

Village of Ruidoso Lodgers Tax Committee

Notice of Regular Meeting August 11, 2016

Distributed August 9, 2016

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Notice of Regular Meeting August 11, 2016

Notice is hereby given that Alan Riches, Chair of the Lodger's Tax Committee for the Village of Ruidoso, has scheduled the regular meeting of the Lodger's Tax Committee for **Thursday August 11, 2016 at 1pm**. The meeting will be held at the Village of Ruidoso Administrative Center Council Chambers, 313 Cree Meadows Drive, Ruidoso, New Mexico. The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes Regular Meeting July 14, 2016 [Draft Meeting Minutes July 14, 2016](#)
3. Financial Report: Judi Starkovich
4. Director's Report: Gina Kelley [Director's Report August 11, 2016](#)
5. Community Services Report: Greg Cory
6. Discussion & Possible Action: Bradford Dyjak, presentation of the draft ordinance amending the Village of Ruidoso Municipal Code of Ordinances, section 54-106 "SHORT-TERM RESIDENTIAL RENTAL OVERLAY ZONE"
7. Discussion & Possible Action: Production of several :90 video vignettes featuring Ruidoso seasonal activities for use on social media and DiscoverRuidoso.com. Cost is \$4000, funds are available in photography line item for Brochures etc budget 214-165-52064.
8. Adjourn

Gina Kelley

Director of Tourism

Posted: August 9, 2016

Time: 9:10am

The
Fine
Print

Any amendments to the minutes need to be made and posted at least 24 hours prior to the meeting.

This communication is information generated by the Village of Ruidoso Lodgers Tax Committee (an advisory committee to local government). It is often in first draft form and not checked for syntax or spelling. Any views expressed do not necessarily represent those of the Village of Ruidoso.

Gina Kelley, Director of Tourism

I certify that notice has been given in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2016-01. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk if a summary or other type of accessible format is needed.

Imma Devine, Clerk, Village of Ruidoso



**Village of Ruidoso Lodgers Tax Committee
Regular Meeting July 14, 2016
Draft Meeting Minutes**

Lodgers Tax Committee Attendees: Alan Riches, Sunny Hirschfeld, Steve Tally, Charles Meeks, Jasper Riddle

1. **Call to Order:** Steve Tally called the meeting to order at 1:02 pm. Steve introduced Jasper Riddle of Noisy Water Winery, newest member of the Ruidoso Lodgers Tax Committee.
2. **Election of:** Chairperson, Vice-Chairperson and Secretary.
 - **Chair:** Steve nominated Alan as Chair, Sunny seconded the nomination, nomination approved unanimously.
 - **Vice-Chair:** Sunny nominated Charles as Vice-Chair, Charles seconded the nomination, nomination approved unanimously.
 - **Secretary:** Charles nominated Jasper as Secretary, Sunny seconded the nomination, nomination approved unanimously.
3. **Discussion and Possible Action on Adoption of Resolution 2016-01, a Resolution Declaring Reasonable Notice of Public Meetings of the Lodgers Tax Committee.** Jasper motioned to adopt the resolution, Charles seconded, motion passed unanimously.
4. **Approval of Minutes Regular Meeting June 9, 2016:** Charles motioned to approve the minutes as submitted, Alan seconded the motion, motion passed unanimously.
5. **Financial Report:** Judi Starkovich, Village Finance Director presented the final FY16 financial report. Finished the year at 9.36% ahead of FY15; \$1.472 million in lodgers tax collections. **\$482,282 available cash** was rolled over into FY17. There were questions from committee members:
 - **Police OT:** finished at \$11,532 rather than the budgeted \$49,000. Judi advised that if RPD brings in OT for events in the past 6 months it will have to come out of our cash balance in FY17
 - **Convention Center Maintenance:** Asked why there is \$59,726 left in budget; this was rolled into FY17 for convention center HVAC
 - **Admin Fee:** Alan asked why this is almost \$10,000 over budget. Judi said it is 5% based on actual revenues. Charles asked if there is a cap on the admin fee. There was a discussion on this subject; the group asked about the history of how 5% was reached. Judi asked why 5% admin instead of the legally allowable 10%. Gina recalled that the 5% was "a handshake deal" between the LTC & Nancy Klingman because 10% was a big chunk of our budget, she would get with Irma when she gets back to town to get the history on it. She believes this happened in 2012.

