



Gilpin County Zoning Regulations

2.16: Short-Term Rentals

2.16.1: Definition:

Short-Term Rental: The nightly or weekly rental of dwellings, dwelling units, mobile homes or rooms, excluding hotels and motels, that accommodates two adults per bedroom as indicated on the Gilpin County Assessor's records, for less than 30 consecutive days, including but not limited to: single family dwellings, duplexes, multifamily dwellings, townhouses, condominiums, time share or similar dwellings, excluding campers, tents, yurts, treehouses, and any other structure without water and septic.

2.16.2: Allowable Zones:

Short-Term rentals are allowed in any zoning district.

2.16.3: Short-Term Rental (STR) Permit:

2.16.3.1: Submittal Requirements:

A complete application and appropriate documentation shall be submitted to Gilpin County Development Services by the applicant, including:

- A. Completed Short-Term Rental Application.
- B. Registration Fee.
- C. Evidence of legal water supply.
- D. Evidence of the availability of connection to a sanitary sewer system or an onsite wastewater treatment system (OWTS) that has been pumped and inspected by a County Licensed Use Permit Provider.
- E. An Annual Personal Property Declaration shall be submitted to the Assessor as required.
- F. A scaled map clearly indicating the following:
 - a. Lot size
 - b. Subject parcel boundaries, including all setbacks appropriate for the zone wherein the short-term rental is located
 - c. Location of residence
 - d. Location of appropriate parking spaces
 - e. Location of any outdoor garbage storage areas
 - f. Location of snow storage areas
 - g. Location of any outdoor cooking / fire facilities
- G. Copy of State of Colorado Sales Tax License for the STR if a rental service that automatically remits taxes to the State is not used.



- H. If in the name of a business, a copy of the State Business Name registration and a list of all owners, officers or members, and contact information for each person.

2.16.4: Standards of Short-Term Rentals

All Short-term Rentals shall be subject to the following:

- A. **Operating Permit:** All short-term rentals shall have an operating permit. Permits are issued by Gilpin County Development Services. The permit shall be maintained and signed by the owner and, if applicable, any property management company representative, agent or designee. An operating permit shall be effective on and following the date of issuance for one (1) year, unless surrendered or suspended or revoked for cause.
- B. **Regulation Compliance:** No operating permit will be issued for a property that is not in compliance with Gilpin County regulations applicable to the property. Non-compliance with any of those regulations also is grounds for revocation of an Operating Permit.
- C. **Fees:** Fees will be established by the Gilpin County Board of County Commissioners and published in the Development Services Fee Schedule. Pro-ration for an operating permit shall not be authorized.
- D. **Taxes:** Owner is responsible for maintaining a State of Colorado Sales Tax License, if applicable, and remitting applicable Federal, State, and Local Taxes.
- E. **24-Hour Contact Person:** Each short-term rental owner shall have a contact person responsible for the short-term rental and shall be available on a twenty-four (24) hour basis, seven days per week, and during periods in which the structure is being rented.

The 24-hour contact person may be the owner, property management company representative, or other person employed, authorized, or engaged by the owner to manage, rent, or supervise the short-term rental. The 24-hour contact person shall maintain a residence or permanent place of business within twenty (20) road miles of the short-term rental.

The 24-hour contact person shall be an individual and be identified by company (if applicable), business telephone, cell phone, home phone (whichever is applicable), mailing address, and email address. The 24-hour contact person may be changed in writing delivered or sent to Gilpin County Development Services.

Adjacent property owners whose property boundaries are within one hundred (100) feet of the subject parcel/s where the short-term rental is located shall be provided written notice of the 24-hour contact person and owner contact information.



- F. **Safety:** The short-term rental shall undergo and pass an initial safety inspection by the Gilpin County Code Compliance Officer or Gilpin County Building Inspector, and Timberline Fire District Inspector prior to issuance of the operating permit.

The short-term rental shall contain at least two (2) operable fire extinguishers, that are easily accessible in the kitchen and utility room, and operable smoke alarms as required by code. The short-term rental shall contain operable carbon monoxide alarms in compliance with Title 38, Article 45 of the Colorado Revised Statutes.

