



## **BOT Regular Workshop and Meeting 08/16/2023 at 6:00pm**

Town of Lake City

Aug 16, 2023 at 6:00 PM MDT to Aug 16, 2023 at 8:00 PM MDT

230 N. Bluff Street Armory Multi-Purpose Room

### **Agenda**

#### **I. Regular Workshop - 6:00pm**

- A. Discuss 2022 Budget Amendment Resolution 2023-10**
- B. Discuss Appointing the Town Manager Alexander Mulhall as the 2024 Budget Officer**
- C. Review Ox Yoke Access Agreement for River Enhancement Project**
- D. Review 2023-2025 Town of Lake City Law Enforcement IGA with Hinsdale County and the Hinsdale County Sheriff's Office**
- E. Review New Short Term Rental Ordinance 2023-11 Draft - 2nd Reading**
- F. Review New Historic Preservation Ordinance Draft - 1st Reading**
- G. Discuss the Purchase of Porta-Potties with DIRT (Kristie Borchers)**

#### **II. Regular Meeting - 7:00pm**

- A. Call to Order**
- B. Roll Call**
- C. Minutes 08/02/2023**
- D. Bills Payable 08/16/2023**
- E. Committee Reports**
  - 1. Lake San Cristobal Water Activity Enterprise (Woods)**
  - 2. Historic Preservation Commission (Fox)**
  - 3. Chamber of Commerce (Kendall)**
  - 4. Marketing Committee (Bruce)**
  - 5. MAC Committee (Bruce)**
  - 6. DIRT (Hamel)**
  - 7. High Alpine Region Team (Woods)**
  - 8. Region 10 (Roberts/Hamel)**
  - 9. Planning and Zoning Commission (Pierce)**
  - 10. Town Manager/Treasurer Report (Mulhall)**
  - 11. Legal Update (Krob)**
  - 12. Mayor/Trustee Reports**
- F. Correspondence Received**
- G. Citizen Communications**

## **H. Additions to the Agenda**

### **I. Action Items**

- 1. Discussion and Possible Action to Approve 2022 Budget Amendment Resolution 2023-10**
- 2. Discussion and Possible Action to Appoint the Town Manager Alexander Mulhall as the 2024 Budget Officer**
- 3. Discussion and Possible Action to Approve Ox Yoke Access Agreement**
- 4. Discussion and Possible Action 2023-2025 Town of Lake City Law Enforcement IGA with Hinsdale County and the Hinsdale County Sheriff's Office**
- 5. Discussion and Possible Action to Approve Short Term Rental Ordinance 2023-11**
- 6. Discussion and Possible Action to Direct Staff to Get a Survey Done on the Town of Lake City Property by the Ox Yoke**

**RESOLUTION NO. 2023-10**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY  
APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAID EXPENSES IN  
EXCESS OF AMOUNTS BUDGETED FOR THE GENERAL FUND.

**WHEREAS**, the Town of Lake City has received unanticipated revenues not assured at the time of the adoption of the 2022 budget; and

**WHEREAS**, the unanticipated revenues were derived from unappropriated surpluses in the General Fund.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY COLORADO:

Section 1. That the 2022 appropriation for the General Fund is hereby increased from \$2,132,644.30 to \$2,162,644.3 for the following purposes:

To provide monies to pay for the unanticipated expenses for the 3<sup>rd</sup> Street Pedestrian and Drainage Project.

PASSED, SIGNED, APPROVED AND ADOPTED at a regular meeting of the Board of Trustees of Lake City, Colorado this 16th day of August, A.D., 2023.

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Dave Roberts, Mayor

ATTEST:

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Jonathan Broadway, Town Clerk

**CONSENT FOR ACCESS TO PROPERTY**  
**Ox Yoke River Enhancement Project**

**Name of Owner:** Town of Lake City

**Responsible Party:** Ox Yoke Riverside Subdivision HOA

**Property Legal Description:** Parcel Number 4509-342-35-020. Tract C, Near End of Water Street

**Ox Yoke River Enhancement Project**

The Ox Yoke Riverside Subdivision Homeowners Association (referred to as Ox Yoke HOA) has retained the services of HydroGeo Designs, from Poncha Springs, CO, to design and construct a river improvement project on the Lake Fork of the Gunnison River that flows through the Commons area of the sub-division. This project involves construction of three cross vanes and dredging of river bed material to create deep pools. Part of the construction area occurs on Town of Lake City property across the river. The Ox Yoke HOA requests permission from the Town of Lake City to conduct the proposed activities on Town land. See attached map.

In-stream construction will commence as early as fall of 2023, depending on completion of necessary permits. Landowner access for design and construction is requested for 2 years. Performance monitoring will be conducted along the improved reach for several years following construction, to assess that the structures are functioning as designed. Landowner access for monitoring is requested for 10 years. Maintenance of structures will be required on an as needed basis. Landowner access for maintenance is requested for 10 years.

**CONSENT FOR ACCESS AND INDEMNIFICATION**

We, the undersigned, are the owners, representatives, or otherwise control the real property designated above and on the attached map, located in Hinsdale County, Colorado, of the Town of Lake City property and the Ox Yoke HOA property, the latter being responsible for the river construction work.

Owner consents to allow contractors, subcontractors, and other authorized representatives of the Ox Yoke HOA to have access to the property described above to the minimum extent reasonably necessary to complete the Project on the Town of Lake City Property for the following purposes: Perform design, construction, and post-construction monitoring and maintenance of the Ox Yoke River Enhancement Project, including but not limited to Project evaluation (i.e. pre-bid walk through and design, selection of contractors, scoping, and Project development), performing Project work, conducting inspections, monitoring the affected lands, and implementing maintenance for a 10 year period following Project completion.

The Owner understands that access shall be limited to those portions of our property where the Project is to be performed and any additional portion of the property which is reasonably necessary to implement the Project. Ox Yoke HOA and its contractors, agents, members, and assigns agree and confirm such access is a non-exclusive access and transfers no ownership of any right in real property to Ox Yoke HOA or any other party other than those temporary access rights specifically granted herein.

The term of this Agreement shall be 24 months from the date signed below for design and Project construction and implementation, and 10 additional years from the date the Project construction work is certified as complete for maintenance, inspection, and monitoring purposes.

The Ox Yoke HOA shall give Landowners reasonable notice prior to accessing the Property for all preconstruction, construction, monitoring and maintenance activities. They shall provide reasonable notice of the commencement of construction work for the Project and need not provide daily notice to obtain continued access for the duration of the construction for each needed access. Reasonable and actual notice may be given by email, U.S. Mail, in person, or by telephone to the Lake City Town Manager or his designee.

The Ox Yoke HOA understands that the Town of Lake City shall not be responsible for claims arising out of damages to persons or property occasioned by the Ox Yoke HOA or its agents, third parties, acts of God or other causes in connection with accessing Owner's property, the work performed in connection with accessing Owner's property or any claims for monies owed in connection with any work performed. The Ox Yoke HOA shall hold Owner completely harmless from, and shall indemnify Owner for, all costs, damages, losses, and expenses, including judgments and attorney's fees, resulting from claims arising from causes enumerated in this paragraph.