Sunny moved to approve the year-end financial report, Alan seconded the motion, motion passed unanimously
6. **Quarterly Reports:**
 - **Parks & Recreation:** Rodney Griego presented his report which showed completed projects and a list of special events & convention center events. Other info presented:
 - a. **Bike Trails:** Rodney advised that there is a discussion going on for bike trails at Gavilan Ridge and Bonito Lake. Right now parks & rec is working with the Bike Club & USFS on the Cedar Creek downhill trails, a 50K grant from the National Forest Foundation was awarded to Eco-Servants for this project.
 - b. Funding for restrooms at Grindstone & Alto Lakes has been approved.
 - c. Still haven't gotten the final approval on state funding for the HVAC at the RCC, as soon as that comes in they want to start work.

- d. Working on preliminary design of pavilion in Wingfield Park. The same situation exists – they are waiting on the state. He expects construction in the early winter to have it available by spring 2017.
- **Creative Design & Public Relations:** Kerry Gladden. Kerry introduced Alden Gilligan, The Agency's new creative director.
 - a. **Creative:** Kerry provided a report on all creative submitted for print, digital and outdoor advertising during the 4th quarter. She then went into detail on the rebranding project that was undertaken. Our existing brand had some creative hurdles and needed freshening up. We feel that the new branding creates more visual interest & implies movement with a short call to action. Additionally, brand guidelines have been established in the event that our logo is requested for use. The committee and audience all reacted very positively to the new branding.
 - b. **Public Relations:**
 1. 4th quarter PR generated significant coverage in our target markets including ABQ, Lubbock, Midland-Odessa, Austin, San Antonio and DFW, the equivalent of \$95,000 in free media exposure.
 2. Our strong relationships with weather personalities continues to pay dividends, generating an additional \$195,000 in free exposure. We saw a huge increase in the El Paso market this year with the UTEP Miners holding their training camp here.
 3. Social Media – our facebook page remains the most popular Ruidoso tourism-related social media site with over 34,000 fans.
 - **Media Planning:** Cheri Kofakis submitted her report in writing prior to the meeting and also presented the FY17 media plan in detail. Analytics have shown that Texas, ABQ & ELP are still strong; ABQ is closing the gap on ELP. The highlights of this years plan are:
 - a. Publications with smaller circulations have been dropped
 - b. This frees up funding for ½ page ads in the print we are sticking with
 - c. Big spike in Dallas traffic on our set led us to test the waters in DFW with eblasts this year.
 - d. TV – our numbers jumped in the markets where the ads ran so we knew that they performed based on organic traffic. We are continuing to advertise in ABQ, ELP & Lubbock, this year we are adding high profile programming to bolster our reach by running spots during NFL games and Dancing with the Stars.
 - e. eBlasts: these proved so effective last year that we are increasing the number of blasts we are running and adding West Texas, ABQ, Dallas and Phoenix into the mix. Individual URLs are allocated to each market & blast so that we can measure success.
 - **Ruidoso & Billy the Kid Visitor Center:** Becky Brooks presented the financial report & advised the committee that the Chamber came in under budget in FY16. They have the excess funds available to repaint the roof at Billy the Kid VC. Bids are coming in. Jasper asked how much for a new roof vs. the cost of painting? \$14k for a new roof vs \$7k to paint. Becky noted that this second quote won't cover hail damage. Jasper commented that it probably makes more sense to buy a new roof.
 - **Ruidoso Convention Center:** Gail Bailey Reports were submitted in advance for the committee's review. FY16 revenues exceeded FY15 revenues & have grown steadily over the past few years. Gail has made sales calls in Santa Fe, met with meeting planners, attended the Chamber business expo in Lubbock and the Texas Tech business expo.
 - **Director's Report:** Gina Kelley submitted her report in advance. The highlights were discussed and the committee members had no questions.
7. **Community Services Report:** Rodney presented the report in Greg Cory's absence. Discussed ongoing projects. Charles and Sunny both asked about the SET initiative as regards tourism branding, as there is already a regional tourism marketing board established by the NM Tourism Dept. Rodney indicated this effort is different in that it focuses more on communities working together to host events.
8. **Discussion:** Bradford Dyjak re Draft Ordinance Amending Short Term Residential Rental Overlay Zone. Bradford presented the draft ordinance. A public hearing will be held on Sept. 6th.

- The high points:
 - 1) 3 year permit term
 - 2) Recognize annual term April 1
 - 3) Self-certification for safety requirements
 - 4) Compliance with lodgers tax
 - 5) 2 violations incur penalties
 - 6) Looking for voluntary compliance; start with letter

Jasper: would like to see some more teeth in the ordinance, a letter is not as effective as a hefty fine. Bradford responded that "this option is still available". Perhaps double the permit fee, prevent applicant from obtaining a permit, pursue citation \$500/day or 90 days in jail.