- G. **Water / Sanitation and Occupancy:** The short-term rental shall submit verification of the availability of an adequate water supply plan or State-approved well permit, and verification of the availability of an adequate Gilpin County-approved onsite wastewater treatment system (OWTS) for the maximum number of occupants proposed.

- H. **Noise:** While occupying or visiting a short-term rental, no person shall make, cause, or permit unreasonable noise to be emitted from the short-term rental that is audible upon neighboring private premises in excess of the limits set forth in Title 25, Article 12 of the Colorado Revised Statutes (see Appendix A) or otherwise disturbs the peace.

- I. **Parties and Events:** Parties and events involving non-renters of the short-term rental is strictly prohibited unless a temporary use permit has been issued by Gilpin County (see Zoning Regulations Section 2.13).

- J. **Garbage:** Clearly-defined garbage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage remove (including name and location) shall be identified for all occupants. All outside garbage storage areas and containers shall be of a bear-proof design. Garbage containers shall not be left unattended for on-street pick-up and shall only be left outside on the day of on-street pick-up. If there is no on-street pick-up, the owner or management company representative shall remove garbage.

All garbage shall be removed between each rental use and, if the rental is for seven (7) up to thirty (30) days, all garbage shall be removed weekly. The property shall be properly maintained and free of garbage, trash, and litter.

- K. **Cleaning Schedule:** The short-term rental shall be cleaned between each rental use.

- L. **Lighting:** Outdoor lighting shall conform to the lighting standards express in the Gilpin County Zoning Regulations, Section 3.14, Outdoor Lighting Code.

- M. **Access and Parking:** Off-street parking shall be provided in the amount of one (1) space per bedroom or as allowed by current zoning regulations.



If a short-term rental is accessed by a shared driveway, proof of legal access or written permission to access the drive shall be obtained from each shared driveway property owner.

Occupants and visitors utilizing short-term rentals shall park in designated off-street parking spaces. On-street parking within a county road or right-of-way or within a private road right-of-way is prohibited. Written property owner permission is required for parking on adjacent or neighboring properties. No person shall be permitted to stay overnight in any motor vehicles, including recreational vehicles or campers, which are parked at a short-term rental.

- N. **Snow Storage:** On-site snow storage shall be provided separate from designated parking spaces and shall not block access to and from the structure.
- O. **Fires:** Fire places, fire pits, charcoal braziers, wood burning stoves, or other outdoor cooking or fire facilities that could throw off embers shall be allow only in designated facilities with the appropriate defensible space of three (3) feet of non-combustible materials around the fire facility and located twenty (20) feet from any structures. A water supply such as bucket of water or hose hooked to a faucet, or other type of fire suppression shall be available at the location of the fire facility for use to put out fires as well as a round tipped shovel with at least a 36-inch handle. No fire shall be left unattended by an adult and shall be doused with water before abandoning the fire. Notice of all fire bans and regulations related to them shall be provided to all renters. Owner to provide a designated smoking area with five feet of non-combustible material and appropriate disposal receptacle. All smoking materials shall be properly extinguished.
- P. **Firearms and Fireworks:** The discharging of firearms or fireworks on the premises of the short-term rental is strictly prohibited.
- Q. **Companion Animals(s):** When outdoors, companion animals(s) shall be maintained on the short-term rental property via a fully enclosed fence, electronic fence, or kept on a leash. The owners of the short-term rental shall provide animal waste collection bags and proper disposal containers for renters to clean up after their companion animals(s).
- R. **Signs:** Signs meeting the following guidelines are permitted:
1. Size – total sign face area six square feet or less;
 2. Illumination – reflective surfaces only (other types of illumination prohibited);
 3. Height – maximum of four feet in height measured from the ground to the highest point on the sign; and



