

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING SECTION 18.86.040(1) OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING PERCENTAGE OF ROOMS THAT MAY BE USED FOR LONG-TERM OCCUPANCY LODGING, AMENDING SECTION 18.86.040(5)(a) CONCERNING ROOM LIMITATIONS AND UNIT STANDARDS FOR LONG-TERM OCCUPANCY LODGING, AND ADDING A NEW SECTION 18.86.045 CONCERNING THE REQUIREMENT FOR A LICENSE

WHEREAS, Section 18.86.040(1) currently provides that no more than twenty percent of actual room rental days in an establishment may be used for long-term occupancy lodging during a year;

WHEREAS, it is very difficult for operators of establishments offering long-term occupancy lodging to determine how many room rental days they may provide for long-term lodging, because it will vary depending upon how many room rental days occur for short-term lodging during the year;

WHEREAS, the City Council desires to modify this limitation to provide that no more than twenty percent of room rental days available at an establishment offering long-term occupancy lodging may be used for long-term occupancy lodging;

WHEREAS, Section 18.86.040(5) establishes the minimum standards for individual units, including occupancy limitations, minimum living room square footage and natural light requirements;

WHEREAS, Section 18.86.045 clarifies that a license must be obtained prior to operating a long-term occupancy establishment; and

WHEREAS, the City Council desires to modify these standards to better protect the health, safety and welfare of individuals seeking to live in long-term occupancy lodging and to maintain the character of the City's neighborhoods and commercial and downtown areas.

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

Section 1: Section 18.86.040(1) of the Manitou Springs Municipal Code is hereby amended to read as follows:

No more than twenty percent of available room rental days in an establishment may be used for long-term occupancy lodging during a calendar year. The number of available room rental days shall be determined by multiplying the number of rooms available by the number of days such rooms are available for rent during a

calendar year. For example, if an establishment has 10 rooms that are available for rent 365 days per year, the number of available room rental days shall be 3,650, which allows for 730 long-term occupancy room rental days.

Section 2: Section 18.86.040(5)(a) of the Manitou Springs Municipal Code is hereby amended to read as follows:

- a. The Standards for an Efficiency Dwelling Unit, unless otherwise provided for in this Chapter.
- i. The cooking appliance required as a component of an efficiency dwelling unit shall mean a built-in cook-top or stove unit. Hot plates, griddles, microwaves or similar devices shall not be considered cooking appliances for the purpose of this chapter.
- ii. Two sinks must be located within the unit. One for use in conjunction with cooking and one for use in conjunction with the lavatory.
- iii. Occupancy of a unit shall be no more than two occupants per bedroom.
- iv. The unit shall have a living room of not less than 110 square feet (20.4 m²) of floor area per occupant.
- v. Natural light. The minimum net glazed area shall not be less than 4 percent of the floor area of the room served.

Section 3: Chapter 18.86 of the Manitou Springs Municipal Code shall be amended by the addition of the following new subsection:

18.86.045 - License required.

It is unlawful for any person, either directly or indirectly, to conduct or provide any long-term occupancy lodging without first obtaining a license as required under this Chapter. Said license must be kept current at all times during which long-term occupancy lodging is provided or available.

Section 4: 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 5: 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 6: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7: This Ordinance shall not apply to existing holders of a long-term occupancy lodging license, or any renewals thereof, if its application would reduce the rooms available for long-term occupancy lodging under its existing license.

Passed on first reading and ordered published this 2nd day of May, 2017.

/s/ Donna Kast
City Clerk, Donna J. Kast

A Public Hearing on this ordinance will be held at the May 16, 2017, 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 4, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by City Council this 16th day of May, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: May 18, 2017 (in full)
City's Official Website and City Hall