Regarding (c) definitions: Jasper felt that the ordinance should clearly outline that the 3rd party source does not register on your behalf or pay taxes on your behalf, the homeowner is ultimately responsible.

Regarding (7) Sunny asked for clarification on "for the purposes of this article, a rented dwelling unit shall consist of any combination of a sleeping area and at least two additional rooms not primarily designated for sleeping". What happens with Airbnb people who rent out 1 room? Are these 3 separate rooms vs 3 bedrooms?

Regarding (h) (3) – "property owners shall comply with Chapter 78, Article II "Lodgers' Tax" of the Village Code, ...regarding the requirement to remind lodger's tax..." does this mean that they pay lodgers tax? Yes. Further: Sunny asked why it states "may" result in a revocation? Why not "will" result in revocation? Bradford believes in dangling the carrot first, it gives discretion to the Village. Sunny expressed that this has been going on for a long time, it's way past time for "may be", it's time for "will be".

Tim Morris spoke: he has objections to nightly rentals. Doesn't feel the ordinance is enforceable. Lives in Lookout subdivision. Can we exempt Lookout subdivision from this ordinance? He went to the staff & village council, mayor referred him back to staff, who referred him to lodgers tax. Why did they put the overlay on the whole town? Why can't they (property owners) come to lodgers tax & ask for an exemption so that they can rent as a vacation rental? This is residential property being used for a commercial purpose. Jasper explained to him that the Lodgers Tax committee has nothing to do with the ordinance or enforcement, just how the funds are spent.

Bill Hirschfeld spoke as a representative of the Board of Realtors: the President of the BoR has worked up info to provide to buyers of second homes on the benefits of using a licensed property manager to manage your vacation rental. Bill also asked "does your definition of 3 rooms pay lodgers tax". Bradford responded "yes". Bill also noted that he hasn't seen any effort on the part of the Village to inform property owners that the ordinance exists and to get compliance on this issue.

- 9. Discussion & Possible Action:** Increase in funding previously allocated for New Mexico True TV for national coverage to a total of \$15,000 + GRT. Gina explained that when the budget meeting was held the committee allocated funding for NM True TV sponsorship but now an option exists for including sponsorship of programming on Dish network & Cox cable. Cheri negotiated Cliffdweller down to \$15k + GRT. Charles motioned for approval, Alan seconded the motion, motion passed unanimously.

