

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**COUNCIL BILL NUMBER: CB12**

**ORDINANCE NUMBER: 2023-12**

**TITLE: AN ORDINANCE OF THE CITY OF BLACK HAWK AMENDING THE BLACK HAWK MUNICIPAL CODE REGARDING SMOKE AND CARBON MONOXIDE DETECTORS AND FIRE EXTINGUISHERS IN SHORT-TERM RENTAL PROPERTIES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 6-706 of the Black Hawk Municipal Code is amended to read as follows:

**Sec. 6-706. Health and Safety Standards.**

Each short-term rental property shall be licensed and in compliance with all applicable standards established under this Article as follows:

- (a) Each short-term rental property shall have a posting of the following information in a conspicuous place and manner available to renters:
  - (1) The short-term rental license number;
  - (2) The contact information of the property owner or manager;
  - (3) The contact information for all emergency services;
  - (4) Fire escape routes (if a multi-story building); and
  - (5) Method and timing of trash disposal and recycling.
- (b) Each short-term rental shall ensure that the address number of the rental property is visible and easy to read from the road to the front of the building.
- (c) Each short-term rental shall ensure that all smoke and carbon monoxide detectors and fire extinguishers are present, in working order, and in compliance with Article IX, Chapter 7 of this Code.
- (d) Each short-term rental shall ensure that the property is serviced by water and sanitation systems that have been approved to meet all state health standards.

- (e) Each short-term rental shall ensure the exterior and interior of the property are in good repair, including, but not limited to, kitchen facilities that are provided which shall be maintained in good repair.
- (f) Each short-term rental shall ensure that there are no active hazards present.
- (g) Each short-term rental shall ensure that the property is pest and vermin free.
- (h) Each short-term rental shall comply with the applicable provisions of the City's zoning and subdivision regulations with respect to adopted bulk standards, including, but not limited to, height, setbacks, area, lot coverage, external signage and parking.

Section 2. Article IX of Chapter 7 of the Black Hawk Municipal Code is amended to read as follows:

## **ARTICLE IX**

### **Smoke and Carbon Monoxide Alarms and Fire Extinguishers**

#### **Sec. 7-200. Purpose and applicability.**

- (a) The purpose of this Article is to:
  - (1) Protect the health and safety of the residents of the City by requiring operational smoke and carbon monoxide detectors and fire extinguishers in residential rental occupancies.
  - (2) Reduce the number of injuries and fatalities resulting from carbon monoxide (CO) poisoning.
- (b) This Article shall apply to all rental residential properties, including properties used as short-term rentals pursuant to Article XX of Chapter 6 of this Black Hawk Municipal Code, which contain any fuel-fired appliance, fuel-fired heater, fireplace or attached garage.

#### **Sec. 7-201. Definitions.**

For the purposes of this Article, the following terms shall have the following meanings:

*Carbon monoxide alarm* means a device that detects carbon monoxide and that:

- a. Produces a distinct, audible alarm;
- b. Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide and smoke alarms shall be listed in accordance with UL 2034 and UL 217.

- c. Is battery powered, plugs into a dwelling's electrical outlet and has a battery backup, is wired into a dwelling's electrical system and has a battery backup or is connected to an electrical system via an electrical panel; and
- d. May be combined with a smoke-detecting device if the combined device complies with applicable law regarding both smoke-detecting devices and carbon monoxide alarms and if the combined unit produces an alarm, or an alarm and voice signal, in a manner that clearly differentiates between the two (2) hazards.

*Dwelling unit* means a single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Fire Extinguisher* means a portable device that discharges a jet of water, foam, gas, or other material to extinguish a fire.

*Fuel* means coal, kerosene, oil, fuel gases or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

*Installed* means that a carbon monoxide alarm is placed in a dwelling unit in one (1) of the following ways:

- a. Wired directly into the dwelling's electrical system.
- b. Directly plugged into an electrical outlet without a switch other than a circuit breaker; or
- c. If the alarm is battery-powered, attached to the wall or ceiling of the dwelling unit in accordance with the National Fire Protection Association's Standard 720, or any successor standard, for the operation and installation of carbon monoxide detection and warning equipment in dwelling units.

*Multi-family dwelling* means any improved real property used or intended to be used as a residence and that contains more than one (1) dwelling unit. *Multi-family dwelling* includes a condominium or cooperative.

*Operational* means working and in service in accordance with manufacturer instructions.

*Single-family dwelling* means any improved real property used or intended to be used as a residence and that contains one (1) dwelling unit.

