



Amendments to the Estes Valley Development Code *Vacation Homes & B&Bs*

Estes Park Community Development Department

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TOWN BOAR MEETING DATE: December 8, 2009

TITLE: Amendments to the Estes Valley Development Code

REQUEST: To make a number of changes and corrections to the adopted Estes Valley Development Code relating to short-term rentals, such as bed and breakfast inns and vacation homes.

LOCATION: Estes Valley, inclusive of the Town of Estes Park.

APPLICANT: Estes Valley Planning Commission

STAFF CONTACT: Bob Joseph and Alison Chilcott

APPLICABLE LAND USE CODE: Estes Valley Development Code

PROJECT DESCRIPTION/BACKGROUND: Staff has prepared Code revisions to address concerns expressed by residents about the impacts of short-term rentals, such as vacation homes and bed and breakfast inns, in residential neighborhoods. If approved, corresponding revisions will need to be made to the Municipal Code. These proposed Municipal Code revisions have been included for informational purposes and do not require action on the part of the Estes Valley Planning Commission.

Revisions to vacation home regulations, including revisions to the definition of accommodation use, guest room, guest quarter, household living, and nightly rental in EVDC Chapter 13, and revisions to distinguish between B&Bs and vacation home uses and the districts in which these uses are permitted.

ORGANIZATION:

1. Text to be replaced delineated with strikethrough (~~abc de fghi jk lmn op qrstuv w xyz~~).
2. New text delineated with underline (abc de fghi jk lmn op qrstuv w xyz).
3. Revisions have been organized sequentially by chapter and section.
4. Revisions made since the August 11, 2009 Town Board study session are highlighted in yellow.

ITEM 1: SHORT-TERM RENTALS: BED AND BREAKFAST INNS AND VACATION HOMES

Section 4.3 Residential Zoning Districts

B. Table 4-1: Permitted Uses: Residential Zoning Districts.

Use Classification	Specific Use	Zoning Districts								Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		"P" = Permitted by Right "S" = Permitted by Special Review "-" = Prohibited								
		RE-1	RE	E-1	E	R	R-1	R-2	RM	
ACCOMMODATION USES										
Low-Intensity Accommodations	Bed and Breakfast Inn	-	-	-	-	-	-	S P	P	§5.1.B
	Vacation Home	P	P	P	P	P	P	P	P	§5.1.B

Section 4.4 Nonresidential Zoning Districts

B. Table 4-4: Permitted Uses: Nonresidential Zoning Districts.

Use Classification	Specific use	Nonresidential Zoning Districts							Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		"P" = Permitted by Right "S" = Permitted by Special Review "-" = Prohibited							
		A	A-1	CD	CO	O	CH	I-1	
ACCOMMODATION USES									
Low-Intensity Accommodations	Bed and breakfast inns	P	P	P	P	-	-	-	§5.1.B. In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue
	Hotel, Small	-	P	P	-	-	-	-	In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue
	Nightly Rentals Vacation Home	-	P	P	-	-	-	-	§5.1.B In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue *Short term and long term nightly rentals allowed as a principal use in a residential dwelling unit *See also Table 5-2 which allows nightly rentals as an accessory use to a dwelling unit in the A-1 and CD zoning districts

Resort lodge/cabins , low- intensity	-	P	-	-	-	-	-	§5.1.P
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Section 5.1 Specific Use Standards

B. Bed and Breakfast Inn and Vacation Home.

~~All bed and breakfast inn uses shall be subject to the following standards:~~

- ~~1. Structures shall not be altered in a way that changes their general residential appearance.~~
- ~~2. If four (4) or more off-street parking spaces are provided pursuant to §7.11, visual screening from adjacent residential uses shall be required.~~
- ~~3. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.~~

1. All bed and breakfast inns and vacation homes shall be subject to the following (see §5.1.B.2 and §5.1.B.3 for additional regulations):

a. Annual Operating Permit.

(1) All bed and breakfast inns and vacation homes shall obtain an operating permit on an annual basis. If the property is located within Town limits, the business license shall be considered the permit. If the property is within the unincorporated Estes Valley, a permit shall be obtained from the Town of Estes Park Community Development Department Town Clerk's Office.

(2) The permit shall designate a local resident or property manager of the Estes Valley who can be contacted and is available twenty-four (24) hours per day, with regard to any violation of the provisions of this Section. The person set forth on the application shall be the agent of the owner for all purposes with regard to the operation of the bed and breakfast inn or vacation home.