As the designated Owner, the Town of Lake City gives this written permission, voluntarily, with knowledge of our right to refuse and without threats or promises of any kind and the Ox Yoke HOA agrees to indemnify and hold Owner harmless as referenced above. The signatories certify that he/she has full authority to sign this Consent for Access to Property.

The Ox Yoke HOA understands, acknowledges, and agrees the Town of Lake City is a Colorado municipality and is therefore entitled to the protections afforded it under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq. (the "Act"). The Parties further acknowledge and agree that nothing in this Agreement or any act by the Town is intended or shall be deemed to be a waiver of the Act.

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(Town of Lake City)

(Date)

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(Ox Yoke HOA)

(Date)

**INTERGOVERNMENTAL AGREEMENT BETWEEN AND AMONG HINSDALE COUNTY, THE HINSDALE COUNTY SHERIFF'S OFFICE, AND THE TOWN OF LAKE CITY FOR LAW ENFORCEMENT SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT between and among HINSDALE COUNTY (the "COUNTY"), the HINSDALE COUNTY SHERIFF'S OFFICE (the "SHERIFF") and THE TOWN OF LAKE CITY, (the "TOWN") FOR LAW ENFORCEMENT SERVICES ("Law Enforcement IGA") The COUNTY, the SHERIFF, and the TOWN shall be collectively referred to as the "PARTIES."

**RECITALS**

WHEREAS, the COUNTY is a county of the state of Colorado that has been duly established and is operating pursuant to Colorado Constitution Art. XIV and Title 30 of the Colorado Revised Statutes (C.R.S.), as amended and the SHERIFF is an elected official of the COUNTY;

WHEREAS, the TOWN is a municipal corporation that has been duly established and is operating pursuant to Colorado Constitution Art. XIV and XV and Title 31, C.R.S.;

WHEREAS, pursuant to Colorado Constitution Art. XIV, § 18, and § 29-1-203, C.R.S., as amended, the COUNTY, the SHERIFF and the TOWN are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each;

WHEREAS, pursuant to § 30-11-410, C.R.S., as amended, the governing body of a municipality and a board of county commissioners are expressly authorized to contract for the purpose of providing law enforcement services; and,

WHEREAS, the COUNTY, the SHERIFF and the TOWN mutually desire to contract for law enforcement services as provided herein.

NOW, THEREFORE, for the consideration herein set forth, the PARTIES agree as set forth below.

**SECTION I - SERVICES TO BE PROVIDED BY THE SHERIFF'S OFFICE**

Subject to the details recited in "Attachment A" appended to this agreement, the SHERIFF shall provide law enforcement services to and for the benefit of the TOWN, as set forth below:

- (a) Such routine patrols for traffic and other matters as the SHERIFF (or his designee), in his sole discretion, shall determine;
- (b) Investigation and, if proper, prosecution of all complaints of violations of municipal ordinances and state statutes as are reported to him;
- (c) Investigation and appropriate action upon any and all traffic accidents within the TOWN which reasonably require investigation;
- (d) Assistance in all law enforcement emergencies arising within the limits of the TOWN;
- (e) Transportation and housing of any prisoners when reasonably required due to circumstances relating to illegal acts within the limits of the TOWN. The TOWN shall be responsible for any cost incurred for any arrest made under the TOWN ordinances or under any state statute if such arrest occurs in the TOWN. The SHERIFF shall report each month of any costs incurred;
- (f) Issuance of dog licenses and maintenance of related records; and

(g) Submission of written monthly reports regarding law enforcement activity affecting the TOWN.

Basic services to be provided to the TOWN include one law enforcement service unit, which is defined to mean one patrol deputy, including the equipment, supplies and vehicle incidental to providing the service unit. All employees staffing the service unit shall be employees of the COUNTY and not of the TOWN, and all equipment and supplies provided incidental thereto shall be and remain the property of the COUNTY.

The Parties acknowledge that the SHERIFF will occasionally be unavailable to provide immediate response to calls of a low priority for the following reasons: (1) staff size; (2) the fact that calls are not spread evenly over time; and (3) the need to address high priority calls first. Inevitably, there will be times when coverage is not instantaneous or ideal for low priority calls. The SHERIFF (or his designee) in his sole discretion will determine the priority and timing of calls and agrees to use his best efforts and judgment for the safety and well-being of the public, given what he knows at the time the decision is made.

In the event of any conflicts or inconsistencies between the terms and conditions contained in the body of this Law Enforcement IGA and those contained in Attachment A., the terms and conditions contained in the body of this Law Enforcement IGA shall prevail and control.

## **SECTION II - RESPONSIBILITIES OF THE TOWN**

The TOWN shall provide information as necessary or requested by the COUNTY and/or the SHERIFF to enable its or their performance under this Law Enforcement IGA. The TOWN hereby expressly delegates to the SHERIFF the authority to enforce any and all laws applicable to and within the territory of the TOWN. The COUNTY further agrees that such services will include the enforcement of state statutes and municipal ordinances of the TOWN.

## **SECTION III - TERM**

The term of this Law Enforcement IGA shall be for two (2) calendar years, beginning on \_\_\_\_\_, 2023 and ending on December 31, 2025. This Law Enforcement IGA may be renewed for additional terms, upon written notice from the TOWN that it wishes to renew the agreement for additional years. For fiscal planning purposes, such notice must be received by the COUNTY on or before August 31st of each year. Notwithstanding the foregoing, if the TOWN does not notify the COUNTY of its desire to renew this Agreement by August 31<sup>st</sup>, and the COUNTY continues to provide SHERIFF services to the TOWN for the following year(s), then the TOWN shall pay the COUNTY for such services the 2025 service fee provided by Section IV below plus 3% for each additional year. So, for example, if the PARTIES do not amend this agreement for 2026, and the SHERIFF'S services to the TOWN continue, then the fee paid to the COUNTY by the TOWN for 2026 shall be the 2025 fee (\$97,620) plus 3% (\$2,928.60), for a total of \$100,548.60.

## **SECTION IV - PAYMENT AND FEE SCHEDULE**

The TOWN shall pay the COUNTY a base sum for the services provided hereunder on the following schedule (see Section 7 of Attachment A for the breakdown of the service fees):

2023: \$92,432.26  
2024: \$94,991.35  
2025: \$97,620.00

This sum shall be paid in quarterly installments as specified in Attachment A. The TOWN shall also make

quarterly payments to the COUNTY for additional charges, if any, as invoiced pursuant to Attachment A.

**SECTION V - WORKERS COMPENSATION**

The COUNTY, at its sole expense, shall procure and maintain workers' compensation insurance and unemployment compensation insurance as required under Colorado law for all SHERIFF'S Office personnel. Pursuant to the Workers' Compensation Act, § 8-40-202(2)(b)(IV), C.R.S., as amended, the COUNTY understands that it and its employees and servants are not entitled to workers' compensation benefits from the TOWN. The COUNTY further understands that it is solely obligated for the payment of federal and state income tax on any moneys earned pursuant to this Law Enforcement IGA .

