short-term rental permit is assigned it must be listed on all your advertising listings. Permits must be displayed in a prominent location inside your property for permit types 3 & 4.

Permits are non-transferrable. Changes will result in termination and revocation of a permit. The new permittee will be required to apply for a new permit.

18.12 **Home Inspection.** The Town of Snowmass Village has the right to inspect your home/unit subject to the Town's discretion. The Town will give a 24-hour notice of entry unless there is a life safety issue.

18.13 **Homeowner's Associations.** You must verify that your property is not prohibited by any Homeowner's Association to be able to operate as a short-term rental. You must follow all regulations in place by your Homeowner's association regarding short-term rentals. Always follow the most restrictive regulations.

18.14 **Insurance.** Your home or unit must be insured for use as a short-term rental and carry liability insurance

18.15 **Designated Local Owner Representative.** All permit holders must have a designated local owner representative that is available 24/7/365. They must be able to respond to all calls within sixty (60) minutes.

18.16 **Complaints.** To file a complaint about a short-term rental in your neighborhood you can call the designated Town of Snowmass Village representative or email at:

_____ or call the Snowmass Village Police
Department at their non-emergency number: **970-923-5330**. For an emergency, dial 911.

If you receive a complaint against your property, the Town of Snowmass Village designated representative will contact you regarding the complaints and discuss possible actions that can be taken to remedy the issues. See section **18.9 Violations and Fines** for more information.

18.17 **Self-Compliance affidavit and Good Neighbor Guidelines**

The Self-Compliance affidavit must be uploaded and signed as part of the STR permit application.

The Good Neighbor Guidelines must also be uploaded and signed as part of the STR permit application. The guidelines must be included with your rental agreements and displayed in a prominent location in your unit/home.

18.18 Permit Application Requirements.

Information Required:	<u>Permit Type 1</u>	<u>Permit Type 2</u>	<u>Permit Type 3</u>	<u>Permit Type 4</u>
Unit number/identifier		X	X	X
Physical address of the unit		X	X	X
Owner Name	X	X	X	X
Mailing address of the Owner	X	X	X	X
Phone number of the Owner	X	X	X	X
Email address of the Owner	X	X	X	X
Name of Designated Local Owner Representative	X	X	X	X
Phone number of Designated Local Owner Representative	X	X	X	X
Email address of Designated Local Owner Representative	X	X	X	X
Property Management company name		X	X	X
Property Management company mailing address		X	X	X
Property Management company email address		X	X	X
Property Management company phone number		X	X	X
How long has your unit been listed as an STR			X	X
List of all places where this/these units are advertised	X	X	X	X

Identify the number of bedrooms in the unit		X	X	X
Identify the number of beds in the unit	X	X	X	X
Does your property restrict parking		X	X	X
Identify the number of assigned parking spaces for the unit		X	X	X
Parking permit through hotel or lodge	X	X		
Who is your HOA			X	X
Identify the number of units used for long-term rental	X	X		
Identify the number of units that are non-rental		X		
How many days do you intend to rent per year			X	X
Read and Sign Affidavit		X	X	X
Read and sign the Good Neighbor Guidelines		X	X	X
Business License Fee	X	X	X	X
Permit Fee	X	X	X	X



Short-Term Rental Regulations

Adopted November 9th, 2022

Effective May 1st, 2023

Amended and Re-Adopted: _____

- 18.1 Purpose
- 18.2 Definitions
- 18.3 Permit Types
- 18.4 Business License, Permits, and Sales and Lodging Tax
- 18.5 Airbnb and VBRO
- 18.6 Maximum Occupancy
- 18.7 Minimum night stay
- 18.8 Enforcement
- 18.9 Major/Minor Violations, Fines and Penalties.
- 18.10 Grievances and Hardships.
- 18.11 Permit Rules
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- 18.18 Permit Application Requirements

18.1 Purpose. It is the goal of the Town of Snowmass Village to adopt regulations for Short-Term rentals to minimize disruptions to the public, health & safety, and welfare of the community by adopting a permit system and regulations in Ordinance No 6, Series 2022.