4. Setback - 10 feet or greater from the traveled portion of the roadway
- S. **Addressing:** Address numbers shall be posted on the exterior of the building and / or the driveway entrances so that it is clearly visible from the traveled road.
- T. **Posting of Information:** The owner shall post information inside the short-term rental in a conspicuous location for its occupants including, but not limited to, to the following information:
 - a. A copy of the Short-Term Rental Permit.
 - b. The name, address, telephone number of the 24-hour contact person, management company, agent, or owner of the short-term rental that can be reached on a twenty-four (24) hours basis.
 - c. The maximum number of persons allowed to occupy the short-term rental.
 - d. The maximum number of vehicles allowed to park on the short-term rental property and notice that all vehicles shall park in designated off-street parking spaces and that on-street parking or on neighboring properties is prohibited.
 - e. A map clearly indicating the subject parcel boundaries, location of residence, and locations of appropriate parking spaces.
 - f. The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal.
 - g. The entire property address, including house number, street name, and city shall be visibly posted inside the short-term rental with instructions to call 911 in the case of an emergency.
 - h. Information regarding fire suppression types available onsite. If a Fire Restriction or Fire Ban is in effect, the terms of that restriction or ban shall be included.
 - i. Information regarding fire / emergency evacuation routes out of the area.
 - j. The discharging of firearms or fireworks on the premises is strictly prohibited.
 - k. Companion animals(s) shall be kept within the fully enclosed fenced area or on a leash at all times. Notification to the occupants that they are fully responsible for cleaning up after the companion animals(s) and where animal waste collection bags and disposal container are located. See Zoning Regulations Section 2.8 Code for and the Gilpin County Dog Ordinance 16.01.
 - l. Information as to last cleaning of the premise and by whom.
 - m. Gilpin County Good Neighbor Guide (see Appendix B).

2.16.5: Compliance and Limitation of Liability:

Compliance with the terms and conditions set forth herein Section 2.16 Short-Term Rentals shall be the non-delegable responsibility of the owner of the short-term rental; and each owner of a short-term rental shall be strictly liable for complying with the conditions set forth in this Section



or as imposed by Gilpin County. Owner shall comply with all applicable County, State, and Federal Regulations.

Gilpin County assumes no responsibility for the operation of the site, owner requirements, and subdivision covenants. The owner and occupants agree to hold Gilpin County harmless for any injury or damage which may occur, or whatever types or nature, as the result of the operation of the short-term rental. Owner shall maintain appropriate liability insurance for the short-term rental. Nothing contained in this Section shall allow short-term rentals if otherwise prohibited by any applicable private covenants. Covenants are privately enforced according to applicable requirements.

2.16.6: Enforcement:

If granted, the permit will be monitored for compliance by the Gilpin County Code Compliance Officer. Written warning of the nature of the violation shall be sent to the property owner, agent, or the applicant for any relevant permit.

Notice shall be given in person, by e-mail, or by certified U.S. Mail. The notice shall specify the alleged violation and shall state that the individual has a period of ten (10) days from the date of the notice in which to correct the alleged violations before further enforcement action shall be taken. If non-compliance with the Operating Permit regulations is not corrected in a timely manner, or if there are multiple credible or validated complaints manifesting the owner's inability or unwillingness to control the use of the short-term rental, a Notice of Violation will be recorded against the property with a ten (10) day correction period. Said notice will be mailed certified / return receipt to the permit holder. If abatement of the violation is not achieved within the ten (10) day correction period in the Notice of Violation, the matter will be turned over to the Gilpin County Attorney and the case filed with the appropriate Court.

If there are two violations within six consecutive months, the property owner will be fined by the County as indicated on the Gilpin County Development Services fee schedule. Four violations within the issued permit year will result in the County revoking the operating permit and result in a one-year moratorium on permits issued to that property owner/ operator.

See Gilpin County Zoning Regulations Section 1.6 Enforcement for greater detail.



APPENDIX A

TITLE 25

ARTICLE 12

Noise Abatement

25-12-101. Legislative declaration. The general assembly finds and declares that noise is a major source of environmental pollution which represents a threat to the serenity and quality of life in the state of Colorado. Excess noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community. Accordingly, it is the policy of the general assembly to establish statewide standards for noise level limits for various time periods and areas. Noise in excess of the limits provided in this article constitutes a public nuisance.

Source: L. 71: p. 647, § 1. C.R.S. 1963: § 66-35-1.

