

**CITY OF EDGEWATER**

**ORDINANCE 2017-19  
SERIES OF 2017**

**AN ORDINANCE ADOPTING A NEW ARTICLE 15 OF CHAPTER 6 OF THE  
EDGEWATER MUNICIPAL CODE, CONCERNING BUSINESS LICENSING, TO  
ESTABLISH SHORT TERM RENTAL PROPERTY LICENSING REQUIREMENTS**

WHEREAS, the City of Edgewater, Colorado (“City”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate land use, businesses and occupations within its territory; and

WHEREAS, pursuant to this authority, the Edgewater City Council (“Council”) previously adopted local land use regulations, codified as Chapter 16 of the Edgewater Municipal Code (“Code”), and business and occupation regulations, codified in Chapter 6 of the Code; and

WHEREAS, on December 1, 2016, by and through Ordinance No. 2016 - 24, and on May 4, 2017, by and through Ordinance No. 2017 - 09, the Council adopted a temporary moratorium on the submission, acceptance, processing and approval of all City applications and requests for a permit, license, land use approval or other approval for residential and lodging rentals that are less than 30 days in duration, for those reasons and under that authority expressed therein; and

WHEREAS, said ordinances further directed City staff to research and analyze the City’s existing regulations concerning residential rentals of less than 30 days, also known as “short term rentals,” and to present any proposed amendments thereto to the Council and the City’s Planning and Zoning Commission (“Planning Commission”), as appropriate; and

WHEREAS, City staff has done so, and the Planning Commission has reviewed certain legislative amendments and recommended the adoption of those amendments contained in this ordinance to the Council; and

WHEREAS, the Council finds that the regulation of short term rentals in the City would further the public health, safety and welfare by ensuring that such lodging spaces meet a minimum standard of safety and habitability, implementing a fair operating environment for residents engaged in the business of short term rentals and requiring such short-term and temporary uses of residential properties to be operated in a manner compatible with the character of the community and consistent with surrounding residential uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Chapter 6 of the Code, concerning business licenses and regulations, is hereby amended by the addition of a new Article 15, to read in its entirety as follows:

## ARTICLE 15

### SHORT TERM RENTALS

#### **Sec. 6-15-10. Purpose and intent.**

The purpose and intent of this Article is to ensure that residential properties in the City used for short term rental purposes meet minimum standards of safety and habitability and are operated in a manner compatible and consistent with surrounding residential uses and in compliance with the sales tax collection requirements of Article 2 of Chapter 4 of this Code.

#### **Sec. 6-15-20. Application of this Article, other portions of this Code.**

Effective January 1, 2018, it shall be unlawful to operate any short term rental in the City without a license for the same issued pursuant to this Article. Except as otherwise provided herein, a property occupied solely for purposes of primary residence and short term rentals shall not be required to comply with the rental property maintenance code and registration requirements of Article 13 of Chapter 6 and Article 7 of Chapter 7, respectively, of this Code. A short term rental shall not constitute a "bed and breakfast," as defined and regulated by Chapter 16 of this Code, and shall be subject to licensure under this Article in lieu of the home occupation licensing provisions of Article 5 of this Chapter, as applicable.

#### **Sec. 6-15-30. Definitions.**

*Advertise* means any act, method or means of drawing attention to a short term rental for purposes of promoting the same for rent or occupancy.

*Imminent danger* shall mean a condition that could cause serious or life-threatening injury or death at any time.

*Licensed premises* means the premises specified in an approved application for a license under this Article which are owned or in the possession of the licensee and within which such licensee is authorized to provide short term rental accommodations in accordance with this Article.

*Primary residence* means a residence which is the usual place of return for housing as documented by the occupant's: (1) driver's license OR Colorado state identification card; AND (2) voter registration; motor vehicle registration; OR designated residence for tax purposes. An applicant for a license under this Article may have only one (1) primary residence for purposes of this Article.

*Short term rental* means a primary residence or portion thereof used for lodging accommodations for transients for a period of less than thirty (30) consecutive days.

**Sec. 6-15-40. License application; term; renewal; non-transferable.**

(a) License application. Applications for a short term rental license shall be submitted to the City Clerk on a form provided by the City, and the City Clerk shall accept no incomplete applications. Applications shall provide the following information:

(1) The full name, residential address and telephone number for the applicant.

(2) The full name, address and telephone number of an authorized agent with either a residential or business address within fifty (50) miles of the City of Edgewater, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short term rental.

(3) A sworn affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the licensed premises as a short term rental, and that the application is complete and contains no false, misleading or fraudulent statements.

(4) The address of the proposed licensed premises and a description or illustration of the area(s) that will be used for short term rental purposes.

(5) **Proof of the lawful possession of the licensed premises by the applicant, either by deed or lease.** If the applicant is not the owner, the application shall include written authorization, signed and notarized, from the owner of the licensed premises for the use of the same for short term rentals.