18.2 Definitions.

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- a. A level of staffing, amenities, service, or facilities above that customarily found in multi-family dwellings.
- b. Twenty-four-hour front lobby check-in with in-house housekeeping, concierge, room, and maintenance services; and
- c. Standardized fixtures and furnishings with central phone, cable, heating, air conditioning and hot water systems for all units. Accessory use facilities may include associated office space, central laundry or laundry facilities used by the occupants, meeting rooms and similar service/support facilities, none of which shall constitute independent commercial uses.

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Multi-family-A means a multi-family dwelling or group of multi-family dwellings located within the same PUD, consisting of at least twenty-five (25) dwelling units and in which the owners of the dwelling units located there are participating in a centralized:

1. Check-in facility
2. Property management program; and
3. Rental management/unit management program

(Provided that the applicant can establish to the Town's reasonable satisfaction that at least sixty-seven percent [67%] of the dwelling units within such dwellings can reasonably be expected to participate in said centralized management program). Does not include multi-family dwellings operated and maintained, in whole or in part, as a hotel/lodge.

Note : You will obtain a permit type 3 if you do not participate in the centralized management program of the complex.

Permit 3: Multi-Family B- This type of permit is required if you do not meet all the requirements for a Multi-family-A or if you do not participate in the centralized management program of the complex.

Permit 4: Single-Family Homes & Duplexes- A single-family home or duplex is an independent residential structure that sits on its own land and is designed to be used as single dwelling unit or in the case of a duplex a double dwelling unit.

18.4 Business License, Permits, and Sales and Lodging Tax.

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Permit 2: Multi-Family A - Each Property Management company or property owner will be required to obtain one (1) business license for their parent company and one (1) Short-term rental permit for each unit that they manage. License and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly and may be paid with one (1) payment per complex. You must also provide the number of occupied nights on the line provided on the lodging tax form.

Permit 3: Multi-Family B - Each property owner or property management company will be required to obtain one (1) business license and one (1) Short-term rental permit for each unit managed. Licenses and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly separately per unit. You must provide the number of occupied nights on the line provided on the lodging tax form.

Permit 4: Single-Family Homes & Duplexes - Each single-family home/duplex homeowner will be required to obtain one (1) business license and one (1) short-term rental permit for each property they are renting. License and permits are to be renewed annually. Sales and lodging tax forms and payments are required to be filed monthly per individual property. You must provide the number of occupied nights on the line provided on the lodging tax form. If a property management company manages your home, they can hold the business license.

Sales and lodging tax is due monthly, no later than the 20th of the following month. If you had no rental activity for that month you will still be required to submit a zero-tax form.

As of the Effective Date, the applicable taxes in the Town of Snowmass Village are 12.8 percent and include the following

- State tax: 2.9%
- Pitkin County tax: 3.6%
- Roaring Fork Transportation Authority tax: 0.4%
- Town of Snowmass Village sales tax: 3.5%
- Town of Snowmass Village Lodging tax: 2.4%

*The 3.5% sales tax and 2.4% lodging tax are remitted directly to the Town of Snowmass Village through MUNIREvs. The remaining 6.9% (state tax, county tax and transportation authority tax) is remitted directly to the [State of Colorado](#).

**The taxes listed herein are subject to change. Please check with the Town for any updates.

18.5 Online Rental Marketplaces/Airbnb and VBRO

Online rental marketplaces such as Airbnb and VBRO will no longer be remitting sales and lodging tax on your behalf. If you rent through an online rental marketplace such as Airbnb and VBRO you will need to now collect your sales and lodging tax and remit to the Town of Snowmass village directly through MUNIREvs. It will be required that you report the number of occupied nights on the line provided on the lodging tax form. Sales and lodging tax will be reported monthly. It is mandatory that you list your Town of Snowmass Village Permit number on your advertising listings. This applies to permit types 3 & 4.

18.6 Maximum Occupancy. This applies to Permit types 3 & 4.

The maximum occupancy for units with four (4) or more bedrooms is restricted to two (2) people per legal bedroom plus four (4). For units with three (3) or fewer bedrooms, the maximum occupancy would be restricted to two (2) people per legal bedroom plus two (2). Children five (5) and under will not be considered in this bedroom limit.