25-12-102. Definitions. As used in this article, unless the context otherwise requires: (1) "Commercial zone" means: (a) An area where offices, clinics, and the facilities needed to serve them are located; (b) An area with local shopping and service establishments located within walking distances of the residents served; (c) A tourist-oriented area where hotels, motels, and gasoline stations are located; (d) A large integrated regional shopping center; (e) A business strip along a main street containing offices, retail businesses, and commercial enterprises; (f) A central business district; or (g) A commercially dominated area with multiple-unit dwellings. (2) "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American national standards institute, publication S1. 4 - 1971. (3) "Decibel" is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level. (4) (a) "Industrial zone" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural, horticultural, or floricultural operations. (b) Nothing in paragraph (a) of this subsection (4), as amended by House Bill 05-1180, as enacted at the first regular session of the sixty-fifth general assembly, shall be construed as changing the property tax classification of property owned by a horticultural or floricultural operation. (5) "Light industrial and commercial zone" means: (a) An area containing clean and quiet research laboratories; (b) An area containing light industrial activities which are clean and quiet; (c) An area containing warehousing; or (d) An area in which other activities are conducted where the general environment is free from concentrated industrial activity. (5.2) "Motorcycle" means a self-propelled vehicle with not more than three



wheels in contact with the ground that is designed primarily for use on the public highways. (5.4) "Motor vehicle" means a self-propelled vehicle with at least four wheels in contact with the ground that is designed primarily for use on the public highways. (5.6) "Off-highway vehicle" means a self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways. "Off-highway vehicle" shall not include the following: (a) Military vehicles; (b) Golf carts; (c) Snowmobiles; (d) Vehicles designed and used to carry persons with disabilities; and (e) Vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. (6) "Residential zone" means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple-unit dwellings, high-rise apartment districts, and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "Residential zone" includes hospitals, nursing homes, and similar institutional facilities. (7) "SAE J1287" means the J1287 stationary sound test or any successor test published by SAE international or any successor organization. (8) "SAE J2567" means the J2567 stationary sound test or any successor test published by SAE international or any successor organization. (9) "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways. "Snowmobile" shall not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

Source: L. 71: p. 647, § 1. C.R.S. 1963: § 66-35-2. L. 73: p. 1406, § 47. L. 86: (2) amended, p. 501, § 121, effective July 1. L. 2005: (4) amended, p. 350, § 8, effective August 8. L. 2008: (5.2), (5.4), (5.6), (7), (8), and (9) added, p. 2101, § 1, effective July 1, 2010.

25-12-103. Maximum permissible noise levels. (1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance: 7:00 a.m. to 7:00 p.m. to Zone next 7:00 p.m. next 7:00 a.m. Residential 55 db(A) 50 db(A) Commercial 60 db(A) 55 db(A) Light industrial 70 db(A) 65 db(A) Industrial 80 db(A) 75 db(A) (2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period. (3) Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (1) of this section. (4) This article is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control. (5) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project. (6) All railroad rights-of-way shall be



considered as industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone. (7) This article is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use. (8) For the purposes of this article, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour. (9) In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. (10) This article is not applicable to the use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow. This subsection (10) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement. (11) This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement. (12) (a) Notwithstanding subsection (1) of this section, the public utilities commission may determine, while reviewing utility applications for certificates of public convenience and necessity for electric transmission facilities, whether projected noise levels for electric transmission facilities are reasonable. Such determination shall take into account concerns raised by participants in the commission proceeding and the alternatives available to a utility to meet the need for electric transmission facilities. When applying, the utility shall provide notice of its application to all municipalities and counties where the proposed electric transmission facilities will be located. The public utilities commission shall afford the public an opportunity to participate in all proceedings in which permissible noise levels are established according to the "Public Utilities Law", articles 1 to 7 of title 40, C.R.S. (b) Because of the statewide need for reliable electric service and the public benefit provided by electric transmission facilities, notwithstanding any other provision of law, no municipality or county may adopt an ordinance or resolution setting noise standards for electric transmission facilities that are more restrictive than this subsection (12). The owner or operator of an electric transmission facility shall not be liable in a civil action based upon noise emitted by electric transmission facilities that comply with this subsection (12). (c) For the purposes of this section: (I) "Electric transmission facility" means a power line or other facility that transmits electrical current and operates at a voltage level greater than or equal to 44 kilovolts. (II) "Rights-of-way for electric transmission facilities" means all property rights and interests obtained by the owner or operator of an electric transmission facility for the purpose of constructing, maintaining, or operating the electric transmission facility.



