

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
COUNCIL BILL NO. 20
ORDINANCE NO. 1771
Series 2023**

TITLE: AN ORDINANCE AMENDING SECTIONS 11-561, 11-566, AND 26-114 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE HOTEL LICENSING PROGRAM

WHEREAS, the City of Wheat Ridge (the “City”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety, or welfare; and

WHEREAS, in the exercise of this authority the Council has previously adopted hotel licensing regulations, codified as Wheat Ridge Code of Laws (“Code”) Article XVI of Chapter 11, to regulate hotel businesses in order to reduce illegal and criminal activity in hotel establishments and ensure they are operated in a manner compatible and consistent with other City licensed businesses; and

WHEREAS, the Code requires the Council to conduct a review of the implementation of the hotel licensing program and consider any amendments deemed appropriate in response to the review; and

WHEREAS, the Council conducted the Code required review of the hotel licensing program at the June 12, 2023 Special Study Session; and

WHEREAS, the Council finds and determines that amendments to the Code to properly enforce the hotel licensing program’s extended stay provisions, better define the calls for service rate, and reduce the time an extended stay special use permit remains in effect are necessary to the continued success of the City’s hotel licensing program.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The below definitions in Code Section 11-561 are amended to read as follows:

Sec. 11-561. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Calls for service are public initiated dispatched calls for police assistance that are generated by the community, through a call or text to 911 or the non-emergency line. CALLS FOR SERVICE INCLUDES COMMUNITY CALLS FOR ANY POLICE RESPONSE SUCH AS NON-CRIMINAL ACTIVITY, DISTURBANCES, SUSPICIOUS VEHICLES OR PERSONS, AND CRIME REPORTS. CALLS FOR SERVICE DOES NOT INCLUDE CALLS FOR FIRE OR MEDICAL ASSISTANCE WITHOUT POLICE RESPONSE, CALLS INITIATED BY THE WHEAT RIDGE POLICE DEPARTMENT, OFFICER INITIATED TRAFFIC STOPS, ROUTINE PATROL, OR 911 HANG UPS WITHOUT POLICE RESPONSE.

Calls for service rate is equal to the total calls for service at the licensed premises divided by the total number of hotel rooms in the applicable period. CALLS FOR SERVICE RECEIVED ON SEVERE WEATHER DAYS, AS DECLARED BY THE SEVERE WEATHER SHELTER NETWORK, ARE NOT INCLUDED IN A HOTEL'S CALLS FOR SERVICE RATE CALCULATION.

Section 2. Code Section 11-564 is amended as follows:

Sec. 11-564. - Eligibility requirements for hotel license.

No hotel license shall be issued or maintained under this article unless and until the applicant provides sufficient information to establish, and the treasurer reviews and determines the sufficiency of the same, of the following requirements:

(1) The applicant shall have achieved and maintained a call for service (CFS) rate of 1.8 within twelve (12) months of obtaining a hotel license. The required CFS rate shall be decreased to 1.5 on January 1, 2023. The city may in its sole discretion permit extensions of the twelve (12) month period, not to exceed a total of an additional six (6) months during which time the hotel license shall be deemed extended.

(2) The applicant shall demonstrate **ANNUAL** participation in the city's certified crime free hotel/motel program, as evidenced by the approval of the Wheat Ridge Police Department.

(3) The applicant shall have made all necessary corrective actions in response to matters identified through the city's most recent annual hotel/motel inspection program report for the subject location, which program is enforced through the city's police and community development departments, in cooperation with applicable fire protection districts.

(4) The applicant shall demonstrate compliance with the city's landscape inspection program, as applicable and as certified by the community development department.

(5) The applicant shall demonstrate compliance with the applicable series of adopted international building and property codes applicable to the subject property, including the International Property Maintenance Code, as demonstrated by certification from the city's chief building official.

(6) The applicant shall establish and maintain an approved security plan, including crime prevention through environmental design, video surveillance, security guards, fencing, and lighting, WHICH MUST BE **ANNUALLY** as approved by the city's police department.

Section 3. Code Section 11-566(a) is amended by the addition of a new subsection (10) to read as follows:

Sec. 11-566. - Suspension or revocation of license: grounds.

(a) The treasurer may suspend or revoke a hotel license upon the treasurer's finding of any of the following facts in the treasurer's reasonable discretion, based upon available information. It is not required that any criminal conviction be obtained to support the treasurer's administrative action.

(10) THE LICENSEE HAS PERMITTED EXTENDED STAY LODGING WITHOUT AN APPROVED EXTENDED STAY LICENSE ADDENDUM ISSUED PURSUANT TO SECTION 11-568.

(1) FOR PURPOSES OF THIS SECTION, THE LENGTH OF A GUEST'S STAY AT ANY LICENSED PREMISES SHALL BE MEASURED BY CONSECUTIVE OVERNIGHT STAYS AT ANY LOCATION WITHIN THE LICENSED PREMISES. ADDITIONALLY, THE DURATION OF EXTENDED STAY LODGING ON A LICENSED PREMISES SHALL CONTINUE TO ACCRUE UNLESS THE GUEST VACATES THE LICENSED PREMISES FOR SIXTY (60) CONSECUTIVE DAYS.

Section 4. Code Section 26-114(g) is amended to read as follows:

g. Term.

1. A special use permit is valid so long as the conditions of approval are maintained by the applicant unless a specific time limit for the use or development is set forth as part of the permit approval by the community development director or city council. Except as otherwise provided herein, if an approved special use ceases operation for any reason for a period of one (1) year, the special use permit shall be deemed expired, unless otherwise provided in the permit itself. If an approved special use for a medical marijuana center, retail marijuana store, HOTEL AS DEFINED BY SECTION 11-561, or collocated center and store ceases operation for any

reason for a period of six (6) months, the special use permit shall be deemed expired, unless otherwise provided in the permit itself.

2. If the conditions of a special use permit become the responsibility of a person or entity other than the applicant, the community development department shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining those conditions. The notice shall be attached to the permit on file with the community development department. A special use permit for a medical marijuana center, a retail marijuana store, A HOTEL AS DEFINED BY SECTION 11-561, or a collocated center and store may be transferred to a person or entity other than the original applicant only upon the review and approval of the community development director. It shall be the burden of the proposed new permit holder to demonstrate that its continuation of the special use shall meet the special use review criteria set forth in section 26-114.D.

Section 5. Severability, Conflicting Ordinances Repealed. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of August 2023, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 28, 2023, at 6:30 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 28th day of August 2023.

SIGNED by the Mayor on this 29th day of August, 2023.

A handwritten signature in dark ink, appearing to read "Bud Starker", is written over a horizontal line.

Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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