

# CITIZEN INITIATIVE PETITION

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TO THE TOWN CLERK OF PAONIA:

We, the undersigned registered electors of the Town of Paonia, Colorado, hereby propose the following ordinance be submitted to the registered electors of the Town for their approval or rejection at the next regular or special election:

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ORDINANCE NO. 2025-\_\_

## AN INITIATED ORDINANCE ESTABLISHING THE RIGHT OF PAONIA RESIDENTS TO HOST SHORT-TERM GUESTS IN THEIR PRINCIPAL RESIDENCE

### RECITALS

**WHEREAS**, hosting guests is a fundamental property right; and

**WHEREAS**, residents using their home as their principal residence should be free from government interference when hosting guests; and

**WHEREAS**, on April 1, 2025, voters overwhelmingly rejected restrictive regulations;

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF PAONIA:**

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### SECTION 1. RIGHTS DECLARED

The following rights are hereby established:

- Residents may host short-term guests in their principal residence without restriction
- This includes renting individual rooms or the entire home
- No fees, licenses, or permits required for principal residence hosting
- The Town shall not regulate resident hosting

### SECTION 2. DEFINITIONS

For purposes of this ordinance:

- **"Short-term"** means fewer than 30 consecutive days
- **"Principal residence"** has the same meaning as under federal tax law
- **"Non-resident rental"** means any short-term rental not in a principal residence

### SECTION 3. NON-RESIDENT RENTAL POLICY

The following policies shall apply to non-resident short-term rentals:

- **Prohibited:** All new non-resident short-term rentals
- **Grandfathered:**
  - Multi-family/commercial: May continue indefinitely
  - Single-family homes: Must cease by June 30, 2026

## SECTION 4. VIOLATIONS

Violations of this ordinance constitute unlawful acts subject to penalties under the Paonia Municipal Code.

## SECTION 5. GENERAL PROVISIONS

- Voter approval required to impose fees or extend the 2026 sunset

## SECTION 6. EFFECTIVE DATE

Thirty days after election certification.

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### ADOPTED BY THE PEOPLE OF THE TOWN OF PAONIA, COLORADO

Date: \_\_\_\_\_

### ATTEST:

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Town Clerk

### CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the qualified electors of the Town of Paonia, Colorado at the election held on \_\_\_\_\_, 2025.

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Town Clerk

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## SIGNATURE COLLECTION SECTION

**WARNING:** IT IS AGAINST THE LAW: For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR OF THE TOWN OF PAONIA**

#	Signature	Printed Name	Residence Address	Date
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#	Signature	Printed Name	Residence Address	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____

[Continue for required number of signature lines]

## AFFIDAVIT OF CIRCULATOR

I, \_\_\_\_\_, swear or affirm that:

1. I have read and understand the laws governing the circulation of petitions
2. I circulated this petition and witnessed each signature
3. Each signature is of a registered elector of the Town of Paonia
4. To the best of my knowledge, each signature is genuine

Signature of Circulator

State of Colorado )

) ss.

County of Delta )

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

Notary Public

## COVER LETTER FOR SUBMISSION

09/03/2025

Town Clerk

Town of Paonia

214 Grand Avenue

Paonia, CO 81428

### Re: Submission of Citizen Initiative Petition - Short-Term Rental Regulation

Dear Town Clerk,

I hereby resubmit this citizen initiative petition which establishes legislative policy protecting the fundamental right of residents to host guests in their principal residence.

### This Initiative is Clearly Legislative Because It:

1. **Eliminates existing fees** - a quintessential legislative act

2. **Creates regulatory categories** distinguishing resident from non-resident rentals
3. **Establishes prospective policy** applying to all future STR operations
4. **Makes fundamental policy choices** about property rights and regulation
5. **Phases out certain uses** while protecting others - classic legislative line-drawing

**The Initiative Does NOT:**

- Direct specific administrative actions
- Address individual properties or owners
- Interfere with day-to-day operations
- Create administrative burdens

**Your Previous Rejection Was In Error:**

You claimed this initiative "establishes fees" when it explicitly ELIMINATES them. This fundamental misreading suggests either:

- The rejection was predetermined without actual review
- There is a concerning lack of attention to citizen initiatives
- The rejection was made in bad faith

**Context - The Voter Mandate:**

On April 1, 2025, 70.4% of Paonia voters rejected restrictive STR regulations. This initiative honors that overwhelming mandate by protecting resident hosting rights while addressing community concerns about investor-owned rentals.

**Legal Framework:**

Per *City of Idaho Springs v. Blackwell*, 731 P.2d 1250 (Colo. 1987), creating regulatory categories and eliminating fees are legislative acts. Per *Margolis v. District Court*, 638 P.2d 297 (Colo. 1981), prospective regulations are legislative.

As a STATUTORY TOWN, Paonia must follow C.R.S. § 31-11-104, which grants broad initiative powers. Your attempt to narrow these powers contradicts both statute and precedent.

**Key Legislative Elements:**

- Eliminates all fees for resident hosting
- Creates distinct regulatory categories
- Establishes sunset provisions
- Requires voter approval for changes
- Sets prospective policy standards

These are textbook legislative functions that belong to the People.

Please confirm receipt and acceptance of this petition for circulation within five (5) business days. Any concerns should be provided in writing with specific statutory citations.

The fundamental question - should residents be free to host guests in their own homes without government fees or interference - is exactly the type of policy question voters must decide.

Respectfully submitted,

Pete McCarthy

119 1/2 Dorris Ave, CO 81428

cc: Town Attorney

Mayor

Board of Trustees