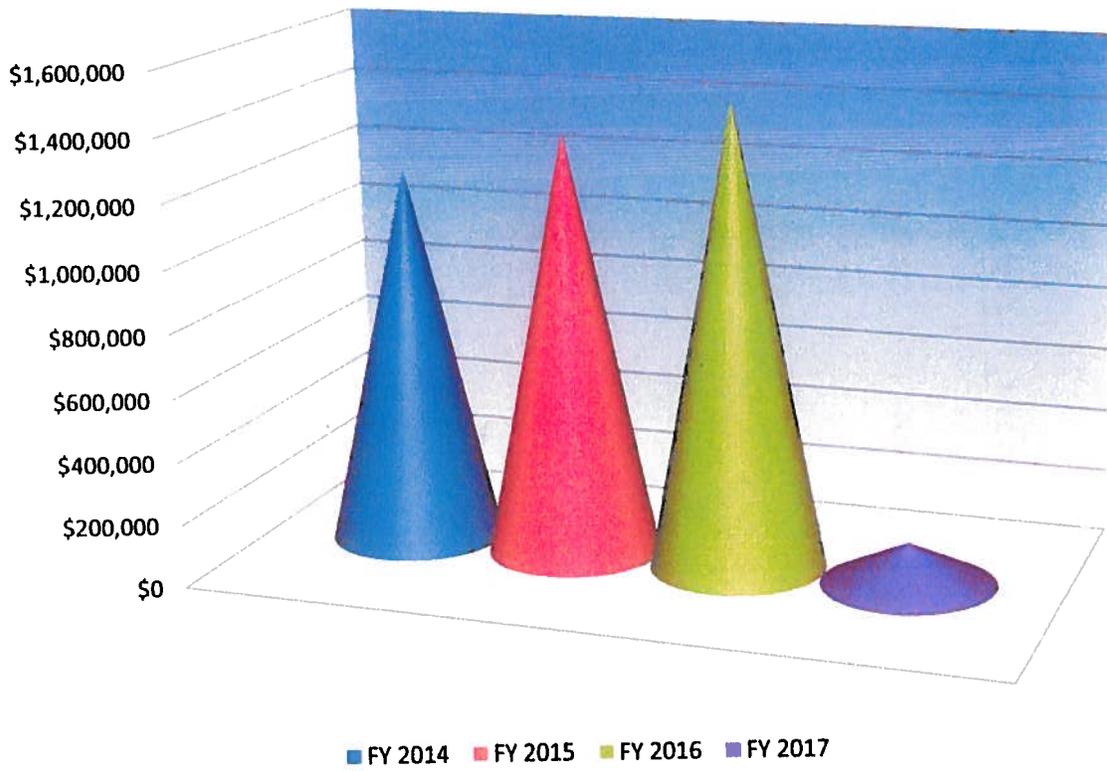
10. Adjourn: Meeting adjourned at 3pm

Meeting Minutes Approved:

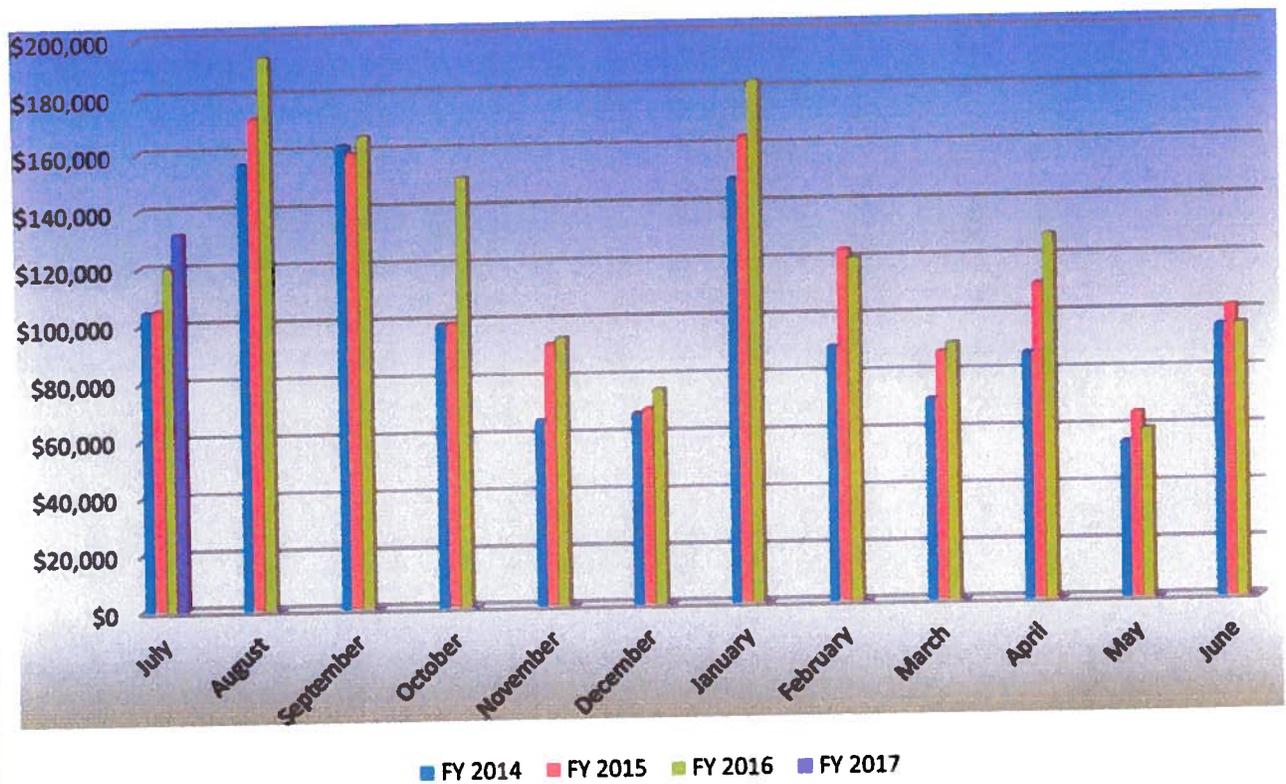
Alan Riches
Chair

Date

Lodgers' Tax (YTD)



Lodgers' Tax Revenue



VILLAGE OF RUIDOSO
LODGERS' TAX EXPENDITURES
FOR THE ONE MONTH ENDING JULY 31, 2016
(UNAUDITED)

