

CITY OF EDGEWATER
ORDINANCE NO. 2023-06
SERIES OF 2023

AN ORDINANCE AMENDING CHAPTER 7 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING HEALTH, SANITATION AND ANIMALS, BY AMENDING ARTICLE 7 THEREOF, CONCERNING RENTAL PROPERTY MAINTENANCE, TO ADD REQUIREMENTS CONCERNING THE POSTING OF SIGNS AND THE DISCLOSURE OF INFORMATION TO TENANTS ABOUT THEIR RIGHTS UNDER THE RENTAL PROPERTY MAINTENANCE CODE.

WHEREAS, the City Council of the City of Edgewater finds that there exists within the City from time to time dangerous, substandard, unsanitary and/or deficient residential dwelling units, which units are, from time to time, offered for rent for residential purposes; and

WHEREAS, the City Council finds that it is in the public interest of the citizens of Edgewater to protect and promote the existence of sound and wholesome residential dwelling units that are offered for rent by the adoption and enforcement of such standards, regulations and procedures as will remedy the existence of or prevent the development or creation of dangerous, substandard, unsanitary and/or deficient rental residential dwelling units; and

WHEREAS, accordingly, the City Council has previously adopted Article 7 of Chapter 7 of the Edgewater Municipal Code, known as the Rental Property Maintenance Code, to establish minimum standards for basic equipment and facilities, for heat, for plumbing, for sanitation and for fire safety in rental residential dwelling units; and

WHEREAS, the City Council finds that the amendment of the Rental Property Maintenance Code to require notification of tenants of their rights under those regulations will protect the health, safety, and welfare of the public and tend to prevent deterioration and blight conditions that adversely impact the quality of life within the City of Edgewater.

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

Section 1. Section 7-7-40 of the Edgewater Municipal Code, concerning prohibited rentals and affirmative defenses, is hereby amended to read in its entirety as follows:

Sec. 7-7-40. Prohibited rentals, duty of advisement of rights to tenants, affirmative defense.

(a) On and after January 1, 2016, it shall be unlawful for any person to lease to another for occupancy any rental dwelling, or part thereof, that does not comply with a requirement of this Rental Code.

(b) For any complex or property consisting of more than four (4) rental units, on and after May 1, 2023, the owner shall post and maintain a sign in good and legible condition on or adjacent to the door of the on-site management office if one exists, and if none exists, at some location clearly visible to the tenants of the property, that shall read as follows:

THE LAWS OF THE CITY OF EDGEWATER SET MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES, FOR PLUMBING, HEATING AND ELECTRICAL SYSTEMS, AND FOR FIRE SAFETY AND THE SANITARY MAINTENANCE OF RESIDENTIAL RENTAL PROPERTIES.

TENANTS HAVE RIGHTS UNDER THOSE LAWS, THAT CAN BE FOUND AT CHAPTER 7, ARTICLE 7, OF THE EDGEWATER MUNICIPAL CODE.

(c) On and after May 1, 2023, the owner of a rental unit shall provide to the tenant, at the time of the lease of the rental unit and of each renewal thereof, a copy of Article 7, of Chapter 7, of the Edgewater Municipal Code that is then in effect.

(bd) It shall be an affirmative defense to any alleged violation of this Rental Code that the condition constituting the alleged violation was caused by the intentional or negligent act or omission of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

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 21st day of March, 2023.

John Beltrone
John Beltrone, Mayor

ATTEST:

L Pedroza
Lenore Pedroza, CMC
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 4th day of April, 2023.

John Beltrone
John Beltrone, Mayor

ATTEST:

L Pedroza
Lenore Pedroza, CMC
City Clerk

APPROVED AS TO FORM:

Thad Renaud
Thad Renaud, City Attorney