**SECTION VI - NONDISCRIMINATION**

The Parties shall not discriminate against any employee or qualified applicant for employment because of age, race, color, religion, marital status, disability, sex, or national origin. The Parties agree to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

**SECTION VII - INSURANCE AND GOVERNMENTAL IMMUNITY**

During the term of this Law Enforcement IGA, the Parties agree to maintain insurance in all forms and types as required by law through either commercial policies or self-insurance. Nothing in this Law Enforcement IGA shall be construed as a waiver by either party of any provisions of the Colorado Governmental Immunity Act, § 24-10-101, *et seq.*, C.R.S., as amended.

The TOWN agrees to insure against and indemnify the COUNTY and hold the COUNTY harmless for any cause of action, lawsuit or claim arising out of the COUNTY's performance of the law enforcement duties within TOWN limits pursuant to this contract, except those resulting from gross negligence or intentional misconduct by the Sheriff or his or her deputies. Proof of insurance will be provided to the COUNTY annually, on or before February 1st of each year.

**SECTION IX - TERMINATION**

Either party may terminate this Law Enforcement IGA upon written notice to the other party at least forty-five (45) days prior to the effective date of the termination.

**SECTION X – GENERAL PROVISIONS**

(a) Jurisdiction and Venue. The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Law Enforcement IGA. The Parties agree that jurisdiction and venue for any disputes arising under this Law Enforcement IGA shall be with the 7th Judicial District, Colorado.

(b) Compliance with Laws. During the performance of this Law Enforcement IGA, the Parties agree to strictly adhere to all applicable federal, state, and local laws, rules and regulations, including all licensing and permit requirements. The Parties hereto acknowledge that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18- 8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present. Without limiting the generality of the foregoing and as applicable, the Parties expressly agree to comply with the privacy and security



requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) when exposed to or provided with any data or records under this Law Enforcement IGA that are considered to be "Protected Health Information."

(c) Record Retention. The Parties shall maintain records and documentation of the services provided under this Law Enforcement IGA, including fiscal records, and shall retain the records for a period of three (3) years from the date this Law Enforcement IGA is terminated, unless otherwise provided or required by law. Said records and documents shall be subject at all reasonable times to inspection, review, or audit by authorized federal, state, or the COUNTY personnel.

(d) Assignability. Neither this Law Enforcement IGA, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by either party without the prior written consent of both Parties.

(e) Waiver. Waiver of strict performance or the breach of any provision of this Law Enforcement IGA shall not be deemed a waiver, nor shall it prejudice the waiving party's right to require strict performance of the same provision, or any other provision in the future, unless such waiver has rendered future performance commercially impossible.

(f) Force Majeure. Neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.

(g) Notice. Any notices given under this Law Enforcement IGA are deemed to have been received and to be effective: (1) *three* (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a facsimile was received. For the purposes of this Law Enforcement IGA, any and all notices shall be addressed to the contacts listed below:

For the COUNTY:

Hinsdale County Commissioners  
c/o Sandy Hines, Administrator  
P.O. Box 277  
Lake City, CO 81235

For the SHERIFF:

The Hinsdale County Sheriff's Office  
c/o Chris Kambish, Sheriff  
P.O. Box 127  
Lake City, CO 81235

For the TOWN:

Town of Lake City  
c/o Alexander Mulhall, Manager  
PO Box 544  
Lake City, CO 81235

(h) Integration of Understanding. This Law Enforcement IGA may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

(i) Parties Interested Herein. Nothing expressed or implied in this Law Enforcement IGA is intended or shall be construed to confer upon or to give to, any person other than the Parties, any right, remedy, or claim under or by reason of this Law Enforcement IGA or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this Law Enforcement IGA by and on behalf of the PARTIES shall be for the sole and exclusive benefit of the PARTIES.

(j) Severability. If any provision of this Law Enforcement IGA is determined to be unenforceable or invalid for any reason, the remainder of this Law Enforcement IGA shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

(k) Authorization. Each party represents and warrants that it has the power and ability to enter into this Law Enforcement IGA, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the Parties have caused their names to be affixed hereto.

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO**

By: \_\_\_\_\_  
Greg Levine, Chair

\_\_\_\_\_, 2023  
Date

ATTEST:

\_\_\_\_\_  
Joan Roberts, County Clerk

**HINSDALE COUNTY SHERIFF'S OFFICE**

By: \_\_\_\_\_  
Chris Kambish, Sheriff

\_\_\_\_\_, 2023  
Date

**THE TOWN OF LAKE CITY**

By: \_\_\_\_\_  
Dave Roberts, Mayor

\_\_\_\_\_, 2023  
Date

ATTEST:

\_\_\_\_\_  
Town Clerk

**ATTACHMENT A**  
**TO LAW ENFORCEMENT IGA**

1. **Agreement to Supply Police Services.** The COUNTY agrees to furnish to the TOWN reasonable law enforcement services as deemed necessary by the SHERIFF during the life of this Law Enforcement IGA. Law enforcement services will be provided in the equivalent of service units. The SHERIFF agrees to furnish additional deputy sheriffs as may be needed by or requested by The TOWN from time to time as long as such deputies are available and their assignment will not adversely affect law enforcement services provided to unincorporated portions of the COUNTY. Except as otherwise provided, the SHERIFF reserves the right to determine all law enforcement functions, including those deemed extraordinary.
  
2. **Place and Nature of Services.** This Law Enforcement IGA will be implemented by the SHERIFF and shall not in any way affect the regular law enforcement services provided by the SHERIFF to unincorporated portions of Hinsdale County. The SHERIFF shall make all determinations in scheduling and designating the patrol area of the deputy supplied under this Law Enforcement IGA. The standards of performance, disciplining of deputies, control of personnel providing such services, and other matters incident to the performance of the services to be provided hereunder shall be in accordance with the SHERIFF'S office policies.

All legal documents, i.e. subpoenas, summonses, or any legal paperwork not generated by the SHERIFF that requires service shall be handled as follows: Legal documents will be provided by the TOWN to the Civil Division of the SHERIFF. The SHERIFF'S office personnel will serve only legal documents required to be served in Hinsdale County. The TOWN will pay legal services in accordance with the SHERIFF'S office fee schedule, based upon the Colorado Revised Statutes.

Law enforcement services provided to the TOWN under this Law Enforcement IGA will be provided within that territory of the TOWN that is located in Hinsdale County. Areas outside of Hinsdale County, annexed by the TOWN, will not be served under this Law Enforcement IGA. The Sheriff, or his designee, will meet with the TOWN Trustees on as as-needed basis. The meetings may occur in an effort to maintain communication and enhance community policing and partnerships.

3. **Personnel and Equipment.** The COUNTY shall furnish and supply all necessary labor, supervision, equipment, vehicles, communication facilities, and supplies necessary to provide the services to be rendered hereunder. In special instances when special supplies, stationery, notices, forms and similar materials are to be issued in the name of the TOWN, the same is to be supplied by the TOWN at its own expense.