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	YTD ACTUAL	ENCUMBERED	REMAINING BUDGET	% USED
PROMOTIONAL SUPPLIES						
Postage and Telephone	\$ 10,000	\$ 10,000	\$ -	\$ 10,000	\$ -	100.00%
Contingency	10,000	10,000	-	-	10,000	0.00%
SUBTOTAL Supplies	<u>20,000</u>	<u>20,000</u>	<u>-</u>	<u>10,000</u>	<u>10,000</u>	<u>50.00%</u>
PROMOTIONAL SERVICES						
Contractual Services	36,860	36,860	-	36,860	-	100.00%
Media Planning	104,180	104,180	3,167	100,008	1,005	99.04%
Visitors Center	170,000	170,000	-	170,000	-	100.00%
Convention Center	70,000	70,000	-	23,200	46,800	33.14%
Brochures/Tradeshaw	32,000	32,000	6,530	3,156	22,314	30.27%
Tourism Director	82,200	82,200	6,837	75,210	153	99.81%
Marketing and Advertising	400,000	400,000	8,593	323,951	67,456	83.14%
Special Advertising	25,000	25,000	-	16,116	8,884	64.46%
Special Events	15,000	15,000	-	-	15,000	0.00%
Military	3,000	3,000	-	-	3,000	0.00%
NONPROMOTIONAL SERVICES						
Convention Center Maintenance	73,470	-	-	-	-	#DIV/0!
Parks Improvement Project	6,500	6,500	-	-	6,500	0.00%
Police Overtime	40,000	40,000	-	-	40,000	0.00%
SUBTOTAL Services	<u>1,058,210</u>	<u>984,740</u>	<u>25,127</u>	<u>748,501</u>	<u>211,112</u>	<u>0.00%</u>
NONPROMOTIONAL CAPITAL OUTLAY						
Convention Center Lighting	30,000	30,000	-	-	30,000	0.00%
P&R Restroom	61,000	30,500	-	-	30,500	0.00%
Convention Center HVAC	600,000	600,000	-	-	600,000	0.00%
Wingfield Pavilion	200,000	200,000	-	-	200,000	0.00%
SUBTOTAL Capital Outlay	<u>891,000</u>	<u>860,500</u>	<u>-</u>	<u>-</u>	<u>860,500</u>	<u>0.00%</u>
TOTAL EXPENDITURES	<u>1,969,210</u>	<u>1,865,240</u>	<u>25,127</u>	<u>758,501</u>	<u>1,081,612</u>	<u>42.01%</u>
TRANSFERS						
Transfer Out GF - Admin Fee	67,880	67,880	-	-	67,880	0.00%
Transfer Out - Debt Service	115,060	115,060	9,587	-	105,473	8.33%
TOTAL TRANSFERS	<u>182,940</u>	<u>182,940</u>	<u>9,587</u>	<u>-</u>	<u>173,353</u>	<u>5.24%</u>
GRAND TOTAL	<u>\$ 2,152,150</u>	<u>\$ 2,048,180</u>	<u>\$ 34,714</u>	<u>\$ 758,501</u>	<u>\$ 1,254,965</u>	<u>38.73%</u>

BUDGET RECAP:	\$ 545,243	Begining Cash Balance
Cash Reserve	(115,000)	
Available cash to rebudget	430,243	
+ Budgeted revenues	1,611,700	
- Budgeted expenditures + transfers	(2,048,180)	\$ (436,480)
Ending Cash Balance	<u>\$ (6,237)</u>	

VILLAGE OF RUIDOSO
LODGERS' TAX STATEMENT OF CASH FLOWS
FOR THE ONE MONTH ENDING JULY 31, 2016
(UNAUDITED)

<i>Cash flows from operating activities:</i>	
Cash received from lodgers	\$ 132,321
Cash received from other sources	80
Cash paid to suppliers and grantees	<u>(50,475)</u>
<i>Net cash used for operating activities</i>	<u>81,926</u>
<i>Cash flows from investing activities:</i>	
Interest received	<u>53</u>
<i>Cash flows from non-capital financing activities:</i>	
Transfer for General Fund operations	-
Transfer for Debt Service Payments	<u>(9,587)</u>
<i>Net cash used for non-capital financing activities</i>	<u>(9,587)</u>
<i>Net increase in cash and cash equivalents</i>	72,392
<i>Cash and cash equivalents, beginning of year</i>	<u>545,243</u>
<i>Cash and cash equivalents, end of year</i>	617,635
Less: Reserves (Committee)	<u>(115,000)</u>
Available cash and cash equivalents	<u><u>\$ 502,635</u></u>
<i>Reconciliation of operating loss to net cash provided by operating activities:</i>	
Operating income/(loss)	\$ 107,274
<i>Adjustments to reconcile operating loss to net cash used for operating activities:</i>	
Increase in accounts payable	<u>(25,348)</u>
<i>Net cash provided by operating activities</i>	<u><u>\$ 81,926</u></u>

Summary of Significant Noncash Activities:

There are no significant noncash activities during the first month of the year ending June 30, 2016.



