

TOWN OF SUPERIOR  
ORDINANCE NO. O-11  
SERIES 2024

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR AMENDING CHAPTER 6 OF THE SUPERIOR MUNICIPAL  
CODE BY THE ADDITION OF A NEW ARTICLE IX, REGULATING  
SHORT-TERM RENTALS**

**WHEREAS**, without regulation by the Town, nuisances created by short-term rentals, such as noise and over-occupancy, would negatively impact neighborhoods in the Town;

**WHEREAS**, the Town wishes to ensure the safety of guests staying in short-term rentals by ensuring that short-term rentals meet minimum life-safety requirements; and

**WHEREAS**, the Town wishes to impose a fee to offset the costs of administering a short-term rental licensing program.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:**

**Section 1.** Chapter 6 of the Superior Municipal Code is hereby amended by the addition of a new Article IX, to read as follows:

**ARTICLE IX  
SHORT-TERM RENTALS**

**Sec. 6-9-10 – Purpose and applicability.**

(a) The purpose of this Article is to establish a comprehensive licensing program to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, location, and maintenance of short-term rentals in the Town.

(b) This Article shall apply to short-term rentals only, as defined herein. This Article shall not supersede or affect any private conditions, covenants, or restrictions applicable to short-term rentals.

**Sec. 6-9-20 – Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

*Accessory dwelling unit* means a residential dwelling unit constructed and occupied in compliance with Section 16-6-160 of this Code.

*Principal place of residence* means the home or place in which one's habitation is fixed and to which one has a present intention of returning after a departure or absence therefrom. In determining what is a principal place

of residence, the Town shall consider the criteria set forth in C.R.S. § 31-10-201(3), as amended.

*Short-term rental* means a residential dwelling unit, or any room therein, or a permitted accessory dwelling unit available for lease for a term of less than thirty (30) consecutive days, excluding bed and breakfasts and accommodation units.

**Sec. 6-9-30 – License required.**

(a) General. A current, valid license is required for each short-term rental in the Town. Each short-term rental license is non-transferable.

(b) Application. For new licenses and renewals, the short-term rental owner shall file an application with the Town Clerk, on forms supplied by the Town, accompanied by the following:

(1) An application fee as set by resolution of the Board of Trustees;

(2) An affidavit, signed by the owner, under penalty of perjury, certifying that the short-term rental is in habitable condition, that the owner's principal place of residence is in the Town, that the short-term rental complies with the health and safety standards set forth in this Article, that the owner has complied with subsection (3) hereof, when applicable, and that the owner has complied with all other applicable provisions of the Code; and

(3) If the short-term rental is subject to a homeowners' association or private covenant, the short-term rental owner shall provide proof that the short-term rental is allowed under the homeowners' association or private covenant terms and has received approval to operate.

(c) Expiration. Each short-term rental license shall expire on October 31 of each year or when title of the short-term rental transfers to a new owner, whichever occurs first. Each change in ownership of a short-term rental shall require a new license.

(d) Revocation. In addition to any other penalties allowed by this Article, the Town may revoke any short-term rental license if the Town finds and determines that any violation of this Article exists at the short-term rental; provided that the Town provides the licensee with at least fourteen (14) days' prior written notice and an opportunity to be heard prior to revocation. The notice shall include a description of the violation and the date and time when the short-term rental owner may appear and be heard, and the notice shall be either personally served on the short-term rental owner or mailed by first-class United States mail to the last-known address of the short-term rental owner.

**Sec. 6-9-40 – Insurance.**

Every short-term rental shall be continuously insured, with minimum limits of \$1,000,000. The insurance may be in any of the following forms: property liability insurance; commercial liability insurance; or an endorsement to a homeowner's

policy for coverage of short-term rental activities. Insurance provided by online short-term rental platforms does not qualify as valid insurance under this subsection.

**Sec. 6-9-50 – Health and safety.**

(a) Standards. Each short-term rental shall comply with all applicable building, health and safety standards adopted by the Town, and the following additional standards:

- (1) Buildings, structures and rooms shall not be used for purposes other than those for which they were designed or intended.
- (2) Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected and shall be kept in sound condition and in good repair.
- (3) An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- (4) There shall be a sufficient number of trash receptacles to accommodate all trash generated by the occupants.
- (5) Outdoor fires are prohibited, including without limitation those outdoor fires contained to a fire pit, grill, or outdoor fireplace.
- (6) Electrical panels shall be clearly labeled.
- (7) Each short-term rental shall have operational smoke and carbon monoxide detectors as required by all applicable building, health and safety standards adopted by the Town, provide for evacuation routes, and have operational fire extinguishers.