Source: L. 71: p. 648, § 1. C.R.S. 1963: § 66-35-3. L. 82: (10) added, p. 424, § 1, effective March 11. L. 87: (11) added, p. 1154, § 1, effective May 20. L. 2004: (12) added, p. 736, § 2, effective July 1. Cross references: For the legislative declaration contained in the 2004 act enacting subsection (12), see section 1 of chapter 219, Session Laws of Colorado 2004.

25-12-104. Action to abate. Whenever there is reason to believe that a nuisance exists, as defined in section 25-12-103, any county or resident of the state may maintain an action in equity in the district court of the judicial district in which the alleged nuisance exists to abate and prevent such nuisance and to perpetually enjoin the person conducting or maintaining the same and the owner, lessee, or agent of the building or place in or upon which such nuisance exists from directly or indirectly maintaining or permitting such nuisance. Notwithstanding any other provision of this section, a county shall not maintain an action pursuant to this section if the alleged nuisance involves a mining operation or the development, extraction, or transportation of construction materials, as those terms are defined in section 34-32.5-103, C.R.S., a commercial activity, the commercial use of property, avalanche control activities, a farming or ranching activity, an activity of a utility, or a mining or oil and gas operation. When proceedings by injunction are instituted, such proceedings shall be conducted under the Colorado rules of civil procedure. The court may stay the effect of any order issued under this section for such time as is reasonably necessary for the defendant to come into compliance with the provisions of this article.

Source: L. 71: p. 649, § 1. C.R.S. 1963: § 66-35-4. L. 2008: Entire section amended, p. 57, § 1, effective August 5. Cross references: For injunctions, see C.R.C.P. 65.

25-12-105. Violation of injunction - penalty. Any violation or disobedience of any injunction or order expressly provided for by section 25-12-104 shall be punished as a contempt of court by a fine of not less than one hundred dollars nor more than two thousand dollars. Each day in which an individual is in violation of the injunction established by the court shall constitute a separate offense. The court shall give consideration in any such case to the practical difficulties involved with respect to effecting compliance with the requirements of any order issued by the court.

Source: L. 71: p. 650, § 1. C.R.S. 1963: § 66-35-5.

25-12-106. Noise restrictions - sale of new vehicles. (1) Except for such vehicles as are designed exclusively for racing purposes, no person shall sell or offer for sale a new motor vehicle that produces a maximum noise exceeding the following noise limits, at a distance of fifty feet from the center of the lane of travel, under test procedures established by the department of revenue: (a) Any motorcycle manufactured on or after July 1, 1971, and before January 1, 1973 88 db(A); (b) Any motorcycle manufactured on or after January 1, 1973 86 db(A); (c) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after July 1, 1971, and before January 1, 1973 88 db(A); (d) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after January 1,



197386 db(A); (e) Any other motor vehicle manufactured on or after January 1, 1968, and before January 1, 197386 db(A); (f) Any other motor vehicle manufactured after January 1, 197384 db(A). (g) (Deleted by amendment, L. 2008, p. 2102, § 2, effective July 1, 2010.) (2) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the society of automotive engineers. (3) Any person selling or offering for sale a motor vehicle or other vehicle in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

Source: L. 71: p. 650, § 1. C.R.S. 1963: § 66-35-6. L. 2008: IP(1) and (1)(g) amended, p. 2102, § 2, effective July 1, 2010. L. 2009: (1)(a) and (1)(b) amended, (HB 09-1026), ch. 281, p. 1259, § 20, effective October 1.

25-12-107. Powers of local authorities. (1) Counties or municipalities may adopt resolutions or ordinances prohibiting the operation of motor vehicles within their respective jurisdictions that produce noise in excess of the sound levels in decibels, measured on the "A" scale on a standard sound level meter having characteristics established by the American national standards institute, publication S1.4 - 1971, and measured at a distance of fifty feet from the center of the lane of travel and within the speed limits specified in this section: Speed limit of more Speed limit than 35 mph of 35 mph but less or less than 55 mph (a) Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a low-power scooter: (I) Before January 1, 1973 88 db(A) 90 db(A) (II) On and after January 1, 1973 86 db(A) 90 db(A) (b) (Deleted by amendment, L. 2008, p. 2102, § 3, effective July 1, 2010.) (2) The governing board shall adopt resolutions establishing any test procedures deemed necessary. (3) This section applies to the total noise from a vehicle or combination of vehicles. (4) For the purpose of this section, a truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand pounds or more if the unladen weight is more than five thousand pounds.