4. **Payment.** Payments of the base sum are to be made in quarterly installments at the end of each three (3) month period. The COUNTY shall provide a statement at the close of each calendar quarter, and the TOWN shall pay the amount therein set forth within thirty (30) days after the receipt of such statement. If such payment is not received by the COUNTY within forty (40) days after the submission of the billing, the COUNTY may satisfy such payment from any funds of the TOWN that are in the hands of the COUNTY without advance notice to the TOWN of the COUNTY's intention to do so, or the COUNTY may proceed in any manner provided by law to collect such indebtedness.
5. **Equipment.** All equipment used in the performance of this Law Enforcement IGA, including vehicles, arms, communication equipment, and supplies, shall remain the property of the COUNTY.
6. **Reports.** Incidental to and in addition to the services performed hereunder, the COUNTY shall furnish monthly sheriff's reports of the activities of the deputy assigned to perform the services of this Law Enforcement IGA. Such reports are to be delivered within a reasonable time to the office of the town clerk.
7. **Definition of Service Unit.** Law enforcement services provided to the TOWN under this Law Enforcement IGA will be provided in the equivalent of service units. A service unit is one (1) patrol deputy. That service unit includes the vehicle and supplies/items needed to allow the deputy to function at their assigned tasks. The cost of a service unit is the equivalent of all costs incurred in the staffing and functioning of such employees. For the years 2023 through 2025, law enforcement services provided to the TOWN will consist of one complete service unit.

**Service Unit Costs**

One Service Unit \$85,069.76  
Dispatch increase share \$2,369.50  
Vehicle replacement \$5,000.00  
**Total cost for 2023: \$92,432.26**

**TOWN OF LAKE CITY  
BOARD OF TRUSTEES  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING AND REPLACING SECTION 23-5 OF THE  
LAKE CITY TOWN CODE REGARDING SHORT TERM RENTALS**

**WHEREAS**, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

**WHEREAS**, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

**WHEREAS**, the existing Section 23-5 of the Code permits short term rentals in residential districts as a conditional use allowed by special permit and sets forth the process for application and issuance of the same; and

**WHEREAS**, the Board has considered amending the licensing and regulation of short term rentals within the Town of Lake City in response to various changes in housing availability and enforceability of the existing regulations; and

**WHEREAS**, the Board finds is necessary and appropriate to revise the Short Term Rental (“STR”) provisions of the Code to ensure the health, safety and welfare of the residents and visitor of the Town of Lake City.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF LAKE CITY AS FOLLOWS:**

Section 1. Section 23-5 of the Town of Lake City municipal Code is hereby repealed in its entirety and amended by adding the following language to read in its entirety as follows:

**Sec. 23-4. – Short Term Rentals**

**1. Permit Requirement**

(a) It shall be unlawful for any person to operate or advertise to rent any short-term rental unit without a valid short-term rental (“STR”) unit permit approved by the Town Manager or their designee.

(b) The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

(c) Any person found to be advertising for rent or renting a short-term rental unit without a permit will be notified by certified mail or other delivery method requiring the signature of the recipient to cease and desist all offending actions. Upon receipt of the notice, the offending party shall have 10 business days to correct the offending action. By way of example, and not limitation, resolutions may include removing the offending advertisement, ceasing the rental of the offending unit(s), obtaining a short-term rental permit, or other corrective action deemed acceptable by the Town Manager or their designee. After the 10 business day period has ended without correction of the offending action or upon any further violation, the offending party shall be determined to be in violation of this section and may be fined \$500 for each day the offending action continued.

(d) The requirements and restrictions of this chapter shall not apply to hotels, motels, lodges, or boarding houses. Short-term rentals are required to comply with IBC/IFC requirements for R-1 occupancies.

## **2. Permit Application**

Applicants for a short-term rental unit permit shall submit a completed application form which contains such information as required by this section and shall pay all fees required for the permit application. The application shall be reviewed administratively by the Town Manager or their designee who shall approve or deny the application within 10 working days of submittal or as soon thereafter as reasonable.

The permit application shall include:

(a) Standard town application;

(b) A separate short-term rental permit is required for every rental unit.

(c) The name, mailing address, physical address of the rental unit and contact information including a 24-hour contact phone number for the owner or the owner's property manager (responsible agent) who can be contacted in the event of an emergency and who, therefore, can promptly address the needs of guests occupying the short-term rental unit and can respond within one hour.

(d) Proof of insurance. The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

- (e) A narrative addressing all of the short-term rental unit permit review criteria showing how they will be met.
- (f) A statement that the owner has read and understands the rules and regulations for a short-term rental unit set forth in this chapter.
- (g) The application fee of \$100.
- (h) Sales Tax License. The property owner or property manager shall provide a current sales tax license for the short-term rental issued by the Colorado Dept. Of Revenue and shall be responsible for remitting sales tax and lodging tax.
- (I) Fire Department Inspection Report. All new registrations will be required to pass an fire inspection prior to short-term renting. Inspections must be scheduled 30 days prior to applying for a short-term rental license. Existing short-term rentals will need to complete and pass an inspection within the first year of this ordinance's effective date. A copy of the fire inspection report that includes the occupancy limit shall be submitted with the application.
- (j) Proof of ownership. Proof of ownership of the subject property on which the requested use subject to the permit is to be conducted satisfactory to the Town Manager or their designee.
- (k) Certificate of Occupancy. The property owner shall provide a copy of the Certificate of Occupancy that was issued by the Hinsdale County Building Department.
- (l) Proof of citizenship or other lawful presence in the United States in conformity with provisions of Colorado legislation.
- (m) Site Parking Plan. Property owner shall submit a site parking plan that shows adequate on-property parking shall be supplied.
- (n) Property Floor Plan. Property owner shall submit a floor plan of the property that clearly shows the number of bedrooms and where they are located.
- (o) Notice with contact information. Within five calendar days of filing an application with the town, the concerned applicant(s) shall mail, by certified mail with return receipt requested, on forms provided by the town, notice of the use for which the permit is being sought and 24 Hour contact information of the applicant and the property manager, to all owners of property adjoining the property for which each permit is requested, at the addresses of such owners as is shown by then-current records of the assessor of the county. Satisfactory proof of such certified mailing of notice to all such adjoining property owners must be submitted to the town manager no more than ten calendar days following the date of filing of the pertinent application.

### **3. Fee Schedule and Permit.**

- (a) The permit fee shall be per year per unit:

(1) Residential Zones: \$375.00.

(2) Non-Residential Zones: \$0.00

(b) No person, LLC, Corporation, or related entity shall be issued more than three (3) Short Term Rental permits with the Residential Zones of Lake City.

(c) The permit application fee is a one-time payment of \$100.00. The purpose of the fee is to finance the cost of administering and monitoring compliance of terms, conditions, and requirements for short-term rental operations.

(c) The permit must be posted within the short-term rental property within 10 days of final approval.

(d) The permit number must be included in all advertisements.

#### **4. Permit Criteria.**

The town manager or designee may approve or approve with conditions an application for a short-term rental unit permit if the following criteria and specific regulations are met:

(a) Sleeping quarters for short-term tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.), in commercial (office/retail) or outdoors (e.g., tent, etc.) or in a recreational vehicle.

