

ORDINANCE NO. 16-21

AN ORDINANCE AMENDING SECTION 5.20.110 OF THE ESTES PARK MUNICIPAL CODE ON ADDITIONAL PROVISIONS FOR VACATION HOMES AND BED AND BREAKFAST INNS

WHEREAS, the Board of Trustees of the Town of Estes Park, Colorado has determined that it is in the best interest of the Town to amend certain sections of the Estes Park Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: In this ordinance, ellipses indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: Section 5.20.110 of the Estes Park Municipal Code is hereby amended, by adding underlined material and deleting stricken material, to read as follows:

5.20.110 - Additional provisions for vacation homes and bed and breakfast inns.

(a) Business license application requirements.

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(4) Registration completion deadline. The Town Clerk issues registration packets upon finding that the application is complete and, if the property is in a residential zone, that the property is eligible to proceed from any waitlist to licensure, based on the cap described in subsection (b), below. Registration packets must be completed and submitted within ninety (90) days from issuance of the packet from the Town Clerk. Registration packets not submitted and complete, as determined by the Town Clerk, within those ninety (90) days shall be void, as shall be the application itself and the property owner must reapply. A new application may be made if this Section allows. ~~Such reapplications for vacation homes in residential zoning districts shall be placed on the waitlist described in subsection (b) below if the cap has been reached.~~

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(8) Life safety inspection.

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c. Lapse. Failure to meet any of these deadlines shall automatically cause the application to lapse, and ~~be void—any reapplication would be subject to the waitlist if applicable.~~ A new application may be made if this Section allows.

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(b) Residential zone vacation home cap.

(1) Vacation home licenses in residential zoning districts (designated for the purposes of this Section as zoning districts E, E-1, R, R-1, R-2, RE, RE-1, and RM) shall be held at a maximum total ("cap") of 322 licenses in effect at any given time. This cap shall be reviewed annually by the Town Board, in or near the month of April. Applications received at any time such that their approval would cause the cap to be exceeded shall be held and kept on file in the order they are received and deemed complete by the Town Clerk's Office. Applications held on such list (the "waitlist") shall be issued during the calendar year as licenses may become available. However, notwithstanding the foregoing, only applications received and deemed complete by the Town Clerk's Office by October 12, 2021 shall be included in the waitlist and be eligible for a license. The Town Board intends to establish further provisions regarding applications for licenses for vacation homes in residential zoning districts received or deemed complete after that date. Until provisions to the contrary are established, no application for a license for a vacation home in a residential zoning district that was received by the Town Clerk's Office after October 12, 2021 shall be valid. Such applications shall be of no force or effect.

...

(c) Renewal.

(1) Business licenses for vacation homes in residential zoning districts that are deemed active as of December 31 in any given year shall have priority for renewal in the following calendar year over any new applications for business licenses for vacation homes in residential zoning districts, provided a renewal for said active registration is received and deemed complete and proper, all required inspections passed, and fees paid by January 31 of the renewal calendar year. Priority for renewal shall not otherwise be afforded, and shall not be afforded where an uncured violation of Town regulations for the vacation home is ongoing in the determination of the Town Clerk. When priority for renewal is not afforded, an application for renewal of a license for a vacation home in a residential zoning district shall be void, the term of the license shall expire of its own accord, and the license shall be considered automatically to have expired and terminated without any further action necessary by the Town~~subject to any applicable waitlist.~~

...

(f) Enforcement.

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(6) Suspension and revocation. . . .

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c. If a business license is suspended as described in subparagraph (6)b., then, upon the receipt and verification of any further violation of this Section either during the period of suspension or within two (2) years after reinstatement, the Town Clerk may issue a notice of revocation of the business license by giving written notice, by ordinary U.S. mail, to the owner or representative of the revocation of the license. The notice of revocation is appealable as described in paragraph (f)(7), below. If the notice is not appealed within the time afforded, or if the notice is upheld on appeal, the license shall thereby be revoked. Upon revocation of the license, the owner's right and privilege to conduct the business, profession, occupation or accommodation within the Town is terminated. No person may apply for a license for a vacation home or a bed and breakfast inn on the property subject to the revocation for a period of two (2) years from the date the revocation is made final. After such time, a new application may be made if this Section allows. The Town Clerk shall record the revocation with the county clerk and recorder.

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Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this 26th day of OCTOBER, 2021.

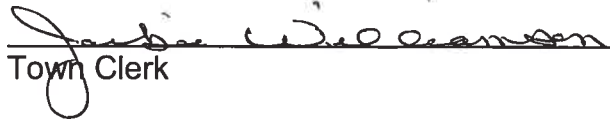
TOWN OF ESTES PARK, COLORADO

By: 
Mayor

ATTEST:


Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the 7th day of OCTOBER, 2021 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 29th day of October, 2021, all as required by the Statutes of the State of Colorado.


Town Clerk

APPROVED AS TO FORM:


Town Attorney