Source: L. 71: p. 651, § 1. C.R.S. 1963: § 66-35-7. L. 73: p. 1406, § 48. L. 2008: IP(1) and (1)(b) amended, p. 2102, § 3, effective July 1, 2010. L. 2009: IP(1)(a) amended, (HB 09- 1026), ch. 281, p. 1259, § 21, effective October 1. 25-12-108.

Preemption. Except as provided in sections 25-12-103 (12) and 25-12-110, this article shall not be construed to preempt or limit the authority of any municipality or county to adopt standards that are no less restrictive than the provisions of this article.

Source: L. 71: p. 651, § 1. C.R.S. 1963: § 66-35-8. L. 88: Entire section amended, p. 1116, § 2, effective May 19. L. 2008: Entire section amended, p. 2103, § 4, effective July 1, 2010.

25-12-109. Exception - sport shooting ranges - legislative declaration - definitions. (1) The general assembly hereby finds, determines, and declares that the imposition of inconsistent,



outdated, and unnecessary noise restrictions on qualifying sport shooting ranges that meet specific, designated qualifications work to the detriment of the public health, welfare, and morale as well as to the detriment of the economic well-being of the state. The general assembly further finds, determines, and declares that a need exists for statewide uniformity with respect to exempting qualifying shooting ranges from the enforcement of laws, ordinances, rules, and orders regulating noise. As the gain associated with having a uniform statewide exemption for qualifying sport shooting ranges outweighs any gains associated with enforcing noise regulations against such ranges, the general assembly further declares that the provisions of this section, as enacted, are a matter of statewide concern and preempt any provisions of any law, ordinance, rule, or order to the contrary. (2) As used in this section, unless the context otherwise requires: (a) "Local government" means any county, city, city and county, town, or any governmental entity, board, council, or committee operating under the authority of any county, city, city and county, or town. (b) "Local government official" means any elected, appointed, or employed individual or group of individuals acting on behalf of or exercising the authority of any local government. (c) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity. (d) "Qualifying sport shooting range" or "qualifying range" means any public or private establishment, whether operating for profit or not for profit, that operates an area for the discharge or other use of firearms or other equipment for silhouette, skeet, trap, black powder, target, self-defense, recreational or competitive shooting, or professional training. (3) Notwithstanding any other law or municipal or county ordinance, rule, or order regulating noise to the contrary: (a) A local governmental official may not commence a civil action nor seek a criminal penalty against a qualifying sport shooting range or its owners or operators on the grounds of noise emanating from such range that results from the normal operation or use of the qualifying shooting range except upon a written complaint from a resident of the jurisdiction in which the range is located. The complaint shall state the name and address of the complainant, how long the complainant has resided at the address indicated, the times and dates on which the alleged excessive noise occurred, and such other information as the local government may require. The local government shall not proceed to seek a criminal penalty or pursue a civil action against a qualifying sport shooting range on the basis of such a noise complaint if the complainant established residence within the jurisdiction after January 1, 1985. (b) No person may bring any suit in law or equity or any other claim for relief against a qualifying sport shooting range located in the vicinity of the person's property or against the owners or operators of such range on the grounds of noise emanating from the range if: (I) The qualifying range was established before the person acquired the property; (II) The qualifying range complies with all laws, ordinances, rules, or orders regulating noise that applied to the range and its operation at the time of its construction or initial operation; (III) No law, ordinance, rule, or order regulating noise applied to the qualifying range at the time of its construction or initial operation.

Source: L. 98: Entire section added, p. 240, § 1, effective April 13.