**Director of Tourism
Director's Report
August 11, 2016**

NMML City Managers Assn Conference: prepped for and took part in a panel discussion on the issues surrounding short-term rentals as they relate to 3rd party websites such as VRBO & Airbnb. Taos & Santa Fe also participated; our 3 communities have very different issues & solutions for the issue.

Parks & Recreation Commission: At the request of the commission, Kerry & I presented the new creative & media plan for FY17; the commission was especially interested in how we promote events & activities at Village Parks & Rec facilities.

NM Tourism Dept.:

- Sunny & I met with Cabinet Secretary Rebecca Latham & Deputy Secretary Aimee Barabe regarding NMTD's marketing efforts & how we can work together on projects such as event promotion and the ROW-PHX air service marketing.
- Sunny & I worked on the "Cowboy Up in Ruidoso Downs" promotion that we are partnering with NMTD on; this sweepstakes package will launch in mid-August.

Ruidoso Pocket Visitors Guide: received first printing of 20,000 that features the redesigned brochure.

Ruidoso Area Trail Map: met with Earl Bell, he is mapping the new trails at Cedar Creek. We expect to go to print for an updated map later this month.

Administrative: work continued on purchase requisitions & setting up files for FY17

Media:

- Interview with KWES on ROW-PHX
- Interview with Ruidoso News on FY16 success & the plan for FY17
- Interview with Odessa American on Ruidoso as a favorite vacation destination
- NM Magazine - article on Flying J in July issue
- Dallas Morning News – July 4th front page travel section featuring Ruidoso

**COMMUNITY SERVICES REPORT
for Lodger's Tax Committee
August 11, 2016**

1. **Midtown Parking**
Work has been completed on the new 69-space parking lot. Additional signs are being installed and landscaping will be completed in the near future.
A pedestrian stairway/ramp is being designed for installation between parking lot and Sudderth.
2. **Convention Center**
Interviews for the Convention Center Supervisor position have been conducted and a job offer will be made to the most qualified applicant.
Requests for proposal have been solicited for the marketing of the convention center. We expect a vendor will be approved by Village Council in September.
We have received confirmation of the \$154 thousand in capital outlay to assist with the HVAC system. Bids will be solicited and work will commence later this year.
3. **Broadband**
We continue to work on improving the availability of reliable broadband services. This includes working with Windstream, TDS and a potential new provider, Tularosa Basin Telephone.
4. **Midtown/MainStreet**
The Village is pursuing designation for Midtown as an "Accelerator" MainStreet Program. This designation will be determined based upon an on-site visit from the New Mexico MainStreet Department. We are working with a number of business owners. If awarded, Midtown businesses would be organized during an 18-month period. Consulting services would be provided and two projects within the Midtown district would need to be completed. We welcome any interested individuals to participate in this important opportunity.
Greg Cory and Becky Brooks will be attending a seminar, next week, in order to proceed with the application.
5. **Sister City**
Efforts are underway to schedule a visit, from Ruidoso representatives, to Puerto Penasco later this year. We are working in concert with the New Mexico Office of the Mexican Consul. Tourism is a key factor in our Sister City relationship and we look forward to our Tourism Director and Lodger's Tax Committee to participate in this.
6. **Special Events**
Minor revisions to the Special Events Ordinance have been adopted by the Village Council. These changes include reporting, to the Village Manager, from sanctioned event promoters immediately following each sanctioned event. Additional requirements for tax reporting have been implemented, as well.
The "Special Events Task Force" will be meeting next week to discuss various issues related to special events.

7. Other

- A new economic development website will be operational by the end of September. This website will include economic data, demographic information, important links and information related to the many attributes of our community.
- Revised ordinances for signs and nightly rentals are scheduled for public hearings with the Planning Commission in the next two months. Once approved these ordinances will be sent to the Village Council for their approval.
- The Village is working with the school district on a number of issues, including a new “memorandum of understanding” regarding how the White Mountain sports complex will be managed. This will have an impact on special events held in that area. Additionally the Village is analyzing the potential ownership of the Horton Complex.