(b) Signage. A sign, in a form approved by Town, shall be conspicuously posted inside each short-term rental with the short-term rental license number, the owner's current contact information, a short-term rental code of conduct in a form approved by the Town, and the physical address of the short-term rental, including unit number if applicable.

(c) Maximum occupancy. The maximum number of persons allowed to occupy a short-term rental shall not exceed two (2) individuals per bedroom, plus two (2) other individuals.

(d) Multiple short-term rentals.

- (1) Multiple short-term rentals on the same lot or parcel of real property are prohibited. This limitation applies to two (2) or more short-term rentals operating within the same dwelling unit at the same time, or within a dwelling unit and an accessory dwelling unit at the same time.

(2) An owner of a short-term rental shall only operate a single short-term rental in the Town.

(e) Inspection. The Town Manager may, in the Town Manager's sole discretion, order an inspection of the short-term rental by the Town Manager or its designee certifying that the short-term rental complies with this Article and with all applicable building, health and safety codes adopted by the Town. The Town shall give the owner of the short-term rental twenty-four (24) hours' notice prior to the inspection, using the owner's current contact information.

(f) Effective Date. Notwithstanding Section 6-9-100, this Section 6-9-50, except for subsection (b), shall be effective on October 1, 2024.

**Sec. 6-9-60 – Advertising.**

Advertising for a short-term rental shall include the short-term rental license number immediately following the description of the short-term rental.

**Sec. 6-9-70 – Taxes.**

All applicable taxes for short-term rentals shall be timely collected and remitted.

**Sec. 6-9-80 – Initial complaints.**

Initial complaints concerning a short-term rental property regarding a citable Code violation shall be directed to the owner of the short-term rental. The owner of short-term rental shall resolve the issue that was the subject of the complaint within sixty (60) minutes, or within thirty (30) minutes if the problem occurs between 11:00 p.m. and 7:00 a.m., including visiting the site if necessary.

**Sec. 6-9-90 – Violation and penalties.**

(a) Violation. It is unlawful to violate any provision of this Article. Each day of violation shall be deemed a separate offense.

(b) Liability. Each short-term rental owner shall be liable for any and all violations occurring at the short-term rental.

(c) Civil enforcement.

(1) If the Town chooses civil enforcement, a citation may be served by posting on the front door of the short-term rental, or by personal service on the short-term rental owner, or by mailing first-class U.S. Mail to the last known address of the short-term rental owner.

(2) Civil violations shall be subject to the following fines and penalties, per short-term rental:

First violation in any twelve (12) month period: \$150.00

Second violation in any twelve (12) month period: \$300.00

(3) All penalties shall be paid within fourteen (14) days of the date of the citation. If the civil violation is paid, there shall be no opportunity to challenge or otherwise appeal the violation. If the short-term rental owner

disputes the violation, the short-term rental shall file a written protest with the Town within fourteen (14) days of the date of the citation.

(4) If the short-term rental owner protests the citation, the Town shall cancel the citation and proceed to criminal enforcement.

(5) If the penalty is not timely paid and no protest is timely filed, the Town may summarily suspend the short-term rental license until the penalty is fully paid. Written notice of such suspension shall be provided to the last-known address of the short-term rental owner.

(d) Criminal enforcement. If the Town chooses criminal enforcement or a protest is filed and the civil citation is canceled, a summons and complaint may be served as provided in the Colorado Municipal Court Rules of Procedure. The penalties shall be as set forth in Section 1-3-20 of this Code.

(e) Suspension. Regardless of the type of enforcement, the third violation in any twelve (12) month period for a single short-term rental shall result in a three (3) year suspension, commencing on the date of the last violation, during which no license shall be granted for such short-term rental.

(f) Other Remedies. In addition to the penalties described above, the Town shall have any and all remedies provided by law and in equity for a violation of this Article, including without limitation: damages; specific performance; and injunctive relief, including without limitation an injunction requiring eviction of any occupants of the short-term rental and an injunction to prohibit the occupancy of any property in violation of this Article.

**Sec. 6-9-100 – Effective date.**

This Article shall be effective on January 1, 2025.

**Section 2.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

**Section 3.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 26th day of August, 2024.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk

