

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

COUNCIL BILL NUMBER: CB16

ORDINANCE NUMBER: 2018-16

**TITLE: AN ORDINANCE ADDING A NEW ARTICLE XX TO CHAPTER 6 OF
THE BLACK HAWK MUNICIPAL CODE ENTITLED SHORT-TERM
RENTAL PROPERTIES**

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

Section 1. The City of Black Hawk Municipal Code is amended by the addition thereto of a new Article XX of Chapter 6, establishing licensing regulations for Short-Term Rental properties, to read as follows:

ARTICLE XX

Short-Term Rental Properties

Sec. 6-701. Intent and purpose.

(a) It is the intent of the City Council to establish licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use and occupancy of short-term rental properties in the City.

(b) This Article shall apply to short-term rental properties only as defined herein. This Article shall not apply to motels, hotels, bed and breakfasts, or other establishments providing lodging for the general public.

(c) This Article shall not supersede or affect any private conditions, covenants or restrictions applicable to a parcel of property.

Sec. 6-702. Definitions.

As used in this Article, the following words shall have the meaning ascribed below:

Bed and Breakfast shall have the same meaning as in Section 16-24 of the Black Hawk Municipal Code.

Hotel and motel shall have the same meaning as in Section 16-24 of the Black Hawk Municipal Code.

Lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession, and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Owner means the record owner of a dwelling or dwelling unit who intends to lease or who leases the unit as a short-term rental.

Short-term rental shall have the same meaning as in Section 16-24 of the Black Hawk Municipal Code.

Sec. 6-703. License Required.

(a) A valid license is required for each short-term rental in the City. The City Clerk may require a certificate of occupancy in the City Clerk's discretion.

(b) Licenses shall be issued by the City Clerk, provided the requirements of this Article are met.

Sec. 6-704. Application/Fee.

(a) Applications shall include the required license fee, and other documents and/or information as required by the City Clerk.

(b) All applicants for a short-term rental license shall complete and file with the application a License-Holder Affidavit of Inspection ensuring compliance with Section 6-706 of this Article.

(c) The annual license fees under this Article shall be set by resolution of the City Council adopting the City of Black Hawk Fee Schedule.

(d) Applications for structures or other temporary dwellings that do not have a certificate of occupancy permitting such a use shall not be processed for a license.

Sec. 6-705. License Term.

(a) The license term shall be for a period of one (1) year from the date of issuance of a short-term rental license.

(b) Issuance of a short-term rental license shall not create a continued right to operate a short-term rental property beyond the annual term of the license. All short-term rentals shall be subject to amendments to this Article.

(c) An application for renewal shall be submitted not less than thirty (30) days prior to the date of expiration of the existing license.

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 are in working order and in compliance with Article IX, Chapter 7 of this Code.

(d) Each short-term rental shall ensure that fire extinguishers are present and maintained as required by the International Fire Code, as adopted in Section 18-2(b)(1).

(e) 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.

(f) 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.

(g) Each short-term rental shall ensure that there are no active hazards present.

(h) Each short-term rental shall ensure that the property is pest and vermin free.

(i) 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.

Sec. 6-707. Advertising.

All advertising for a short-term rental property shall include the short-term rental license number. No property may be advertised for lease until a license has been issued.

Sec. 6-708. Suspension.

A license may be suspended:

- (1) When any money due to the City has not been paid. This includes failure to pay civil penalties, fines, taxes, or any other money owed to the City.
- (2) When any activity conducted by the licensee, his or her agent, or an occupant of a short-term rental violates any federal, state, or local rule, regulation, or law.
- (3) Upon failing to comply with the terms and conditions of the license.
- (4) Upon any grounds of suspension provided by ordinance.

Sec. 6-709. Revocation.

A license may be revoked by the City:

- (1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application;
- (2) When it appears that the use of the property as a short-term rental property is a public nuisance as defined by this Code or statute or violates any federal, state, or local rule, regulation, or law.
- (3) Upon failing to comply with the terms and conditions of the license.
- (4) Upon any ground of revocation provided by this Code.

Sec. 6-710. Renewal.

(a) Upon receipt of a timely renewal application, the City Clerk shall review the application and shall administratively approve renewal of the license, provided that the property has not been in violation of this Article, has not had its short-term rental license suspended, and has not been the subject of a nuisance violation conviction or plea of guilty or no contest. Otherwise, the renewal application shall be reviewed by the City Council at a public hearing upon notice being delivered via first class mail to the owners of the short-term rental property

and posting of notice of the hearing at a conspicuous location on the subject property.

(b) In deciding whether to renew the license, the City Council shall consider the severity of the violation, the culpability of licensee, any measures taken to remedy the violation and to ensure it will not reoccur.

Sec. 6-711. Violations and Penalty.

(a) It is unlawful for any owner or occupant of a short-term rental property to violate any provision of this Article or any other applicable provisions of this Code.

(b) In addition to the suspension and revocation proceedings pursuant to Sections 6-708 and 6-709, violations of this Article shall be subject to the penalties set forth in Article IV of Chapter 1 of this Code. Each separate act in violation of this Article, and each and every day or portion thereof during which any separate act in violation of this Article is committed, continued, or permitted, shall be deemed a separate offense. Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Section 2. 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 3. 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 4. 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 22nd day of August, 2018.

ATTEST:


Melissa A. Greiner, CMC, City Clerk


David D. Spellman, Mayor