(b) A separate short-term rental permit is required for each rental unit with the following limits:

##### 1. Residential Zones

- A. Any individual, related individual, corporation, limited liability company, or other entity may not be eligible to obtain more than three (3) STR permits per person, related person or entity in the Residential Zones without
- B. Maximum number of STR Permits Issued shall be limited to 43 STR Permits (the “STR Permit Cap”), representing 15% of the total number of residential units in the Residential Zones at the time of passage of this Ordinance. Upon request, this number may be adjusted with approval of the Board of Trustees.
- C. Qualifying STR Permits will be granted in the order in which they are received up to the STR Permit Cap. If an application is received after the STR Permit Cap is reached then the applicant will be put on a waiting list. In the event that a permit is not renewed or is revoked then a permit will be issued to the next applicant on the waiting list.

##### 2. Non-Residential Zones



- A. There shall be no restriction on the number of STR Permits issued in the Non-Residential Zones.
- B. There shall be no limit to the number of STR permits that can be issued to an individual, Corporation, limited liability company, or other entity.

(c) The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

(d) Short-term rental units must remain compliant with all planning, zoning, building, health, fire and town codes.

(e) The owner shall not have had a short-term rental unit permit revoked within the preceding 12 months.

## **5. Complaint procedure**

(a) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made to the town by contacting the Lake City Town Office. The subject of the complaint may include without limitations such things as violations of the parking, trash, noise or other requirements related to short-term rental units as provided in this chapter or in the issued permit.

(b) When a complaint concerning a short-term rental unit has been received, the Town Manager, code enforcement officer, or their designee will attempt to contact the responsible agent for the short-term rental unit using the contact number on file. In the event the responsible agent does not answer the officer's telephone call, the officer may leave a voice message requesting a return call. It shall be a violation of this code, for the responsible agent to fail to respond to the officer's telephone call within one hour of the officer leaving a voice message. When the responsible agent is reached by telephone, the agent will be informed of the details of the complaint.

(c) The responsible agent is required to attempt to address the issue that was the subject of the complaint within one hour of having been notified. A responsible agent shall initially respond to a complaint by contacting the renter of the short-term rental by telephone, electronic methods or in person and requesting the renter take such action as is necessary to eliminate the violation that is the subject of the complaint. A proper response to a complaint may also require the responsible agent to visit the short-term rental unit to attempt to eliminate the violation identified by the complaint.

(d) A responsible agent is not required to and should not place themselves in a situation that could cause them physical harm or cause a public disturbance in order to address a complaint.

(e) The responsible agent shall promptly notify the Town if the agent believes that the complaint has been successfully eliminated by the agent. If the town does not receive notification from the

responsible agent that the complaint has been successfully eliminated within one hour of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully eliminated and the complaining party may follow up with the town about the complaint.

(f) If the complaint involves the immediate health or safety of any person or property and the complaint was not eliminated, the responsible agent shall immediately contact the Hinsdale County Sheriff's Office and follow all direction(s) given to the agent by the police department.

(g) If the responsible agent fails to respond to a complaint within one hour as required by this section, the Town of Lake City code enforcement officer shall investigate the matter. If the officer determines that there are reasonable grounds to conclude that a violation of this chapter has occurred a code violation citation may be issued.

(h) In the event the fire district receives a call regarding an STR unit, the fire district may contact the responsible party of the STR. In the event the responsible agent does not answer the fire district's telephone call, the fire district representative may leave a voice message requesting a return call. It shall be a violation of this code for the responsible agent to fail to respond to the fire district representative's telephone call within one hour of the representative leaving a voice message. Nothing in this section shall restrict the ability of the fire district to respond to a call for service.

## **6. Permit renewal and appeal process.**

(a) If two or fewer code violations have been filed related to the subject property in the previous 12 months and the applicant is current on all taxes, fees and other charges owed the town, the applicant is only required to purchase a new yearly permit during the month of January of every year.

(b) If three or more code violations have been filed related to the subject property in the previous 12 months, there shall be no renewal of the permit. All future permit applications for the property shall be treated as new applications. The Board of Trustees may prohibit the approval of any permit that has been revoked or not eligible for renewal pursuant to this section for one year or such other period of time as the Board of Trustees deems reasonably appropriate.

(c) Applicants seeking an appeal shall do so in writing within 10 business days of the date of the notice of denial or revocation to the town manager or designee. The notice of appeal shall contain the following information:

- (1) Name of property owner.
- (2) Name of registration holder.
- (3) Property address and legal description.
- (4) Date of violation(s).

- (5) Copy of notice of the violation(s).
  - (6) Brief statement of grounds for appeal.
  - (7) Any documentation the property owner or registration holder wants considered.
  - (8) Names, addresses, email address, and telephone number for contacting the appellant.
- (d) Appeals are to be heard by the board of trustees within 30 days of receipt of notice of appeal.
- (e) The board of trustees shall review the denial or revocation of a permit and shall only overturn the manager's or designee's determination if the board finds the decision to be arbitrary and capricious.

## **7. Rules and regulations.**

It shall be a violation of this chapter for the owner or short-term rental tenants to fail to comply with the following rules and regulations:

- (a) All short-term tenants shall abide by all applicable noise, open fire, housing and public health ordinances and codes of the town and all other town fire and safety regulations.
- (b) A site plan showing adequate parking shall be supplied at the time of application. Parking in private driveways shall be utilized first with overflow parking on the street if permitted. No on street parking is allowed in residential neighborhoods without prior approval of the Town Manager. Occupants must comply with all town parking regulations.
- (c) The town-issued permit number shall be used in all rental marketing materials. It shall be considered a code violation if false or misleading occupancy marketing materials are posted.
- (d) During the term that a short-term rental unit is occupied by a short-term rental tenant, the owner and/or responsible agent shall be available 24 hours per day, seven days a week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short-term rental unit and its tenants. If the local responsible agent designated by the owner changes then the owner shall update the permit on file within three business days.
- (e) A clearly defined trash storage area and Bear-proof trash containers shall be provided by the applicant if trash is to be stored outside. The property shall be free of trash and debris.
- (f) Short-term rental properties must comply with the town sign code.
- (g) The maximum occupancy of a short-term rental unit shall be determined by the Fire Department during the mandatory initial fire inspection by using the square footage of the residential unit.

(h) The property owner or property manager shall post the following information in a prominent location within the unit:

- (1) Copy of approved short-term rental permit.
- (2) Primary and secondary 24-hour contact person.
- (3) Maximum occupancy permitted. The posting shall include a statement that it is a code violation of the short-term rental permit for the number of occupants to exceed the permitted occupancy.
- (4) Maximum parking spaces and location on the property where parking is permitted and a statement that parking in non-designated areas is prohibited.
- (5) Notice of Short-Term Rental Rules shall be clearly posted in a conspicuous location
- (6) Identify the location of the garbage storage areas on the property and the location of the Hinsdale County Transfer Station and its operating hours.

(n) The unit address shall be clearly marked and visible from the roadway with a minimum of three-inch reflective or high contrast numbers.