25-12-110. Off-highway vehicles. (1) An off-highway vehicle operated within the state shall not emit more than the following level of sound when measured using SAE J1287: (a) If manufactured before January 1, 1998 99 db(A); (b) If manufactured on or after January 1, 1998 96 db(A). (2) A snowmobile shall not emit more than the following level of sound when measured using SAE J2567: (a) If manufactured on or after July 1, 1972, and before July 2, 1975 90 db(A); Uncertified Printout (b) If manufactured on or after July 2, 1975 88 db(A). (3) (a) A person shall not sell or offer to sell a new off-highway vehicle that emits a level of sound in excess of that prohibited by subsection (1) of this section unless the off-highway vehicle complies with federal noise emission standards. A person shall not sell or offer to sell a new snowmobile that emits a level of sound in excess of that prohibited by subsection (2) of this section unless the snowmobile complies with federal noise emission standards. (b) For the purposes of this section, a "new" snowmobile or off-highway vehicle means a snowmobile or off-highway vehicle that has not been transferred on a manufacturer's statement of origin and for which an ownership registration card has not been submitted by the original owner to the manufacturer. (4) This section shall not apply to the following: (a) A vehicle designed or modified for and used in closed-circuit, off-highway vehicle competition facilities; (b) An off-highway vehicle used in an emergency to search for or rescue a person; and (c) An off-highway vehicle while in use for agricultural purposes. (5) A person who violates this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars. (6) No municipality or county may adopt an ordinance or resolution setting noise standards for off-highway vehicles or snowmobiles that are more restrictive than this section. (7) (a) Nothing in this section shall be construed to modify the authority granted in section 25-12-103. (b) Nothing in this section shall be construed to authorize the test to produce a less restrictive standard than the J1287 stationary sound test or the J2567 stationary sound test published by SAE international or any successor organization. (8) The following shall be an affirmative defense to a violation under this section if the off-highway vehicle or snowmobile: (a) Was manufactured before January 1, 2005; (b) Complied with federal and state law when purchased; (c) Has not been modified from the manufacturer's original equipment specifications or to exceed the sound limits imposed by subsection (1) or (2) of this section; and (d) Does not have a malfunctioning exhaust system.

Source: L. 2008: Entire section added, p. 2103, § 5, effective July 1, 2010.



Appendix B

Good Neighbor Guidelines

The Good Neighbor Guidelines are a code of ethics for Gilpin County visitors staying in a short-term vacation rental unit. These guidelines help ensure that our community remains safe, enjoyable and beautiful for everyone who lives, works and plays in Gilpin County.

24-Hour Responsible Agent Contact Information: If at any time you have concerns about your stay, or in regard to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the property. In the event of an emergency, call 911.

Wildfire Safety and Prevention: Wildfire is a serious risk here, and fire restrictions may be in place, depending on conditions and time of year. Even if fire restrictions are not in place, be vigilant: Only use approved outdoor devices, and ensure that a responsible adult is always present until a fire is out cold.

Visitors must check to see whether fire restrictions are in effect before lighting a fire outdoors, smoking outdoors, or using outdoor grills, barbecues or stoves. Visit gilpincountysheriff.com/firerestrictions to find current fire restrictions and other wildfire prevention information.

Respect for Wildlife: Summit County is blessed with a diversity of wildlife, including bears, elk, moose, mountain lions, marmots, bighorn sheep, mountain goats and beavers. It can be exciting to view Colorado's wildlife, but it is important to do so at a safe distance. Most dangerous and potentially harmful encounters with wildlife occur because people fail to leave animals alone. Wildlife should not be harassed, captured, domesticated or fed.

Intentional or inadvertent feeding is the major cause of most wildlife problems. It is illegal in Colorado to intentionally place or distribute feed, salt blocks or other attractants for large animals. Please see the attached wildlife fact sheet for more information about your responsibilities related to wildlife.

Respect for Neighbors: Please be friendly and courteous, and treat your neighbors as you would like to be treated. Respect your neighbors and their property.

Noise and Outdoor Lighting: Be considerate of the neighborhood and your neighbors' right to the quiet and peaceful enjoyment of their home and property, especially after 11 p.m. Do not direct outdoor lighting toward neighbors' homes, and do not leave outdoor lights on when you check out.

Maintenance of Property: Be sure to keep the property clean, presentable and free of trash and debris.

Trash and Recycling: Place all trash and recycling in the designated containers stored indoors, in order to prevent issues for wildlife or snow removal operators. Your Responsible Agent must provide a County-approved trash disposal and collection plan.

