

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, ADDING A NEW CHAPTER 18.89 CONCERNING VACATION RENTALS IN THE CITY OF MANITOU SPRINGS AND ADDING A NEW DEFINITION OF VACATION RENTALS.

WHEREAS, a variety of lodging types are available in the City, including residential dwellings, hotels, motels, bed and breakfasts, and vacation rentals;

WHEREAS, different types of lodging are suitable for different areas in the City; in particular, some areas in the City are more suited to short term lodging and other areas are more suited to long term lodging;

WHEREAS, the City Council finds that it is necessary to enable expanded opportunities for uses to support the tourism industry while ensuring neighborhood compatibility, protecting the existing housing stock and facilitating economic growth;

WHEREAS, the City Council therefore desires that vacation rentals within the City be regulated pursuant to regulations adopted by this Ordinance; and

WHEREAS, in the interest of the health, safety and welfare of the City's residents and the visiting public, the City Council desires to permit vacation rentals within the City, provided that such establishments comply with the regulations set forth in this Ordinance.

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

Section 1: A new Chapter 18.89 entitled "Vacation Rentals" is hereby added to Title 18 of the Manitou Springs Municipal Code, and shall provide as follows:

Chapter 18.89 – VACATION RENTALS

18.89.010 - Intent and Purpose.

The intent and purpose of this Chapter is to protect the health, safety and welfare of the general public, including the residents and visitors of the community. In addition, the regulations set forth herein establish standards for the operation of vacation rentals, which ensure that such rentals are compatible with and do not adversely impact surrounding uses within the City, and do not encroach upon traditional neighborhood characteristics.

18.89.020 –Permits Required.

A. To operate as a vacation rental, the owner of the property must obtain a minor conditional use permit from the City pursuant to the criteria in this Chapter and Chapter 18.30.

B. The owner must also obtain a business license from the City prior to listing the property as a vacation rental.

18.89.030 – Submittal Requirements

A. Complete Application signed by the owner.

B. Signed and notarized property checklist acknowledging the owner has read and agrees to comply with all regulations and requirements pertaining to the operation of a vacation rental.

C. Proof of ownership.

D. Site Plan, to scale, containing:

- i. North Arrow;
- ii. Existing Zone District and Surrounding properties District;
- iii. Adjoining property owner names;
- iv. Location of all improvements on the property;
- v. Location and dimensions for all parking areas and spaces;
and
- vi. Proof of distance/density separation map.

E. Floor plan of the structure.

F. A parking plan providing details for achieving compliance with all City parking requirements. Parking for recreational vehicles, oversized SUV's, campers and trailers shall not encroach onto the public right of way and shall be provided a space 10' x 30' in size if parked on site and no other parking arrangements are made through the City. All other parking dimensions shall meet the requirements found in Section 18.64.030 of the Zoning Code.

G. The name, address and contact information including a 24-hour contact phone number for the owner or the owner's property manager or agent within El Paso County or a Manitou Springs resident who can be contacted in the event of an emergency and respond accordingly as required.

18.89.040 – Conditions and Standards.

In addition to complying with all laws, and all other requirements of this Code, every vacation rental unit shall meet, at a minimum, the following conditions and standards. Failure to comply with the conditions and standards in this Section may constitute ground for revocation of the minor conditional use permit under Sec. 18.30.070.

A. The maximum number of vacation rentals shall not exceed two percent (2%) of the City's residential structures based on the most recent numbers from the Colorado State Demography Office in existence at the beginning of each calendar year (2,800 in 2013). No applications for vacation rentals will be accepted if the maximum number has been met. Permitted vacation rentals in existence at the time of the adoption of this Chapter shall be considered in the calculation of the maximum number of vacation rentals allowed.

B. The vacation rental must be occupied by renters for a minimum of 21 days per calendar year.

C. Individual rooms in a dwelling unit shall not be available for rent unless the owner of the property resides at the property.

D. At least one fire extinguisher must be provided on each floor level unless more are required per the International Fire Code and the location clearly marked on each floor level of the dwelling unit. The vacation rental must be equipped with carbon monoxide alarms installed within 15 feet of the entrance to any bedroom or other room that is lawfully used for sleeping.