(6) Proof of applicant's principal residence at the licensed premises, by providing: (1) the applicant's driver's license OR Colorado state identification card; AND (2) the applicant's voter registration; motor vehicle registration; OR document(s) designating a residence for tax purposes.

(7) An application fee in an amount set forth in the City Fee Schedule.

(8) A current list of the addresses of all property located within one hundred (100) feet of the property upon which the licensed premises is situated.

(9) Such other information determined necessary by the City Clerk to evaluate the compliance of the applicant, licensed premises or proposed short term rental activity with the requirements of this Code.

(b) It is the duty of each short term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.

(c) Each license issued under this Article shall be valid for a period of twelve (12) months from the date of issuance.

(d) The renewal of a license under this Article shall follow the renewal process and requirements set forth under Section 6-1-70 of this Code.

(e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon, excepting spouses and partners in a civil union.

(f) Upon the issuance of a license, the City Clerk shall send written notice of such issuance to each distinct mailing address within one hundred (100) feet of the licensed premises.

(g) The City Clerk shall maintain a list of currently-licensed short term rental properties in the City subject to public view on the City's web site at all times and in the Clerk's office during regular business hours.

**Sec. 6-15-50. Minimum health and safety standards; inspections.**

(a) Each licensed premises licensed under this Article shall comply with all building, housing and health codes which, if violated, would constitute an imminent danger.

(b) Each licensed premises shall contain a working smoke detector, carbon monoxide detector and fire extinguisher.

(c) No license under this Article shall be issued or renewed until the licensed premises are inspected by the City Manager, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If, after inspection, the City Manager, or his or her designee, issues a written notice of inspection failure, such notice shall be accompanied by an order to correct and shall be subject to the same procedures as set forth in Code Section 7-7-130, concerning notice of non-compliance of rental properties required to register with the City.

**Sec. 6-15-60. Limitations; Requirements.**

(a) A licensee shall not provide short term rental accommodations for more than 10 days per month, or more than 60 days per calendar year.

(b) Each licensee shall submit to the City, on a yearly basis, an affidavit, signed by the licensee and notarized, attesting to the duration and frequency of the prior year's short term rental history, as well as confirmation of payment of all applicable sales and lodging taxes.

(c) Each licensee shall post a notice inside the premises with the following information:

- (1) Licensee's contact information;
- (2) Emergency contact information if the licensee cannot be reached;
- (3) City of Edgewater's noise restrictions;
- (4) Local trash and recycling schedule;
- (5) Parking restrictions;
- (6) Water restrictions;
- (7) Evacuation directions in the event of fire or emergency;
- (8) Location of the fire extinguisher; and
- (9) City contact information for purposes of complaints concerning the licensed premises.

(d) Each licensed premises must provide the number and type of off-street parking spaces required by Section 16-3-160 of this Code as if the licensed premises were new development.

**Sec. 6-15-70. Suspension and revocation; appeal.**

Each license issued under this Article is subject to suspension and revocation proceedings, including the availability to appeal the outcome thereof, as set forth under Sections 6-1-120 and 6-1-130 of this Code.

**Sec. 6-15-80. Unlawful acts.**

It is unlawful for any person to:

(a) Operate a short term rental without a smoke detector, carbon monoxide detector and fire extinguisher on the licensed premises during each short term rental occupancy period.

(b) Operate a short term rental in any location other than the person's primary residence.

(c) Operate a short term rental that does not comply with all applicable State and City laws.

(d) Advertise any short term rental without including in such advertisement the short term rental license number issued by the City under this Article.

(e) Fail to collect or remit City sales tax due on the sale of short term rentals as required by Article 2 of Chapter 4 of this Code.

(f) Operate a short term rental or permit the use or occupancy of the same in violation of any the requirements of Chapter 16 of this Code, concerning zoning, including but not limited to occupancy limitations.

(g) Construct or modify a licensed premises for short term rental purposes in violation of Chapter 18 of this Code, concerning building regulations, including any code adopted by reference therein.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the City Council of the City of Edgewater that such invalid or unenforceable provisions are severable.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public

convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Effective Date. This ordinance shall become effective in accordance with the Home Rule Charter of the City of Edgewater.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 2<sup>nd</sup> day of November, 2017.

/s/ Kris Teegardin  
Kris Teegardin, Mayor

ATTEST:

/s/ Lenore Pedroza  
Lenore Pedroza, CMC, City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 16th day of November, 2017.

/s/ Kris Teegardin  
Kris Teegardin, Mayor

ATTEST:

/s/ Lenore Pedroza  
Lenore Pedroza, CMC, City Clerk

APPROVED AS TO FORM:

/s/ Thad Renaud  
Thad Renaud, City Attorney