(3) State Sales Tax License. A condition of issuance of the annual operating permit shall be proof of a current sales tax license.

b. State Sales Tax License. All bed and breakfast inns and vacation homes shall obtain a state sales tax license.

c. Estes Park Municipal Code. Properties located within the Town of Estes Park shall comply with all the conditions and requirements set forth in the Town of Estes Park Municipal Code, Chapter 5.20.

- d. Residential Character. Bed and breakfast inns and vacation homes shall not be designed or operated in a manner that is out of character with residential use of a dwelling unit by one household. This includes, but is not limited to, the following:
- (1) Except in the CD district, design shall be compatible, in terms of building scale, mass, and character, with low-intensity, low-scale residential use.
 - (2) Guest rooms shall be integrated within the bed and breakfast inn or vacation home.
 - (3) Kitchen facilities shall be limited to be consistent with single-family residential use. No kitchen facilities or cooking shall be allowed in the guest rooms.
 - (4) Accessory buildings shall not be used for amenities beyond a gazebo or similar outdoor room.
 - (5) No changes in the exterior appearance shall be allowed to accommodate each bed and breakfast inn or vacation home, except that one (1) wall-mounted identification sign no larger than four (4) square feet in area shall be permitted.
 - (6) Vehicular traffic and noise levels shall not be out of character with residential use.
- e. Parking.
- (1) Minimum Required Parking. Except in the CD Downtown Commercial zoning district, the number of parking spaces available to a dwelling unit housing a bed and breakfast inn or a vacation home shall not be reduced to less than two (2).
 - (2) Maximum Allowed Parking. No more than three (3) vehicles shall be parked outside at any one (1) time. Vehicles enclosed within a garage do not count towards this maximum. On-street parking shall be prohibited. Refer to §5.2.B.2.f, which may further limit the number of vehicles permitted on site.
- f. Employee Housing Units. Employee housing units shall not be rented, leased or furnished for tenancies of less than thirty (30) days. (See §5.2.C.2.a).
- g. Attainable Housing Units. Attainable housing units shall not be rented, leased or furnished for tenancies of less than thirty (30) days. (See §11.4.E).

- h. Accessory Dwelling Units. Bed and breakfast inns and vacation homes shall not be permitted on residential lots containing an accessory dwelling. (See also §5.2.B.2.a which prohibits rental of accessory dwelling units regardless of the length of tenancy).
 - i. CD District. In the CD Downtown Commercial zoning district, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue.
 - j. Density. Only one vacation home or bed and breakfast inn shall be permitted per residential dwelling unit.
2. All bed and breakfast inns shall also be subject to the following:
- a. Occupancy.
 - (1) Maximum Occupancy. No more than eight (8) guests shall occupy a bed and breakfast inn at any one time. This maximum allowable occupancy shall be further limited by a maximum of two (2) guests per bedroom plus two guests. This is not intended to establish maximum occupancy limits for individual rooms within a bed and breakfast inn. For example, three individuals could be accommodated in one bedroom and one individual in another.
 - (2) Number of Parties. Bed and Breakfast Inns. Bed and breakfast inns may be rented, leased or furnished to one (1) or more parties.
 - b. Home Occupations. Home occupations may be operated on the site of a bed and breakfast inn. Bed and breakfast inns may also offer limited ancillary services to guests, such as performing small weddings or offering classes/workshops to guests, provided they are in character with residential use.
 - c. Housekeeping Services. Bed and breakfast inns shall be permitted to provide daily housekeeping services to guests.
 - d. Meal Service. Bed and breakfast inns may provide meals service to registered guests; however, meals shall not be provided to the general public.
3. All vacation homes shall also be subject to the following:
- a. Occupancy.
 - (1) Maximum Occupancy. No more than eight (8) individuals shall occupy a vacation home at any one time. This maximum allowable occupancy shall be further limited by a maximum of two (2) individuals per bedroom plus two individuals. This is not intended to establish maximum occupancy

~~limits for individual rooms within a bed and breakfast inn. For example, three individuals could be accommodated in one bedroom and one individual in another.~~

(2) ~~Number of Parties. Vacation homes shall be rented, leased or furnished to no more than one (1) party, occupying the vacation home as a single group. One (1) party shall consist of related and/or non-related individuals occupying the vacation home as a group, for example, a family or group of friends vacationing together or a group of business associates. Owners of the vacation home shall not be permitted to occupy the vacation home while a party is present.~~

b. ~~Home Occupations. Home occupations shall not be operated on the site of a vacation home, nor shall vacation homes offer ancillary services to guests. (See §5.2.B.2.d).~~

c. ~~Housekeeping Services. Vacation homes shall be permitted to provide housing services only at the beginning and end of a party's stay.~~

d. ~~Meal Service. Vacation homes shall not provide meal service to registered guests or the general public.~~

Section 5.2.B.1 Accessory Uses/Structures Permitted in the Residential Zoning Districts.