VILLAGE OF RUIDOSO
DRAFT ORDINANCE 2016-##

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES, SECTION 54-106 "SHORT-TERM RESIDENTIAL RENTAL OVERLAY ZONE", TO REVISE THE PROCEDURE FOR REGISTRATIONS AND ADMINISTRATION.

WHEREAS, the Governing Body of the Village of Ruidoso previously adopted Ordinance 2009-06 to establish a process for regulating short-term residential rentals within the Village of Ruidoso; and

WHEREAS, Ordinance 2009-06 has had a positive effects on the Village by providing viable income-earning potential for property owners, offering unique options for visitors to the community, and enhancing local tax revenues, while minimizing adverse impacts to neighborhoods; and

WHEREAS, the Governing Body of the Village of Ruidoso has determined that certain amendments are required to establish a more equitable and streamlined process, while building upon the foundation of the original ordinance; and

WHEREAS, the Village of Ruidoso Lodgers' Tax Committee was consulted on this matter and the Village Planning Commission conducted a duly advertised public hearing regarding this ordinance on _____, 2016, during which the Planning Commission found that the amendments were in the best interest of the public and recommended that the Governing Body adopt the Amendments contained herein; and

WHEREAS, the Governing Body of the Village of Ruidoso conducted a duly advertised public hearing to consider this ordinance on _____, 2016.

NOW THEREFORE, BE IT ORDAINED By The Governing Body of The Village of Ruidoso, that Village Municipal Code Chapter 54 is hereby amended as follows:

<p>Single Underline is text that is proposed for adoption. Strike-out is language deleted.</p>
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Section one. Section 54-106 is amended to read:

Sec. 54-106. - Short-term residential rental overlay zone.

- (a) **Purpose of zone.** The **Governing Body of** the Village of Ruidoso [~~Council~~] finds and declares as follows:
- (1) Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
 - (2) Short-term residential rentals are not commercial, but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
 - (3) The provisions of this section are necessary to prevent a burden on village services and impacts on residential neighborhoods posed by short-term residential rentals.
- (b) **Applicability of requirements.** This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. These requirements of section 54-106 shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (c) **Definitions.** For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:
- (1) Local **e**contact **p**erson means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.
 - (2) Managing **a**gency or **a**gent means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
 - (3) Operator means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
 - (4) Owner means as defined in section 1-2 of this Code.
 - (5) Remuneration means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
 - (6) Rent means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits,

property and services of any kind or nature, without any deductions therefrom whatsoever.

- (7) ~~Short-Term~~ ~~Residential~~ ~~Rental~~ means one or more dwelling units, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons. For the purposes of this article, a rented dwelling unit shall consist of any combination of a sleeping area and at least two additional rooms not primarily designated for sleeping.
- (8) Third-Party Internet Listing Service means an internet-based (or online) marketplace that connects owners of short-term residential rentals to potential renters by way of a website and in exchange for a service fee. Third-party Listing Agent shall not mean Local Contact Person or Managing Agency or Agent as defined in this Chapter.
- (d) **Short-term residential rental permit required.** No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner for a period of three years and are not transferable nor refundable.
- (e) **Application for short-term residential rental permit.** The dwelling unit owner or managing agency or agent shall apply to the village for a short-term residential rental permit and supply, as at a minimum, the following information:
- (1) The maximum number of occupants and vehicles that the dwelling unit can accommodate. This calculation [is to] shall be based upon a minimum of 1 (one) off-street parking space provided per sleeping area.
 - ~~(2) The length of time that the applicant requests that the permit be issued for, not to exceed three years.~~
 - (2) (3) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.
 - (3) (4) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental.
 - (4) (5) An application fee.
 - (5) (6) Safety requirements and checklist; certification. [Fire department inspections]. [The Ruidoso Fire Department will be responsible for conducting basic fire inspections of all less than 30 day rental properties. The department will note all National Fire Protection Association Life and Safety Code issues and

will] The property owner or their managing agency or agent shall specifically [inspect for] provide the following:

- a. An ABC type fire extinguisher(s) to be mounted at all points of egress at a height not to exceed 48 inches. Extinguishers must be inspected and maintained according to state requirements and must properly display the inspection history of the device.
- b. Approved single-station smoke alarms installed at the highest point in every sleeping room.
- c. Every sleeping room and living area with access to a primary means of escape ~~[must] shall [and located to]~~ provide a clear, unobstructed path of travel to the outside.
- d. A floor diagram reflecting the actual floor arrangement, exit locations and room identification must be posted with emergency contact numbers at, or immediately adjacent to the primary entrance to the building.
- e. ~~[Fees. The Ruidoso Fire Department will assess a fee of \$25.00 per inspection for the initial inspections and \$15.00 per return inspection when needed.~~
- f. ~~Scheduling. Short term rentals will be scheduled for fire inspection once every three years. Scheduling will occur through the village fire marshal's office.]~~

~~(6) (7)~~ Owner/agent authorization.

