

ORDINANCE NO. 11-24

AN ORDINANCE AMENDING SECTION 5.20.110 OF THE ESTES PARK MUNICIPAL CODE REGARDING 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 Municipal Code of the Town of Estes Park, Colorado.

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

Section 1: Section 5.20.110 of the Estes Park Municipal Code is hereby amended, by adding underlined material and deleting stricken material, as set forth on Exhibit A. Ellipses indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: Ordinance 08-24 is hereby repealed.

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 9th day of JULY, 2024.

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 9th day of JULY, 2024 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 12th day of JULY, 2024, all as required by the Statutes of the State of Colorado.



Town Clerk

APPROVED AS TO FORM:



Town Attorney

Exhibit A

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

(a) Business license application requirements.

...

(2) Local representative. Local representatives shall be designated as follows:

- ...
- b. Bed and breakfast inns. The application for a business license for any bed and breakfast inn shall designate the resident owner or on-site manager (collectively, an “innkeeper” for the purposes of this section) residing on the premises who can be contacted and is on the property twenty-four (24) hours per day when the bed and breakfast is in operation, regarding any violation of the provisions of this Section. ~~The person set forth on the application~~ innkeeper shall be the representative of the owner for immediate violation resolution purposes with regard to the bed and breakfast inn.

...

(8) Life safety inspection.

- a. Requirement. To be issued a license, a vacation home or bed and breakfast inn must first undergo and pass a life safety inspection or other required building inspection, as applicable, and receive a certificate of occupancy that allows for such use, such as described in Section 14.12.025 ~~080~~ 080 of this Code, section R332 ~~27~~ of the International Residential Code as amended.

...

- e. Bed and breakfast inn life safety inspections. To be issued a license, a bed and breakfast inn must first undergo and pass a life safety inspection as described for vacation homes and for large vacation homes in Section 14.12.080 of this Code, section R332 of the International Residential Code as amended. That section hereby applies to bed and breakfast inns equally as it does to vacation homes and large vacation homes, and a bed and breakfast inn must similarly be issued a certificate of occupancy allowing for such bed and breakfast inn use. This subparagraph (e) shall apply to all bed and breakfast inns first licensed after May 23, 2023. It shall also apply to all bed and breakfast inns, including those previously licensed, effective January 1, 2026. When this subparagraph applies, subparagraphs (b)-(d) of this section (8) shall also apply.

...

(d) 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 license~~ license is received and deemed complete and proper, all required inspections passed, and fees paid by January 31 of the renewal calendar year.

...

(e) Operating requirements.

...

(7) Occupancy for bed and breakfast inns.

- a. Maximum occupancy—Eight-and-under occupants. The maximum allowable occupancy shall be limited by a maximum of two (2) guests per bedroom plus two (2) guests. The maximum allowable occupancy for an individual bed and breakfast inn shall be eight (8) occupants.
 - b. Maximum occupancy—Nine-and-over occupants. A residential structure with four (4) or more sleeping rooms may be permitted as a bed and breakfast inn if granted zoning approval by special review in accordance with the S2 procedure described in the Estes Park Development Code. The maximum occupancy in a nine-and-over occupant bed and breakfast inn shall be as specified in the special review approval granted by the Town Board; provided that occupancy shall be limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per bed and breakfast inn.
 - c. One (1) bedroom must be assigned to the ~~resident owner or on-site manager~~ innkeeper and therefore not added to the maximum occupancy calculations in paragraphs (7)a. and (7)b. above.
- (8) Number of parties.
- a. Vacation homes in residential zone districts as those districts are defined in Subsection (b) above shall be rented, leased or furnished to no more than one (1) party at a time, occupying the vacation home as a single group. Owners of the vacation home shall not occupy the vacation home while a party is present. All occupants shall be registered by name on or before the time of the party's initial occupancy. The name registry shall be maintained by the ~~property owner~~, local representative ~~or manager~~, and shall be made available to the Town or any other appropriate regulatory entity upon request.

...

- (14) In the CD Downtown Commercial zoning district, vacation homes and bed and breakfast inns shall not be located on the ground floor of a building fronting on Elkhorn Avenue.

...

~~(16) Meal service. Bed and breakfast inns may provide meal service to registered overnight guests.~~

~~(17) The owner of a bed and breakfast inn, or the on-site manager employed by the owner, must reside on the premises at all times when the bed and breakfast inn is in operation.~~

(16) Additional operating requirements for bed and breakfast inns.

- a. The innkeeper of a bed and breakfast inn must reside on the premises when the bed and breakfast inn is in operation.
- b. The innkeeper must actually reside on the bed and breakfast inn premises at least nine months of the year.
- c. To reside on the premises for the purposes of this paragraph (16) means to reside in the same dwelling unit, as defined in the Estes Park Development Code, as the bed and breakfast inn. The innkeeper must not reside in a space that qualifies as a dwelling unit distinguishable from the dwelling unit constituting the bed and breakfast inn.
- d. The innkeeper must be readily accessible in person to guests at all reasonable times; must regularly interact in person with all guests; and must be available to guests immediately or within thirty minutes, in person, in case of emergency.
- e. The innkeeper must offer all guests of the bed and breakfast inn a fresh-cooked breakfast prepared on site for each night of the guest's occupancy, at no charge other than the fee for the lodging accommodations. The meal shall be noted as included with the fee in all advertisements and listings for the lodging.
- f. Any new application or application for renewal for a bed and breakfast inn may include up to three individuals who collectively shall satisfy the obligations of the innkeeper under this section; provided however, that if more than one individual is designated, (i) the application

shall provide a single set of contact information, in the form required by the Town Clerk, which shall immediately reach whichever individual is acting as the innkeeper at that time, and (ii) the application shall include a schedule of when each individual is planned to act as the innkeeper over the license year and subsequent renewal period. Any such application information may be amended during the license year, with repayment of the business license fee as a reprocessing fee.

- g. *Multiple parties.* Bed and breakfast inns are intended to be rented out room-by-room, to multiple parties. One sleeping room of a bed and breakfast inn must be occupied by the innkeeper and not guests. A bed and breakfast inn with more than two sleeping rooms must advertise and rent the premises on a per-sleeping-room basis, with no prohibition or discouragement of multiple parties lodging at the same time within the bed and breakfast inn.
- h. The application for a bed and breakfast inn must include a drawing, in the form required by the Town Clerk, displaying the areas of the property (i) utilized by the guests exclusively, except as needed for cleaning, (ii) utilized exclusively by the innkeeper, and (iii) utilized by both as common areas. Operation of the bed and breakfast inn shall adhere to this representation.
- i. The requirements of paragraph (16) shall apply to all bed and breakfast inns first licensed after May 23, 2023. They shall apply to all bed and breakfast inns, including those previously licensed, effective January 1, 2026.

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