Table 5-1: Accessory Uses and Structures Permitted in the Residential Zoning Districts

Accessory Use	Residential Zoning District								Additional Requirements
	"Yes" = Permitted				"No" = Not Permitted				
	RE-1	RE	E-1	E	R	R-1	R-2	RM	
Nightly Rentals Vacation Home	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.g §5.1.B

Section 5.2.B.2 Additional Requirements for Specific Accessory Uses/Structures Permitted in the Residential Zoning Districts

d. Home Occupations.

(4) Operational:

~~(k) Home occupations shall be prohibited on the site of a vacation home and/or accessory dwelling unit. (See §5.1.B and §5.2.B.2.a).~~

~~e. —Rentals.~~

- ~~(1) Long term rentals (lease terms of thirty [30] days or more) of a principal or accessory residential dwelling unit shall be permitted as an accessory use in all residential zoning districts.~~
- ~~(2) Short term nightly rentals (lease terms of less than thirty [30] days) of a principal residential dwelling unit shall be permitted as an accessory use in all residential zoning districts, provided that the following conditions are met. All permitted short term rentals of dwelling units shall be required to:

 - ~~(a) Comply with all the conditions and requirements as set forth in the Town of Estes Park Municipal Code, Chapters 5.20 and 5.35, and~~
 - ~~(b) Obtain a business license if within Town limits~~~~

f. Storage or Parking of Vehicles, Recreational Equipment and Recreational Vehicles.

[\(7\) Bed and Breakfast Inns and Vacation Homes. See §5.1.B which further limits vehicle storage and parking for dwelling units that are permitted as a bed and breakfast inn or vacation home.](#)

Section 5.2.C.1 Accessory Uses/Structures Permitted in the Nonresidential Zoning Districts.

Table 5-2: Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts

Accessory Use	Nonresidential Zoning District							Additional Requirements
	"Yes" = Permitted				"No" = Not Permitted			
	A	A-1	CD	CO	O	CH	I-1	

<p>Nightly Rentals Vacation Home</p>	No	Yes	Yes	No	No	No	No	<p>§5.1.B In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue</p> <p>•As accessory to a principal residential use only.</p> <p>•The short-term nightly rental of a dwelling unit as an accessory use in the A-1 and CD districts shall not be subject to the requirements of §5.2.B.2.g above.</p> <p>•See also Table 4-4 which permits nightly rentals as a principal use of a dwelling unit in the A-1 and CD zoning districts.</p>
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Section 5.2.D General Dimensional and Operational Requirements.

4. *Maximum Building or Structure Size for Nonresidential Uses.* Except as otherwise expressly limited or allowed in this Section, and except for ~~structures containing accessory nightly rentals and for~~ accessory recreational facilities including swimming pools, freestanding accessory buildings and structures shall not be larger than one thousand (1,000) square feet of gross floor area. (Ord. 15-03 #1)

Section 5.2.C.2a Employee Housing

(4) Restrictive Covenant Required.

(a) Employee housing units provided pursuant to this Section shall be deed restricted for a period of time no less than twenty (20) years to assure the availability of the unit for long-term occupancy only by employees of the principal business use. Such restriction shall include a prohibition of short-term rentals (less than thirty [30] days); [see §5.1.B](#) and/or rentals to the general public of the unit(s) except as otherwise allowed by this Section.

Section 11.4 Attainable Housing Density Bonus, E. Development and Design Standards.

4. *Short-Term Rentals Prohibited.* Attainable housing units shall not be ~~leased or rented~~ [rented, leased or furnished](#) for tenancies of less than thirty (30) days ([see §5.1.B](#)).

Section 13.2.C Use Classification/Specific Use Definitions and Examples.