E. Occupancy of the vacation rental shall not exceed building capacity pursuant to the City's duly adopted Fire Code.

F. Standard quiet hours between 10:00 P.M. and 7:00 A.M shall be observed per Section 6.08.020 of the Code.

G. Each vacation rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door that includes the following. This information shall also be listed within the rental contract for the property:

1. A evacuation route and emergency instructions.
2. The maximum number of occupants permitted to stay in the vacation rental.
3. The maximum number of vehicles allowed for the occupants of the vacation rental and that all vehicles must be parked on the property of the vacation rental.
4. Trash pick up day and the notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out.

6. The name, address, and phone number of the owner and/or property manager.

7. The location of the fire extinguishers and carbon monoxide alarm.

H. The owner or manager shall ensure that the occupants and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation rentals and responding by telephone or in person when notified that occupants are violating law regarding their occupancy.

I. Vacation rentals shall be separated by a minimum of a 500 foot radius measured from each of the property's corners.

J. The owner must provide the City with updated contact information for either the owner or property manager within 24 hours of the change.

18.89.050 – Listing Requirements.

At the time of listing the vacation rental with any lodging or booking agency or website designed to find customers, a copy of the listing ad must be provided to the City for each booking agency or website where the owner is advertising for renters. Each listing must contain the minor conditional use permit number in the advertisement and a statement that unit is in compliance with all City of Manitou Springs Code requirements. The sole act of advertising a property for vacation rental requires approvals as outlined in this Code, failure to comply with this requirement is a violation of this Chapter. Failure to include this information in all advertised listings will constitute a violation of this Chapter.

18.89.060 – Transferability

Minor conditional use permits shall run with the land.

18.89.070 – Existing permitted vacation rentals

Existing permitted vacation rentals may continue subject to the applicable conditional use permits previously issued until terminated or revoked in accordance with Chapter 18.30 of the Code.

18.89.080 – Abandonment and revocation.

A. Use of property for vacation rental shall be deemed abandoned upon delivery to the City of written notice by the property owner, operator, or its representative that units previously approved for occupancy vacation rental will no longer be used for that purpose. Permitted owners must notify the City of the closure of the vacation rental within 30 days. Once

the use of property for vacation rental occupancy is abandoned, approval of a new application under the provisions of this Chapter shall be required before the property may be used again for a vacation rental.

- B. In addition to the basis for revocation as described in Section 18.30.060, any violation of this Chapter may also be a basis for revocation subject to the procedure in Section 18.30.060.

18.89.090 – Inspection.

The owner shall permit the City to inspect the vacation rental dwelling unit or individual rooms at any time for compliance with the provisions of this Chapter and other provisions of this Code. The permittee shall maintain records of occupancy for each vacation rental unit, which shall be made available to the City, upon request, for review and inspection at any time.

18.89.110 – Violation and Penalties.

A violation of this Chapter is subject to the procedure in Chapter 18.48 of this Code and may subject the vacation rental to revocation subject to the procedure in Section 18.30.060. Any person or entity that fails, violates or refuses to comply with any requirement of this Chapter shall be punishable as provided in Section 1.01.100 of the Manitou Springs Municipal Code, as amended.

Section 2: Section 18.60.010 of the Manitou Springs Municipal Code is hereby amended by the addition of the following definition:

“Vacation rental” shall mean the rental of a dwelling unit, or a portion thereof, that is rented for purpose of lodging for terms of not less than one day and not more than 29 days.

Section 3: If any article, 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 passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order

which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 17th day of May, 2016.

/s/ Donna Kast

City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the June 7, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: May 19th, 2016 (in full)

City's Official Website and City Hall

Passed on second reading and ordered published this 7th day of June, 2016.

Approved: /s/ Nicole Nicoletta

Mayor and City Council

Attest: /s/ Donna Kast

City Clerk, Donna Kast

Ordinance Published: June 9, 2016 (in full)

City's Official Website and City Hall