

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER HOPPE**  
**COUNCIL BILL NO. 26**  
**ORDINANCE NO. 1778**  
**Series 2023**

**TITLE: AN ORDINANCE AMENDING SECTIONS 11-504, 11-506 and 2-80 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING SHORT TERM RENTAL LICENSING ENFORCEMENT**

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

**WHEREAS**, pursuant to its home rule authority, C.R.S. §§ 31-15-401, 31-15-501 and 31-23-301 *et seq.*, the City, acting through its City Council (the "Council"), is authorized to regulate the operation of local businesses, impose requirements on the same related to the public health, safety and welfare, and establish locational limitations on business enterprises through the City's zoning regulations; and

**WHEREAS**, pursuant to this authority, the Council previously adopted short term rental regulations, codified as Wheat Ridge Municipal Code ("Code") Article XIV of Chapter 11 and Code Sec. 26-645; and

**WHEREAS**, the City Council wishes to both clarify and expand the enforcement avenues available to enforce violations of the City's short term rental licensing program.

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

**Section 1.** Section 11-504 of the Code, concerning accountability for the operation of short term rentals, is hereby amended as follows:

**Sec. 11-504. - Accountability.**

- (a) A PERSON ~~short-term rental host~~ may not simultaneously rent a short-term rental to more than one (1) group under separate contracts, bookings, or appointments.
- (b) The short-term rental shall be the legal responsibility of ALL INDIVIDUALS WHO HAVE OWNERSHIP, POSSESSION OR CONTROL OF THE PREMISES OR ITS OPERATION AS A SHORT TERM RENTAL, whether as owner, co-owner, occupant, tenant OR AGENT OF ANY OF THE SAME. ~~the legal owner(s) of the subject property, and the short-term rental host shall agree to accept notice of violation either in person, upon posting upon the property, or by mailed notice.~~

- (c) The city shall maintain the right to conduct an inspection of the property at any time, upon proper notice, to determine compliance with this article and section 26-645.

**Section 2.** Section 11-506 of the Code, concerning failure to register a short term rental, is hereby amended as follows:

**Sec. 11-506. – Failure to register.; VIOLATIONS, ENFORCEMENT.**

- (a) IT IS UNLAWFUL TO OPERATE, PROVIDE, ADVERTISE OR SOLICIT THE RENTING OF A SHORT TERM RENTAL, OR TO AID, FACILITATE, ABET, PERMIT OR ALLOW ANY OF THE SAME, ~~All persons wishing to operate a short term rental within the city WITHOUT THE REQUIRED on and after May 1, 2021 must apply for a short-term rental business license AND TYPE (“WHOLE-HOME” OR “PARTIAL-HOME”) under this article XIV AND SECTION 26-645 OF THIS CODE.~~
- (b) PERSONS VIOLATING THIS SECTION OR ANY OTHER PROVISION OF THIS ARTICLE OR SECTION 26-645 OF THIS CODE SHALL BE SUBJECT TO THE ENFORCEMENT PROCEDURES AND PENALTIES PROVIDED UNDER SECTIONS 1-5 AND 1-6 OF THIS CODE.  
~~On and after August 1, 2021, short term rental hosts operating short term rentals prior to August 1, 2021 must have applied for a short term rental business license pursuant to this article XIV.~~
- (c) ~~On and after August 1, 2021, short term rental hosts must collect lodger's tax on such rentals pursuant to Code [section 22-100](#).~~
- (d) ~~Persons operating a short term rental within the city without the required short term rental business license as of August 2, 2021 shall be subject to enforcement under this chapter and as a municipal code violation under sections [1-5](#) and [1-6](#) of this Code.~~ ADDITIONALLY, ANY Such persons LEGALLY RESPONSIBLE FOR A SHORT TERM RENTAL, AS PROVIDED IN SECTION 11-504(B) HEREOF, OPERATED IN VIOLATION OF THIS ARTICLE IS ~~are~~ not eligible to apply for a short-term rental business license for one (1) year following the date after August 2, 2021 upon which THE VIOLATION IS ENTERED BY COURT OR AHO ORDER, PAYMENT OF ADMINISTRATIVE FINE, EFFECTIVENESS OF PLEA AGREEMENT OR OTHER SETTLEMENT, OR ANY OTHER LEGAL FORM OF ADMISSION OR ADJUDICATION ~~they are found to be operating a short term rental without the required license.~~
- (C) PERSONS VIOLATING THIS SECTION OR ANY OTHER PROVISION OF THIS ARTICLE OR SECTION 26-645 OF THIS CODE SHALL BE SUBJECT TO THE ADMINISTRATIVE

ENFORCEMENT PROCEDURES AND PENALTIES PROVIDED UNDER ARTICLE V OF CHAPTER 2 OF THIS CODE.

(D) THE ENFORCEMENT PROCESSES AND PENALTIES SET FORTH HEREIN ARE CUMULATIVE AND CONCURRENT IN NATURE. THE CITY'S INITIATION OF ONE PROCESS DOES NOT PRECLUDE OR BAR THE CITY'S PURSUIT OF ANY OTHER RIGHT, REMEDY OR PROCESS.

(e) The city treasurer is hereby authorized to adopt rules and regulations, if needed, to implement the requirements of this [section 11-506](#).

**Section 3.** Section 2-80 of the Code, concerning the scope of the Chapter 2 Administrative Enforcement process, is hereby amended as follows:

**Sec. 2-80. - Purpose; scope.**

The purpose of this article is to encourage prompt compliance with this Code and prompt payment of penalties for violations thereof. This article provides for administrative penalties that may be imposed for violation of the following portions of this Code: chapter 5, buildings and building regulations; chapter 9, health; chapter 13, motor vehicles and traffic; chapter 15, nuisances; article X of chapter 11 concerning massage businesses, ARTICLE XIV OF CHAPTER 11 CONCERNING SHORT TERM RENTALS; chapter 21, streets and sidewalks; chapter 22, taxation; chapter 24, vegetation; chapter 26, zoning.

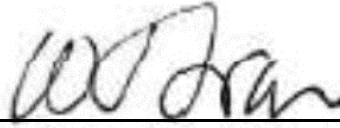
**Section 4.** Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** Effective Date. As permitted by Charter Section 5.11, this Ordinance shall take effect immediately upon adoption on second reading and signature by the Mayor.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 25th day of September 2023, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for October 9, 2023, at 6:30 p.m. as a virtual meeting and in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 0, this 9<sup>th</sup> day of October 2023.

SIGNED by the Mayor on this 11<sup>th</sup> day of October 2023.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney



First Publication: September 26, 2023

Second Publication: October 10, 2023

Effective Date: October 9, 2023

Published:

Jeffco Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)