2. *Accommodations, Low-Intensity.*

- a. **General Definition:** Visitor-serving facilities that provide temporary lodging for compensation, and with an average length of stay of less than thirty (30) days, ~~(except for permitted long term nightly rentals—see 2.b(3) below).~~ **Except in the CD district, sSuch** facility shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential and/or rural setting.
- b. **Examples:** This classification includes the following types of specific uses:
- (1) **Bed and Breakfast Inn:** A detached single-family residential dwelling unit that is rented, leased, or occupied as a single accommodations unit for accommodations purposes for terms of less than thirty (30) days and is operator-occupied on a full-time basis.
~~An establishment operated in an owner-occupied, single family detached dwelling unit, or portion thereof (excluding accessory buildings), that provides lodging, with or without the service of a morning meal only, and where the operator lives on the premises. No more than eight (8) guests may be accommodated at any one (1) time. Accessory buildings shall not be used for guest quarters or amenities beyond a gazebo or similar outdoor room.~~
 - (2) **Hotel, Small:** An establishment containing no more than eight (8) guest rooms that provides temporary lodging with eating and drinking service and a dining room where meals are served.
 - (3) ~~**Nightly Rentals:** Nightly Rentals: In the A-1 or CD zoning districts, a single family, duplex or multi-family dwelling unit that is leased for compensation, to provide temporary lodging for visitors and guests. The term of lease in this permitted principal nightly rental use may be either short term (less than thirty [30] days) or long term (thirty [30] days or more). See §5.2.B for nightly rentals allowed as an accessory use in the residential zoning districts.~~
 - (4) **Resort Lodges/Cabins, Low-Intensity:** A tract of land under single ownership and management with no more than a total of twenty (20) guest rooms or guest units available for temporary rental. The guest rooms may be contained in a main “lodge” building and/or contained in detached, freestanding “cabin” structures (the latter freestanding structures shall not include recreational vehicles or mobile homes). A single structure shall contain no more than four (4) guest rooms or units. Guest rooms/units in a resort lodge/cabin use may contain full kitchen facilities in lieu of “limited kitchen facilities,” but only if such guest rooms comply with all conditions set forth in §5.1.P of this Code.
 - (5) **Vacation Home.** A residential dwelling unit that is rented, leased, or occupied as a single accommodations unit for accommodations purposes for compensation for terms of less than thirty (30) days.

Section 13.3 Definitions of Words, Terms and Phrases

6. *Accommodations Use* ~~shall mean a commercial, visitor serving facility that provides temporary lodging in guest rooms or guest units, for compensation, and with an average length of visitor stay of less than thirty (30) days. Examples of accommodations uses include motels, hotels, bed and breakfast inns, resort lodges and hostels. A principal "nightly rental" use of a dwelling unit in the A-1 or CD zoning districts, as more specifically described in §13.2.C.2 of this Chapter, is an accommodations use. On the other hand, an accessory short term "nightly rental" use of a dwelling unit in a residential zoning district, as allowed by §5.2.B.2.g of this Code, is not an accommodations use. See also the definition of "guest room or unit" below.~~ shall mean the rental, leasing, or occupancy of any room, mobile home, recreational vehicle, camp site, or other area in a visitor-serving facility that provides temporary lodging, such as any hotel, motel, guest house, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single-family dwelling, duplex, multiple-family dwelling, condominium unit, or any such similar place, to any person whom, for a consideration, uses, possesses, or has the right to use or possess such room, mobile home site, recreational vehicle site, camp site, or other area for a total continuous duration of less than thirty (30) days.

28. *Household Living.*

a. General Definition: A family unit related by blood, marriage or adoption or eight (8) or fewer unrelated individuals (including resident and nonresident care givers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. Household living shall include occupancy by a renter household for terms of thirty (30) days or more. Refer to the definition of "accommodations use" for renter occupancy for terms of less than thirty (30) days.

b. Examples: This classification includes households living in single-family houses, duplexes, town homes, other multi-family dwelling structures,

118. *Guest Unit or Guest Room* shall mean:

a. ~~A room or suite of rooms in an accommodations use that contains sleeping and sanitary facilities and that may include limited kitchen facilities.~~ With the exception of guest units or guest rooms in bed and breakfast inns and vacation homes, guest units or guest rooms may include limited kitchen facilities.

Instead of the previously recommended revision above, keep the existing code language so that "a" would continue to read,

a. A room or suite of rooms in an accommodations use that contains sleeping and sanitary facilities and that may include limited kitchen facilities.

b. For purposes of this definition, “limited kitchen facilities” shall mean a kitchen that is not contained in a separate room and that may have a sink and only the following appliances: (a) a refrigerator no larger than three and one-half (3½) cubic feet; (b) a stove/oven no wider than twenty (20) inches; and/or (c) a microwave oven.