*Smoke Alarm means* a fire-protection device that automatically detects and gives a warning of the presence of smoke and that:

- a. Produces a distinct, audible alarm;

- b. Smoke alarms shall be listed in accordance with UL 217. Combination carbon monoxide and smoke alarms shall be listed in accordance with UL 2034 and UL 217.
- c. May be combined with a carbon monoxide-detecting device if the combined device complies with applicable law regarding both smoke-detecting devices and carbon monoxide alarms and if the combined unit produces an alarm, or an alarm and voice signal, in a manner that clearly differentiates between the two (2) hazards.

**Sec. 7-202. Required use of smoke and carbon monoxide alarms and fire extinguishers in rental properties.**

- (a) In addition to any other requirements provided by law, an operational smoke alarm and carbon monoxide alarm shall be installed in the following locations lawfully used for sleeping purposes in any single-family dwelling or dwelling unit in a multi-family dwelling that is used for rental purposes and that contains any fuel-fired appliances, fuel-fired heater, fireplace or attached garage.
  - (1) In each sleeping room;
  - (2) Outside each separate sleeping area in the immediate vicinity of the bedrooms;
  - (3) On each additional story of the dwelling, including basements and habitable attics and not including crawlspaces and uninhabitable attics. In dwellings or dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level; and
  - (4) Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
- (b) A fire extinguisher must be visible and centrally located in the rental property. Selection of a fire extinguisher for resident use should be made with the understanding of an extinguisher's capacity (or its rating) along with the potential fire hazards in the residence. Depending on the conditions existing in each living unit, additional extinguishers or extinguishers of larger capacity might be advisable. The following are minimum fire extinguisher requirements per floor level:
  - (1) A single extinguisher rated 2-A:10-B:C or higher; or
  - (2) One extinguisher rated 2-A or higher and a second extinguisher rated 10-B:C or higher.

**Sec. 7-203. Owner obligations.**

The owner of any rental property specified in Section 7-202 above shall be required to perform all of the following:

- (a) Provide for the installation of any smoke and carbon monoxide alarms and fire extinguishers;
- (b) Prior to the commencement of a new tenant occupancy, replace any smoke and carbon monoxide alarms and fire extinguishers that were stolen, removed, found missing or found not operational after the previous occupancy. Fire extinguishers should be either serviced or replaced per manufacturer specifications;
- (c) Ensure that any batteries necessary to make the smoke and carbon monoxide alarms operational are provided to the tenant at the time the tenant takes residence in the dwelling unit;
- (d) Replace any smoke and carbon monoxide alarms and fire extinguishers if notified by a tenant in writing that any smoke or carbon monoxide alarms or fire extinguishers were stolen, removed, found missing or found not operational during the tenant's occupancy; and
- (e) Fix any deficiency in a smoke or carbon monoxide alarm or fire extinguisher that cannot be corrected by the tenant and that the tenant has reported in writing to the owner or the owner's authorized agent.

**Sec. 7-204. Tenant obligations.**

The tenant of any rental property specified in Section 7-202 above shall be required to perform all of the following:

- (a) Keep, test and maintain all smoke and carbon monoxide alarms and fire extinguishers in good repair;
- (b) Notify, in writing, the owner of the rental property, or his or her authorized agent, if the batteries of any smoke or carbon monoxide alarms need to be replaced;
- (c) Notify, in writing, the owner of the rental property, or his or her authorized agent, if any smoke or carbon monoxide alarms or fire extinguishers are stolen, removed, found missing or found not operational during the tenant's occupancy of the unit; and
- (d) Notify, in writing, the owner of the rental property, or his or her authorized agent, of any deficiency in any smoke or carbon monoxide alarms or fire extinguishers that the tenant cannot correct.

**Sec. 7-205. Prohibited battery removal.**

No person shall remove batteries from, or in any way render inoperable, a smoke or carbon monoxide alarm, except as part of a process to inspect, maintain, repair, or replace the alarm or replace the batteries in the alarm.

**Sec. 7-206. Enforcement and penalties.**


- (a) It shall be unlawful for any owner, tenant or other person who owns, manages, rents or is otherwise present in any property subject to this Article to violate any provision of this Article.
- (b) Violations of any provision of this Article shall be punishable in accordance with Section 1-74 of this Code.

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 of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

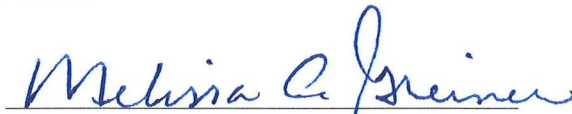
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 24<sup>th</sup> day of May, 2023.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk

