

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB6

ORDINANCE NUMBER: 2024-6

TITLE: AN ORDINANCE AMENDING THE CITY OF BLACK HAWK MUNICIPAL CODE REGARDING LENGTH OF STAY IN LODGING FACILITIES

WHEREAS, Colorado law and the Black Hawk Municipal Code contemplate the purpose of lodging facilities as transient in nature;

WHEREAS, a fourteen (14) day occupancy limit for lodging facilities intended for transient stays serves the important public policy of preventing such accommodations from becoming substandard apartments without rights of tenancy and in violation of zoning laws and applicable building codes; and

WHEREAS, the City Council of the City of Black Hawk therefore desires to prohibit stays longer than fourteen (14) days to ensure safety of the guests and maintain the commercial nature of the property in accordance with its zoning designation and applicable building codes.

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

Section 1. The definition of *Lodging facility* in Section 6-241 is of the Black Hawk Municipal Code is amended as follows:

* * *

Lodging facility means any hotel, bed and breakfast, apartment hotel, lodging house, motel, motor hotel, guest house, guest ranch, resort, mobile home, mobile home park, auto court, inn, trailer court, trailer park, campground or hostel **providing transient accommodations** where two (2) or more rooms or accommodations are used for lodging.

* * *

Section 2. Section 6-247 is hereby added to the Black Hawk Municipal Code to read as follows:

Section 6-247. Limitations on duration of occupancy in lodging facility.

(a) It shall be unlawful for any person to put up or stay at the same lodging facility for longer than fourteen (14) days in a thirty (30) consecutive day period. It shall also be unlawful for the owner, operator, manager, or person in charge of a lodging facility to permit or allow a person to stay at the lodging facility more than fourteen (14) days in a thirty (30) consecutive day period.

(b) Notwithstanding subsection (a) of this Section, a stay longer than fourteen (14) days in a thirty (30) consecutive day period may occur when there is a written contract between the lodging facility for an onsite resident manager or employee to live at the lodging facility.

(1) It shall be unlawful for a lodging facility owner, operator, manager, or person in charge of a lodging facility to permit an onsite resident manager or employee of the lodging facility to live at the lodging facility for more than fourteen (14) days in a thirty (30) consecutive day period unless the room occupied is a dwelling unit as defined in Section 16-24 or is part of an approved Planned Unit Development.

Section 3. Section 16-24 of the Black Hawk Municipal Code is amended by the addition thereto of the following definition, to appear in alphabetical order.

* * *

Lodging accommodation or Lodging facility means any hotel, bed and breakfast, apartment hotel, lodging house, motel, motor hotel, guest house, guest ranch, resort, mobile home, mobile home park, auto court, inn, trailer court, trailer park, campground or hostel providing transient accommodations where two (2) or more rooms or accommodations are used for lodging, and shall be subject to the limitations on duration of occupancy under Section 6-247 of the Black Hawk Municipal Code.

Section 4. 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 5. 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 6. 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 13th day of March, 2024.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