~~117. *Guest Quarters* shall mean living quarters with or without kitchen facilities for the use of temporary guests of the occupants of the single-family dwelling.~~

~~159. *Nightly Rentals, Long Term* shall mean the leasing of a principal or accessory dwelling unit for compensation and for a term of thirty (30) days or longer. See §13.2.C.2 for the description of a principal nightly rental use, and §5.2.B of this Code regarding accessory nightly rental uses in the residential zoning districts.~~

~~160. *Nightly Rentals, Short Term* shall mean the leasing of a principal dwelling unit for compensation and for a term of less than thirty (30) days. See §13.2.C.2 for the description of a principal nightly rental use, and §5.2.B of this Code regarding nightly rentals in residential zoning districts.~~

~~199. *Rentals, Nightly or Short Term*. See definition of “Nightly Rentals” above.~~

Estes Park Municipal Code

5.20.020 Definitions.

In this Chapter, the following words and phrases shall have the following meanings:

~~(1) *Accommodation* means the leasing, renting or furnishing of any room, mobile home site, recreational vehicle site, camp site or other area in any hotel, motel, guest house, bed and breakfast, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single family dwelling, duplex, multiple family dwelling, condominium unit, vacation home or any such similar place, to any person who, for a consideration, uses, possesses or has the right to use or possess such dwelling, room, single family dwelling, duplex unit, multiple family unit, condominium unit, vacation home, site or other accommodation for a total continuous duration of less than thirty (30) days.~~

Accommodation means the rental, leasing, or occupancy of an accommodation site and/or accommodations unit for a total continuous duration of less than thirty (30) days.

~~(2) *Accommodation site* means a site consisting of one (1) or more accommodation units, including, but not limited to condominium units, which are located on one (1) individual parcel of real property and under management control for rental purposes of an agent, entity or agency.~~

Accommodation site means one (1) individual parcel of real property consisting of one (1) or more accommodations units that are under management control of an agent, entity or agency for rental purposes.

~~(3) *Accommodation unit* means each individual room, set of rooms, site, single family dwelling, duplex unit, multiple family unit, condominium unit, vacation home or divided area rented, leased or occupied on a unit basis in an accommodation.~~

Accommodations unit means any room, mobile home, recreational vehicle, camp site, or other area in a visitor-serving facility that provides temporary lodging, such as any hotel, motel, guest house, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single-family dwelling, duplex, multiple-family dwelling, condominium unit, or any such similar place, to any person whom, for a consideration, uses, possesses, or has the right to use or possess such room, mobile home site, recreational vehicle site, camp site, or other area for a total continuous duration of less than thirty (30) days.

~~(10) *Vacation home* means a residential dwelling unit, as defined in the Estes Valley Development Code, that is located within a residential zoning district and is rented, leased or occupied on a unit basis as an accommodation.~~

Vacation home means a residential dwelling unit that is rented, leased, or occupied as a single accommodations unit for accommodations purposes for compensation for terms of less than thirty (30) days.

(11) *Bed and breakfast Inn* means a detached single-family residential dwelling unit that is rented, leased, or occupied for accommodations purposes and is operator-occupied on a full-time basis.

5.20.110 Vacation homes ~~in residential zoning districts~~ and Bed and Breakfast Inns.

~~This Section shall apply to the leasing, renting and occupation of any vacation home existing in the following zoning districts of the Town: RE-1, RE, E-1, E, R, R-1, R-2 and R-M. This Section shall apply to vacation homes and bed and breakfast inns.~~

~~(1) Purpose. The purpose of this Section is to permit the leasing, renting and occupation of vacation homes in residential zoning districts while maintaining the residential character of those districts.~~

(2) Restrictions on rentals. The ~~leasing, renting or occupation~~ rental, leasing, or occupancy of all vacation homes and bed and breakfast inns subject to this Section shall be restricted as follows:

a. Compliance with the applicable regulations found in the Estes Valley Development Code is required. ~~Vacation homes shall not be operated in a manner that is out of character with residential uses. This includes vehicular traffic and noise levels that are out of character with residential uses. Vacation homes shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential setting. Guest rooms shall be integrated within the vacation home. Kitchen facilities shall be limited to be consistent with single-family residential use.~~

b. ~~A vacation home shall be rented, leased or furnished to no more than one (1) party with a maximum of eight (8) individual guests. The total maximum occupancy of eight (8) individuals shall be further limited by a maximum of two (2) guests per bedroom plus two individuals. In the event the vacation home is managed by a full-time on-site manager, the vacation home may be rented, leased or furnished to more than one (1) party subject to the limitations of two (2) guests per bedroom plus two (2) individuals with a maximum of eight (8) guests.~~

c. ~~No changes in the exterior appearance to accommodate each vacation home shall be allowed, except that one (1) wall-mounted identification sign no larger than four (4) square feet in area shall be permitted.~~

d. ~~Only one (1) vacation home shall be permitted per lot in single-family residential districts.~~