(o) To ensure the health, safety, and welfare of short-term renters, the following safety equipment must be installed and safety measures must be taken in the Short Term Rental (“STR”) unit:

- (1) Smoke detectors inside and outside all sleeping areas of the STR (IFC 2015 907.2.11.2)
- (2) Carbon monoxide detectors on every floor of the STR near sleeping areas and near gas fueled boilers, furnaces, fireplaces, and where an attached garage exist (IFC 2015 915.1.1);
- (3) One 2A/10BC Fire Extinguisher (IFC 2015 906.1)
- (4) Egress doors and windows must remain operable and cleared of snow, debris or any other obstruction.

(p) Within 60 days of application for an STR permit or application for renewal of such permit, the town manager or his/her designated representative may enter upon and inspect the STR to ensure compliance with the provisions of this chapter. Such entry and inspection shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m. and after providing the responsible agent of the STR at least three days’ written notice of the town’s intent to inspect.

## **8. Penalties and revocation.**

(a) Code and permit violation penalties for violation occurring within a 12-month rolling period may be enforced as follows:

- (1) First offense: warning.
- (2) Second offense: \$500.00.
- (3) Third and subsequent offenses: up to \$2,650 and/or revocation of permit.

Section 2. Validity. If any part 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 Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS \_\_\_ DAY OF AUGUST, 2023.**

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

**ATTEST:**

**BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO**

\_\_\_\_\_  
Jonathan Broadway  
Town Clerk

By: \_\_\_\_\_  
Dave Roberts  
Mayor



**TOWN OF LAKE CITY  
BOARD OF TRUSTEES  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 12 OF THE LAKE CITY  
TOWN CODE REGARDING HISTORICAL PRESERVATION**

**WHEREAS**, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

**WHEREAS**, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

**WHEREAS**, the existing Chapter 12 of the Code fosters civic pride in the beauty and accomplishments of the past and promotes the use of the historic district for the education and pleasure of the Town’s citizens, while protecting the scenic and historic atmosphere and character of the Town; and

**WHEREAS**, the existing Chapter 12 of the Code also protects the Town’s economy by protecting and enhancing the Town’s attractions for visitors, and preserving and protecting the continued existence of historical structures and sites within town while drawing a reasonable balance between the desires of property owners and the preservation of Town’s heritage; and

**WHEREAS**, the Board finds is necessary and appropriate to revise Chapter 12 of the Code to ensure historical preservation and protection of the Town historical district and buildings as well as encourage and protect the health, safety and welfare of the residents and visitor of the Town of Lake City.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF LAKE CITY AS FOLLOWS:**

Section 1. Chapter 12 of the Town of Lake City municipal Code is hereby repealed in its entirety and amended by adding the following language to read in its entirety as follows:

**Chapter 12 - HISTORICAL PRESERVATION<sup>[1]</sup>**

Footnotes:

--- (1) ---

**State Law reference**— Tax credits for qualified costs in connection with preservation of historic properties, C.R.S. § 39-22-514.

### **Sec. 12-1. - General provisions.**

- (a) Purposes. The purposes of these regulations are to:
  - (1) Foster civic pride in the beauty and accomplishments of the past and promote the use of the historic district for the education and pleasure of the town's citizens.
  - (2) Protect the unique scenic and historic atmosphere and character of the town and protect the architectural, cultural and aesthetic heritage of the town.
  - (3) Strengthen the town's economy by protecting and enhancing the town's attractions for visitors.
  - (4) Preserve and protect the continued existence of historical structures and sites within the town.
  - (5) Draw a reasonable balance between the desires of property owners and the preservation of the town's heritage, while avoiding the imposition of an unreasonable economic hardship.
  - (6) Prevent the use of materials or design in the repair, construction, reconstruction or remodeling of structures which:
    - a. Adversely affect other property values, the benefits of occupancy of other property, or the desirability of the district or other designated properties for business and residential purposes; or
    - b. Are hazardous or are incompatible with the historic character of the district or other designated properties.
- (b) These historical preservation regulations shall be considered as a part of the town's zoning ordinances and regulations and shall be amended in accordance with the procedure for amending zoning ordinances; provided, however, neither the board of zoning adjustment nor board of appeals shall have any authority to grant any variance from these regulations.
- (c) These historical preservation regulations shall apply within the historical preservation district or other designated properties, in addition to the town's zoning, building, subdivision and other ordinances and regulations. In all cases of conflict, the regulations which are more restrictive or limiting shall apply.
- (d) These regulations shall be interpreted and administered to promote the spirit of these regulations, to promote public health, safety and welfare, and to achieve substantial justice.

### **Sec. 12-2. - Designation of historical preservation district.**

- (a) The following area which has been designated as a historic district on the National Register of Historic Places is hereby designated as the historical preservation district of the town:

Foote and Richardson's addition to the Town of Lake City; that part of the Town of Lake City lying southerly of 8th Street, and westerly of Lake Street, according to the official plat of the Town of Lake City, Colorado; and the West Lake, Casco and Bluff additions to the Town of Lake City.



- (b) The board finds that the foregoing described area of the town has a unique character of historical importance which should be preserved and protected. This area includes all of the buildings and structures in the town built before 1900. Consideration of the design of these pre-1900 structures and equipment shall take precedence in applying these regulations.
- (c) The Board further finds railcar 211 constitutes a historical equipment structure that is essential to restore, preserve, and protect due to its unique characteristics and historical significance.

**Sec. 12-3. - Establishment of Town Historic Register and Designation Criteria.**

- (a) The Town of Lake City hereby establishes a Register of Historic Places (the “Town’s Historic Register”).
  - (1) Properties, equipment, or districts may be listed in the Town’s Historic Register only if such property or district has been so designated pursuant to this ordinance.
  - (2) All properties or districts listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town’s Historic Register, but are not designated until approval, pursuant to this ordinance, is obtained.
- (b) Eligibility Criteria
  - (1) Properties shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
    - a. Association with events that have made a significant contribution to history;
    - b. Connection with persons significant in history;
    - c. Distinctive characteristics of a type, period, method of Construction, or artisan;
    - d. Geographic importance; and/or
    - e. Possibility to yield important information related to prehistory or history.
  - (2) A property may be exempted from the age standard if the Town Board of Trustees finds it to be exceptionally important in other criteria.
- (c) Integrity Criteria. All properties shall be evaluated for their physical integrity using the following criteria: Location, Design, Setting, Materials, Workmanship, Feeling, Association.
- (d) Designation Procedure
  - (1) Nomination and Application
    - a. Applications shall be submitted to the Town Clerk for consideration on a form provided by the Town’s Historic Preservation Commission (“HPC”).
    - b. A nomination for listing in the Town’s Historic Register may be made by: a) the Owner or Owners of the Property or Properties to be designated, b) a member or members of the Historic Preservation Commission or other interested persons, with permission from the property owner.
    - c. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.