18.7 Minimum night stay. This applies to [Permit 4](#) ONLY.

Single-family homes and duplexes have a minimum four (4) night stay.

18.8 Enforcement.

Violation of any STR Regulation set forth herein shall constitute a noncriminal municipal offense enforceable through the TOSV Municipal Court and, as applicable, subject to the penalties set forth below, the general penalty provisions in Section 1-72 of the Town Code, and the equitable powers of the Municipal Court in Section 2-152 of the Town Code. Except as provided herein and unless clearly inapplicable, the Colorado Municipal Court Rules of Procedure shall apply to enforcement of such violations. Any citation or notice of violation may be served upon a Permit holder or other person violating these STR Regulations by certified mail

or otherwise as allowed by law. Each day any violation of these STR Regulations continues shall constitute a separate offense, unless otherwise provided.

18.9 Major/Minor Violations, and Fines and Penalties.

Major violations will consist of:

- Renting your property without a STR permit.
- 2nd conviction or a guilty plea of municipal code violation for noise ordinances or wildlife ordinances within a two-year period.
- Life safety violation including smoke and carbon monoxide detectors, or fire extinguishers.
- Providing false information.
- Failure to remit sales and lodging taxes.

1st major violation may result in loss of your STR permit and/or business license for up to two (2) years, as well as fines up to \$1,000.

2nd major violation may result in loss of your STR permit and/or business license for up to five (5) years, as well as fines up to \$1,000.

Minor violations will consist of:

- Occupancy limits
- Parking violations
- Failure to list your Permit number on all advertising listings.
- Recurrent delinquent sales tax filing and or remittance.
- Any administration issues with the permitting.
- Violation of any other applicable provision of these STR regulations.

1st minor violation may result in up to a \$1,000 fine.

2nd minor violation may result in up to a \$1,500 fine.

3rd minor violation may result in major violation and loss of your STR permit and/or business license for up to two (2) years.

18.10 Grievances and Hardships. All grievances and hardships may be presented to the Town of Snowmass Village Town Manager or his/her designee for further consideration of a reasonable accommodation to the strict application of the STR Regulations. Any such request must be made prior to any citation for violation of these STR Regulations.

18.11 Permit Rules. Once your short-term rental permit is assigned it must be listed on all your advertising listings. Permits must be displayed in a prominent location inside your property for permit types 3 & 4.

Permits are non-transferrable. Changes will result in termination and revocation of a permit. The new permittee will be required to apply for a new permit.

18.12 Home Inspection. The Town of Snowmass Village has the right to inspect your home/unit subject to the Town's discretion. The Town will give a 24-hour notice of entry unless there is a life safety issue.

18.13 Homeowner's Associations. You must verify that your property is not prohibited by any Homeowner's Association to be able to operate as a short-term rental. You must follow all regulations in place by your Homeowner's association regarding short-term rentals. Always follow the most restrictive regulations.

18.14 Insurance. Your home or unit must be insured for use as a short-term rental and carry liability insurance

18.15 Designated Local Owner Representative. All permit holders must have a designated local owner representative that is available 24/7/365. They must be able to respond to all calls within sixty (60) minutes.

18.16 Complaints. To file a complaint about a short-term rental in your neighborhood you can call the designated Town of Snowmass Village representative or email at:

_____ or call the Snowmass Village Police
Department at their non-emergency number: **970-923-5330**. For an emergency, dial 911.

If you receive a complaint against your property, the Town of Snowmass Village designated representative will contact you regarding the complaints and discuss possible actions that can be taken to remedy the issues. See section **18.9 Violations and Fines** for more information.

18.17 Self-Compliance affidavit and Good Neighbor Guidelines

The Self-Compliance affidavit must be uploaded and signed as part of the STR permit application.

The Good Neighbor Guidelines must also be uploaded and signed as part of the STR permit application. The guidelines must be included with your rental agreements and displayed in a prominent location in your unit/home.

18.18 Permit Application Requirements.

Information Required:	<u>Permit Type 1</u>	<u>Permit Type 2</u>	<u>Permit Type 3</u>	<u>Permit Type 4</u>
Unit number/identifier		X	X	X
Physical address of the unit		X	X	X
Owner Name	X	X	X	X
Mailing address of the Owner	X	X	X	X
Phone number of the Owner	X	X	X	X
Email address of the Owner	X	X	X	X
Name of Designated Local Owner Representative	X	X	X	X
Phone number of Designated Local Owner Representative	X	X	X	X
Email address of Designated Local Owner Representative	X	X	X	X
Property Management company name		X	X	X
Property Management company mailing address		X	X	X
Property Management company email address		X	X	X
Property Management company phone number		X	X	X
How long has your unit been listed as an STR			X	X
List of all places where this/these units are advertised	X	X	X	X

Identify the number of bedrooms in the unit		X	X	X
Identify the number of beds in the unit	X	X	X	X
Does your property restrict parking		X	X	X
Identify the number of assigned parking spaces for the unit		X	X	X
Parking permit through hotel or lodge	X	X		
Who is your HOA			X	X
Identify the number of units used for long-term rental	X	X		
Identify the number of units that are non-rental		X		
How many days do you intend to rent per year			X	X
Read and Sign Affidavit		X	X	X
Read and sign the Good Neighbor Guidelines		X	X	X
Business License Fee	X	X	X	X
Permit Fee	X	X	X	X

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Ordinance No. 11, Series of 2023 – An Ordinance Amending Section 2-43 of the Municipal Code to Increase the Compensation Paid to the Mayor and Town Council Members

PRESENTED BY:

Jeff Conklin, Town Attorney
Clint Kinney, Town Manager
Greg LeBlanc, Assistant Town Manager

BACKGROUND:

Town Councilors and the Mayor receive compensation for their service, which is set forth in Section 2-43 of the Code. The Town Council wishes to provide a reasonable and equitable increase in compensation in light of substantial commitment of time to fulfilling the duties of Council.

On September 11, 2023, Town Council held a work session to discuss various options for compensation increases, along with comparisons to other jurisdictions. At that work session, Council directed Staff to prepare an ordinance that would provide for automatic increases with each new term. This approach would allow for compensation to keep pace with inflation and remain comparable to other communities with similar time demands.

Accordingly, the proposed Ordinance would increase the compensation for Councilors and Mayor elected in 2024 by 10% over the current compensation and then 1.5% per year thereafter; and, for Councilors elected in 2024 by 13% over the current compensation and then 1.5% per year thereafter. Based on the Charter restrictions, the subsequent, automatic increases would only take effect upon each new term/election.

Section 3.6 of the TOSV Charter provides that “members of the Council shall be entitled to receive such compensation as prescribed by ordinance, provided, however, that the compensation of any member during such member’s term of office shall not be increased or decreased.”

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 11, Series of 2023. Approval would implement the proposed pay increases.
2. Approve Ordinance No. 11, Series of 2023 with amendments. Council could amend the compensation proposed and still allow the Ordinance to proceed to second reading.
3. Deny Ordinance No. 11, Series of 2023. Denial would maintain the current compensation.

STAFF RECOMMENDATION:

Town Staff recommends approval of the Ordinance.

Town Staff recommends that Town Council make a motion to approve Ordinance No. 11, Series of 2023 on First Reading and to set the Second Reading for October 2, 2023.

ATTACHMENTS:

Ordinance No. 11, Series of 2023

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL

3
4 ORDINANCE NO. 11
5 SERIES OF 2023
6

7 AN ORDINANCE AMENDING SECTION 2-43 OF THE MUNICIPAL CODE TO
8 INCREASE IN THE COMPENSATION PAID TO THE MAYOR AND TOWN COUNCIL
9 MEMBERS
10

11 WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality,
12 duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of
13 the Constitution of the State of Colorado;
14

15 WHEREAS, Town Councilors and the Mayor receive compensation for their
16 service, which is set forth in Section 2-43 of the Code;
17