~~e. No recreational vehicle, as the same is defined in Chapter 13 of the Estes Valley Development Code, tent, temporary shelter, canopy, teepee or yurt shall be used by any individual for living or sleeping purposes.~~

~~f. Each vacation home is permitted a maximum of three (3) guest vehicles on site and parked outside at any one (1) time. On street parking shall be prohibited.~~

~~g. Vacation homes shall be subject to commercial utility rates for the entire calendar year of the current license, and sales tax collection and remittance. It is the owner's responsibility to notify the Utility Billing Department when the residence is no longer being used as a vacation home after the license expires.~~

h. The application for a business license for any vacation home [or bed and breakfast inns](#) shall designate a local resident or property manager of the Estes Valley who can be contacted by the Town with regard to any violation of the provisions of this Section. The person set forth on the application shall be the agent of the owner for all purposes with regard to the issuance of the business license, the operation of the vacation home [or bed and breakfast inn](#), and revocation of the business license pursuant to the terms and conditions of this Section.

~~i. Any vacation home in operation on or before November 1, 2004, and whose owner obtained a business license from the Town for 2004 shall be entitled to operate the vacation home to the extent of its operation on the effective date of the ordinance codified herein, including but not limited to the number of guest individuals allowed to occupy the vacation home at any one (1) time, the number of guest vehicles allowed to be parked onsite and any permitted signage identifying the operation of the vacation home. In the event the operation of the vacation home grandfathered by this Section is abandoned for a period of one (1) year or the owner does not maintain a business license for the vacation home in any subsequent calendar year, the vacation home shall then be subject to all of the terms and conditions of this Section, including but not limited to the number of guest individuals occupying the premises, the number of vehicles allowed to be parked outside one site and the signage identifying the operation of the vacation home.~~

(3) Violation. It is a violation of this Section for any owner, agent, guest and/or occupant of a vacation home [or bed and breakfast inn](#) to be convicted, including a plea of no contest, of a violation of Section 9.08.010 (Disturbing the Peace) of this Code; to fail to collect and remit all required sales tax to the State due and owing for the leasing, rental or occupation of a vacation home [or bed and breakfast inn](#); to violate any provisions of this Section; and/or to fail to acquire and pay for a business license. For the purpose of this Section, only violations of Section 9.08.010 of this Code which occur on the premises of the vacation home [or bed and breakfast inn](#) and while a vacation home [or bed and breakfast inn](#) is being occupied as a vacation home [or bed and breakfast inn](#) shall be a violation of this Section.

(4) Revocation of license. The Town may revoke the business license of any vacation home or bed and breakfast inn for violation of the provisions of this Section as follows:

a. The Town Clerk, upon the receipt and verification of any violation of this Section, shall give written notice to the owner or agent that a violation has occurred.

b. Upon the receipt and verification of any subsequent violation of the terms and conditions of this Section, within two (2) years of the date of the written warning set forth in Subsection a above, the Town Clerk ~~shall~~ may revoke the business license by giving written notice to the owner or agent of the revocation of the license. Said revocation shall be for one (1) year from the date of the notice.

c. Upon the receipt and verification of any subsequent violation of the terms and conditions of this Section within two (2) years after reinstatement, the Town Clerk shall revoke the business license by giving written notice to the owner or agent of the revocation of the business license. Said revocation shall be for two (2) years from the date of the notice. Upon revocation of the business license, the owner's right to operate a vacation home or bed and breakfast inn on the property shall terminate.

(5) Appeal. Any owner or agent who wishes to contest the written warning or the revocation of a business license shall be entitled to request a hearing before the Town Clerk by written notice delivered in person or by certified mail, return receipt requested, to the Town Clerk within fifteen (15) days of the date of the warning or revocation. The Town Clerk shall hold a hearing on the appeal and determine whether or not a violation of the provisions of this Section has occurred. The owner shall be entitled to present any evidence of compliance with the terms and conditions of this Section at said hearing. The decision of the Town Clerk as to whether or not the violation occurred shall be final and not subject to further appeal.