(2) Designation Hearing

- a. Within 45 days after an application is determined complete, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the HPC.
  - i. The HPC shall provide notice of the date, time and location of the public hearing to the Applicant, the Owner or Owners of record, the Owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the Properties nominated for designation at least 10 days prior to the hearing.
  - ii. A legal notice indicating the nature of the hearing, the Property involved, and the time, date and place of the scheduled public hearing, shall be published in the Town's publication of record at least 10 days prior to the hearing.
  - iii. The notice shall be posted at the Property's physical location at least 10 days prior to the hearing.
- b. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 30 days without the express consent of the Applicant.
- c. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent the HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- d. Transcripts of the hearings are not required; however, the HPC's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an Owner or holder of some interest in the Property nominated for designation, or represents such Owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.

(3) Commission Review

- a. The HPC shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
- b. The HPC shall recommend: Approval, Approval with conditions, or Denial of the application.
- c. The HPC shall set forth in writing its findings of fact which constitute the basis of its recommendation.

(4) Town Board of Trustees Proceedings. Within 30 days after receipt of the HPC's approval of an application, the Town Board of Trustees shall hold a public hearing to consider adopting by ordinance those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities assigned therein to the HPC.

- b. The Town Board of Trustees shall review the application for conformance with this ordinance.
- c. The Town Board of Trustees shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the HPC's recommendations.
- d. The Town shall provide a copy of the results of the Town Board of Trustees's final action to the Applicant/Applicants, all Owners of record, the Building Official, and any other person who has requested in writing to receive the same.

(5) Recording of Designation.

Within 30 days of the effective date of an ordinance designating a Historic Property or Historic District for preservation, the Town shall record the ordinance with the clerk and recorder of Hinsdale County.

(6) Records

The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.

(7) Limitation on Resubmission and Reconsideration of Proposed Designation.

Whenever the HPC or the Town Board of Trustees denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application unless the Commission or Town Board of Trustees has denied based on a request for additional information.

(8) Appeal of HPC's Denial of Application.

- a. Applicant(s) and/or Owner(s) shall have the right to appeal such decision to the Town Board of Trustees by filing a written notice within 15 days after the date of receipt of the HPC's denial. Such written notice shall specify the factual and legal basis for the appeal.
- b. Within 45 days after an appeal is received by the Town Clerk, or within a time frame agreed upon by the Applicant(s) and/or Owner(s) and the Town, a public hearing shall be held by the Town Board of Trustees.
- c. Notice of the Town Board of Trustee's consideration of the appeal and hearing shall be provided in accordance with Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the HPC.
- d. The Town Board of Trustees may consider the notice of appeal, the Commission's reasons for denial of the application, and the comments related thereto made during the Commission hearing.

- e. If the Town Board of Trustees finds the Commission's denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information could, in the opinion of the Town Board of Trustees, change the Commission's denial of said application, then the entire matter shall be remanded by the Town Board of Trustees to the Commission for its consideration.
- f. The decision of the Town Board of Trustees shall be final.

(9) Amendment of Designation

- a. Designation of a Historic Property or Historic District may be amended to add features or Properties to such Historic Property or Historic District under the procedures prescribed hereinabove.
- b. Upon the Commission's decision to amend a designation, the Commission shall promptly notify the Owners of the Historic Property and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the amendment, and schedule the resolution for Town Board of Trustees review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.

(10) Revocation of Designation

- a. If a Historic Property or Historic District has been Altered to a degree that it no longer retains its historic Integrity, the Owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the Town Board of Trustees in the absence of the Owner's application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
- b. Upon the Commission's decision to revoke a designation, the Commission shall promptly notify the Owners of the Historic Property or Historic District and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property stating notice of the revocation, and schedule the resolution for Town Board of Trustee review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.

**Sec. 12-4. - Review procedure for building permits.**

- (a) In addition to the other requirements of town ordinances and regulations, all applications for building permits within the historical preservation district shall be accompanied by a drawing, picture or scale model, which shows the exterior surfaces of the structure as proposed to be constructed, repaired, reconstructed or remodeled, in sufficient detail and reasonably adequate to depict the finished appearance of the structure and its relation to any location on its building site. It shall also be accompanied by an indication of the type of exterior materials, colors, and finishes proposed to be used.

- (b) In the event the building inspector determines from any pertinent application for a building permit that no material change will result in the exterior appearance of the historical structure, no further review under these regulations shall be required and the building permit may be processed in the ordinary manner by the building inspector. Otherwise, if any material change to the exterior appearance of the structure is anticipated, the building permit application shall be referred to the historic preservation commission for further consideration pursuant to subsection (c) of this section. Small buildings, by way of example and not limitation a storage shed, which do not require building permits, still require a certificate of appropriateness.
- (c) If, upon pertinent review of a building permit application, the historic preservation commission determines that the following criteria have been met, it shall issue a certificate of appropriateness:
  - (1) The application is complete in accordance with subsection (a) of this section; and
  - (2) No conditions need to be required; and
  - (3) The application as submitted is in complete compliance with the criteria of section 12-5, as amended, beyond any reasonable doubt.
- (d) If the historic preservation commission determines that the application for a building permit does not qualify for a certificate of appropriateness pursuant to subsection (c) of this section, the applicant may request further review by the board of trustees. In the event of such request, the application shall be referred to the board of trustees for its review at its next regular meeting.
- (e) In the course of reviewing any application for a building permit referred to it by the historic preservation commission, the board shall consider the application's compliance with the criteria set forth in section 12-5, as amended. In all cases, the burden shall be upon the applicant to prove that the criteria of said section have been fully met, thereby entitling the applicant to approval of the subject building permit. The board may continue its review process from time to time, as it deems appropriate. However, if the board fails to render a decision on the application within 45 days of the first regular meeting at which the matter is presented for review, the certificate of appropriateness shall be deemed approved, unless the applicant consents to a further extension of time.
- (f) The board may either approve or deny the application, based upon the criteria of section 12-5, as amended. It may also conditionally approve the application, if the applicant agrees to comply with the board's stated conditions. Such conditions shall be expressly incorporated into the certificate of appropriateness and the ultimate building permit. No certificate of occupancy may be issued until such conditions have been completely fulfilled.
- (g) The board may, but need not, issue written findings in support of any final decision made under this section.
- (h) Following any approval of the pertinent application and issuance of a certificate of appropriateness, the building inspector may issue the building permit, provided that all other applicable requirements of town building regulations and other ordinances are met. No building permit shall be issued unless and until the board has approved the application and issued a certificate of appropriateness.

### **Sec. 12-5. - Criteria for approval.**

- (a) In order for the board or historic preservation commission to grant a certificate of appropriateness for any application for a building permit, the board or commission shall determine that the application meets the following criteria:
  - (1) The proposed work is consistent with and promotes the purposes of these regulations, as set out in section 12-1(a).
  - (2) With respect to an existing structure, the proposed work will not adversely materially affect its historical quality and value.
  - (3) The proposed work will have no adverse material effect on the character of the historic preservation district as a whole, of the immediate area, or of other structures within the historic preservation district.
- (b) In determining compliance with the criteria of this section, the board shall consider the following:
  - (1) The effect upon the general historical and architectural character of the structure and area.
  - (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures in the area.
  - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done.
  - (4) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure or area.
  - (5) The use to which the structure or area will be put.
  - (6) The condition of existing improvements and whether or not they are a hazard to public health and safety.
  - (7) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to other structures and sites within the area and district.
  - (8) The compatibility of accessory structures and fences with the main structure on the site, with other structures and with the character of the district.
  - (9) Substantial compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects."
  - (10) Compliance with any Design Guidelines adopted by the Town.