~~(7) (8)~~ Gross receipts tax number certification and lodgers' tax registration number.

~~(8) (9)~~ Certification of notice to all contiguous property owners that the subject property is to be used for short-term rental.

~~(10) Exterior signage on short term rental units which indicate availability, phone numbers or other type of information is prohibited.~~

~~(9)~~ The owner or managing agent/agency shall attest that they have met these requirements in each property registered as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the Village and be authenticated by a Notary Public.

(f) **Application renewal or update.** Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted.

- (g) **Fees.** Fees are set forth in appendix A to this Code or adopted by the Governing Body from time to time by resolution. The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.
- (h) **Review of application and issuance of permit.**
- (1) The village shall complete review of the initial permit application within [five] ten business days. Renewals of all permits shall occur prior to the third anniversary by the first (1st) day of April. Such permits that are active at the time of this ordinance adoption shall not need to be prorated if extending their expiration to coincide with the new renewal date.
 - (2) Once the application review is complete, the village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this section. If approval is granted, the village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within 20 days of the expiration of the previous permit shall subject the owner to payment of a late permit renewal penalty fee.
 - (3) An application for permit or renewal application shall be denied if:
 - (a) all applicable fees and taxes have not been paid, including Lodgers' Taxes as provided under Chapter 78, Article II of the Village of Ruidoso Code of Ordinances; or
 - (b) outstanding property nuisance or building code violations exist on the property; or
 - (c) the applicant has not met the fuels management certification requirements of Section 42-80 of the Village of Ruidoso Code of Ordinances a [renewal] permit will not be issued or renewed.
 - (4) Failure to comply with any provision of Chapter 78 of the Village of Ruidoso Code of Ordinances may result in a revocation of the permit for a 12-month time period at the discretion of the Planning Director.
 - ~~(4)~~(5) If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the village and the permit will be revoked.
 - ~~(5)~~(6) If ~~[three]~~ two or more citations issued by the village for a specific short-term dwelling unit have been adjudicated ~~[thru]~~ through the Village of Ruidoso Municipal Court system within a 12-month time period, or a total of three citations adjudicated during any point of the three-year permit period, the village manager or designated representative ~~[may]~~ shall revoke the permit for a period of ~~[no more than]~~ 12 months. After that time, the property owner may reapply for a new short-term rental license after paying all applicable fees and

~~[passing]~~ providing self-certification of compliance with the ~~{a}~~ fire safety ~~[inspection]~~ requirements as detailed in Subsection (e)(5) herein. A warning letter shall be sent out to the property owner after the ~~[second]~~ first adjudicated citation.

- (i) **Tenant notification requirements.** Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:
- (1) A copy of the short-term residential rental permit.
 - (2) The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, seven days a week basis.
 - (3) The maximum number of occupants three years of age and older permitted to stay in the unit.
 - (4) The maximum number of vehicles allowed to be parked on the property.
 - (5) The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
 - (6) The specific procedures regarding the disposal of trash and refuse.
 - (7) A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
 - (8) Notice that noise provisions contained in the Village of Ruidoso Municipal Code section 38-31 will be enforced and that quiet hours are to be observed between the hours of 11:00 p.m. and 8:00 a.m.
 - (9) Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits other than by permit.
 - (10) The 911 address for the property.
 - (11) Notice that animal leash laws contained in section 14-8 (prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
 - (12) Notification that the Village of Ruidoso Municipal Code section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
- (j) Exterior Advertising or Signage prohibited. No short-term permit holder shall display advertising or other signage indicating that the property is available for short-term rentals, contact information of the owner or managing agency or agent, or any other information indicative of the short-term rental availability of the property.

Irma Devine, Village Clerk

DRAFT HISTORY

VERSION	SUBMITTED	DATE
First Staff Draft - BRRD	Planning Commission Lodgers' Tax Committee	June 28, 2016 July 14, 2016
Second Staff Draft	Planning Commission	July 28, 2016
Final Review Draft <i>(changes from 2nd in red)</i>	Reviewed by Village Attorney	August 3, 2016

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