Parking & Traffic Safety: All vehicles must park in the designated parking spaces provided. Do not park on roadways, lawns or in a manner that blocks driveways or mailboxes. Observe posted speed limits and watch for children and pedestrians. A copy of the County-approved parking plan for this rental property must be provided to all renters in the rental agreement and posted in a prominent location within the property.

Maximum Capacity: This short-term rental unit has a maximum capacity of _____ overnight guests, and this limit cannot be exceeded for any reason.



Driving Conditions: The combination of extreme weather conditions and steep grades can create treacherous driving conditions in Colorado's mountains. It is highly recommended that your vehicle be equipped with the following, September through May: 4WD or AWD, snow tires or mud/snow tires (M+S) with minimum 1/8 inch tread, functioning defrosts (front and back), sturdy ice scraper and snow brush, windshield fluid rated for 0 degrees F or colder, shovel, gloves, boots and other winter clothing.

In winter conditions, give plow trucks extra space, do not pass plow trucks, drive slowly, increase your following distance from other vehicles, avoid stopping on an uphill slope, use the left lane only for passing, and never use cruise control.

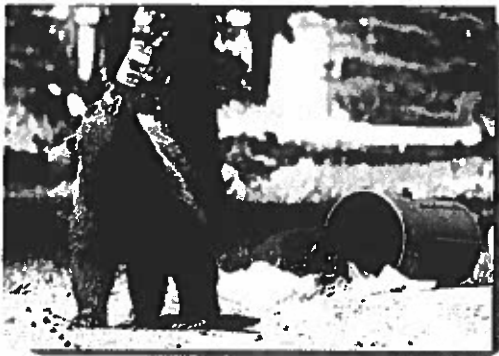
Pets: If pets are allowed in your rental unit, you must promptly clean-up after pets, prevent excessive and prolonged barking, and keep pets from roaming the neighborhood or harassing wildlife. Control aggressive pets and be sure to abide by the local leash laws. Store pet food indoors in a secure container to reduce the likelihood of attracting wildlife and pests.

Tenant/Guest Responsibility: Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions, which may include consequences for failures to abide by the Good Neighbor Guidelines.

When It Comes To Wildlife Be Responsible, Be Ethical



YOU CAN PREVENT WILDLIFE CONFLICTS!
Don't Feed! Don't Approach! Don't Harass!



NEVER, EVER FEED A BEAR

Bears have an excellent sense of smell and a great memory. Feeding or allowing one to eat your trash can be an automatic death sentence. Bears that seek food from human sources will need to be killed. Secure your trash by locking dumpsters, using bear-proof trash cans and **ONLY** put trash out the morning of pickup. Keep BBQ grills clean, feed pets indoors and only feed birds during winter.

Salt blocks are considered food, and using salt, food or trash to attract bears is unethical and *illegal*! You will be fined!

KEEP AWAY FROM MOOSE

Because of their growing populations, moose are frequently seen throughout Colorado. They are great to watch from afar but up-close moose can be very dangerous. Always keep your distance and **NEVER** let dogs bark at or chase moose. Moose may charge and attack aggressively if you or your dog get too close. If a moose charges, run and get behind a tree or something large.

Remember, salt blocks are considered food. Using salt to attract moose is unethical and *illegal*! You will be fined!



COLORADO IS MOUNTAIN LION COUNTRY

Mountain lions share the landscape with us but typically stay away from people. To avoid conflict, keep your pets on a leash and supervise your children. Be extra cautious at dusk and dawn. If you see a lion, stand your ground and do not run away. If it approaches, talk firmly, wave your arms and throw rocks at it. If it attacks, fight back aggressively and don't stop until you drive the lion away!

Feeding deer and other wildlife is *illegal* and can attract lions and other predators.



DON'T FEED FOXES AND COYOTES

Coyotes and foxes can carry rabies, and feeding them can make them aggressive, leading to attacks on people and pets. Keep your dog on a leash and *never* let your dog play with coyotes! If a coyote gets too close, yell and throw rocks at it. If it attacks, fight back aggressively!



Coyote

Red Fox

Report wildlife attacks immediately!

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