18 WHEREAS, the Town Council wishes to provide a reasonable and equitable
19 increase in compensation in light of substantial commitment of time to fulfilling the duties
20 of Council;
21

22 WHEREAS, the Town Council wishes to amend Section 2-43 of the Code to
23 update Council and Mayor compensation in a manner that will result in automatic
24 increases in the future;
25

26 WHEREAS, Section 3.6 of the TOSV Charter provides that "members of the
27 Council shall be entitled to receive such compensation as prescribed by ordinance,
28 provided, however, that the compensation of any member during such member's term of
29 office shall not be increased or decreased"; accordingly, such changes to compensation
30 will take effect upon election or re-election to the Council;
31

32 WHEREAS, the Town Council finds that the adoption of this Ordinance is in the
33 best interests of the TOSV.
34

35 NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of
36 Snowmass Village, as follows:
37

- 38 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
39 Council.
40
41 2. Compensation. TOSV Municipal Code **Sec. 2-43** is hereby repealed and replaced
42 as follows:
43

44 **Sec. 2-43. Compensation.**
45

(a) Town Council Compensation. The monthly compensation for members of Town Council elected or appointed at the November 2024 election shall be \$1,320.00 per month; and, the monthly compensation for members of Town Council elected or appointed at the November 2026 election shall be \$1,355.00 per month. Thereafter, the monthly compensation for members of the Town Council shall be increased by 1.5% per year to take effect at the commencement of each new term for each Council position. All compensation increases shall be rounded to the nearest five-dollar.

(b) Mayor Compensation. The monthly compensation for the Mayor elected at the November 2024 election shall be \$1,870.00 per month. Thereafter, the monthly compensation for the Mayor shall be increased by 1.5% per year to take effect at the commencement of each new term for Mayor. All compensation increases shall be rounded to the nearest five-dollar.

(c) Members of the Town Council and Mayor shall receive a monthly stipend for health care expenses in the amount of \$500.

(d) Members of the Town Council shall participate in the federal social security system.

3. Effect of Compensation Increase. In accordance with Section 3.6 of the Charter, no current member of the Town Council, including the Mayor, shall be entitled to receive such compensation or benefit increase until their present term of office has expired, and they have been duly elected or appointed to a new term

4. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

5. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on _____, 2023, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of _____ in favor and _____ against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on _____, 2023, upon a motion

by Council Member _____, seconded by Council Member _____,
and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 18, 2023

AGENDA ITEM:

Executive Session

PRESENTED BY:

Jeff Conklin, Town Attorney

BACKGROUND:

The Town Council has reason to convene in Executive Session. To convene in executive session, the Colorado Open Meetings Law requires that the Town announce the topics for discussion with specific statutory citation and to identify the particular matter(s) to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. A motion to enter executive session for the announced purposes must be passed by 2/3 of the quorum voting in the affirmative for said motion.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

Convene in Executive Session

Choose not to convene in Executive Session

STAFF RECOMMENDATION:

Town Council move to enter Executive Session pursuant to C.R.S. 24-6-402(4) and Snowmass Village Municipal Code Section 2-45(c), for the following purpose:

1. For a conference for discussion of a personnel matter under C.R.S. § 24-6-402(4)(f), more specifically: performance review for Town Manager.

Provided, there is an affirmative vote of two-thirds of the quorum present at this meeting to hold an Executive Session and for the purposes of considering items (a) above. Provided further, that no adoption of any proposed policy, position, resolution, regulation, or formal action shall occur at this Executive Session.

Town Council will now meet in Executive Session pursuant to C.R.S. 24-6-402(4) and Snowmass Village Municipal Code Section 2-45(c) for the following purpose:

- a) To discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, pursuant to C.R.S. 24-6-402(4)(f)(I) and Snowmass Village Municipal Code Section 2-45(c)(6), more specifically related to: Performance Review of Town Manager

Provided, there is an affirmative vote of two-thirds of the quorum present at this meeting to hold an Executive Session and for the purpose of considering items (a) above. Provided further, that no adoption of any proposed policy, position, resolution, regulation, or formal action shall occur at this Executive Session.