### **Sec. 12-6. - Historic preservation commission.**

- (a) *Members.* The historic preservation commission shall consist of five members with demonstrated interest, knowledge, or training in fields closely related to historic preservation, such as architecture, landscape architecture, history of the community, real estate, law, city planning, fine arts, general contracting, education, commerce or industry. At least two of the members shall be professionals within such fields. Member shall be residents of the county.

Members shall be appointed by the board of trustees after a review of applications. The town will advertise any openings for the historic preservation commission to solicit applications for consideration. Appointments will be made in January of any year in which there is an opening.

- (b) *Terms.* The historic preservation commission terms start on January 1 of each calendar year. Three of the initial members will serve a two-year term, and two will serve three-year terms. Thereafter, all members will serve two-year terms.
- (c) *Removal and resignations.* If any member resigns prior to completing their term, the board of trustees may appoint a new member to complete the term of the resigning member. A member who fails to abide by the historic preservation commission bylaws, as established, or fails to perform his function can be removed by a majority vote of the board of trustees.
- (d) *Powers and duties.* The members of the historic preservation commission shall serve in an advisory capacity to the board of trustees, and shall have principal responsibility for matters of historical preservation. The powers, duties and responsibilities of the historic preservation commission shall be as set forth by the board of trustees resolution.
- (e) *Compensation.* Members of the historic preservation commission shall serve without compensation. To the extent authorized by the board of trustees, such members may be reimbursed for expenses necessarily incurred incidental to their duties for the historic preservation commission.
- (f) *Officers and bylaws.* The historic preservation commission members shall elect a chair and vice-chair, and such officers as it may require. The historic preservation commission shall make and adopt bylaws for governing its work, and it shall conduct its business in accordance with Roberts' Rules of Order.
- (g) *Administrative approvals.* The historic preservation commission ("HPC") may, through its Bylaws, designate certain types of certificate of appropriateness applications (e.g., fence or shed applications that clearly follow design guidelines) to be eligible for Town administrative approval, involving agreement of the HPC chair and the Town Manager or their designee. All other applications must go before the entire HPC board.
- (h) *Meetings.* The historic preservation commission shall act only at regularly scheduled meetings, which shall be held once per month at a time and day specified by resolution, or at meetings of which not less than five days' notice has been given; provided, however, that if the chair declares an emergency to exist, the historic preservation commission may meet upon one days' written notice. Absent the objection of any member, the chair may cancel or postpone a regularly scheduled meeting of the historic preservation commission.
- (i) *Quorum; action.* No official business of the historic preservation commission shall be conducted unless a quorum of not less than three members is present. The concurring vote of at least three members of the historic preservation commission is necessary to constitute an official act of the historic preservation commission. Official decisions of the historic preservation commission may be appealed to the board of trustees.

#### **Sec. 12-7. - Structure removal permits.**

- (a) It shall be unlawful to demolish or relocate any structure in the historic preservation district unless a removal permit is approved pursuant to this section.
- (b) Applications for a removal permit shall be submitted on forms provided by the town, which may require all information necessary or convenient for the administration of this section and, at a minimum, shall be accompanied by a drawing, picture or scale model, which shows the structure proposed to be removed and its relation to and location on its site.
- (c) All applications shall be reviewed by the historic preservation commission. If it determines that the following criteria are met, it shall issue a removal permit and forward a copy of it to the board of trustees:
  - (1) The application is complete in accordance with subsection (b) of this section.
  - (2) No conditions need to be required.
  - (3) The application, as submitted, meets the criteria of subsection (e) of this section beyond any reasonable doubt.
- (d) All applications for removal permits not approved pursuant to subsection (c) of this section shall be referred to the Board of Trustees for review for compliance with the criteria of subsection (e) of this section. The Board shall follow the same procedures for review as set out in section 12-4(e) through (g), but shall apply the criteria of subsection (e) of this section.
- (e) In order for a removal permit to be issued, the applicant must show that the building or structure:
  - (1) Has no historic significance and that its removal from the existing site will have no material adverse effect upon the overall character of the historic preservation district, taking into consideration the specific factors set forth in section 12-5(b);
  - (2) If it is to be relocated elsewhere within the historic preservation district, a building permit and certificate of appropriateness are or will be issued under section 12-4 and either:
    - a. It has no particular historic significance in relation to its historic site; or
    - b. Keeping it at its historic site will work severe and unreasonable economic hardship on its owner; or
  - (3) Is unsafe for any practical occupancy or use, and the cost of necessary repairs or improvements to allow a practical occupancy or use will exceed the structure's value upon completion or will otherwise result in a severe and unreasonable economic hardship for its owner.
- (f) In assessing the existence and degree of economic hardship to an applicant for obtaining a removal permit, the historic preservation commission, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:
  - (1) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the preservation commission for changes necessary for the issuance of a certificate of appropriateness;



- (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
  - (3) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the preservation commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
  - (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
  - (5) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
  - (6) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - (7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
  - (8) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - (9) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
  - (10) Assessed value of the property according to the two most recent assessments;
  - (11) Real estate taxes for the previous two years;
  - (12) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
  - (13) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the preservation commission to render a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (g) No approval for demolition of a building or structure in the historic preservation district shall be granted unless the historic preservation commission finds that all of the following standards are met:
- (1) The structure proposed for demolition is not structurally sound, despite evidence of the owner's efforts to properly maintain the structure;
  - (2) The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property;
  - (3) The structure cannot be practicably moved to another site in the town; and

- (4) The applicant demonstrates that the proposal mitigates, to the greatest extent practical, the following:
  - a. Any impacts that occur to the character of the neighborhood where demolition is proposed to occur;
  - b. Any impact on the historic significance of the structure or structures located on the parcel and adjacent parcels; and
  - c. Any impact on the architectural character and integrity of any other structure or structures located on the parcel and on adjacent parcels.

**Sec. 12-8. - Enforcement.**

- (a) It shall be unlawful for any person to violate any of the provisions of these regulations or any of the conditions included upon a building permit or certificate of appropriateness issued pursuant to these regulations.
- (b) The town may maintain an action in a court of competent jurisdiction for an injunction, or otherwise to enforce compliance with these regulations or any conditions issued hereunder.
- (c) No building permit, occupancy permit, subdivision plat approval or other permit or action of approval will be given, granted or issued by the town with respect to any structure or property in violation of any of the provisions of these regulations.
- (d) The town shall have recourse to any other remedies provided by law.

**Sec. 12-9. - Penalty.**

It shall be unlawful for any person to violate any of the provisions of this chapter. Any person convicted of such a violation may be punished in accordance with section 1-14 of the Lake City Municipal Code.

Section 2. Validity. If any part 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 Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 16TH DAY OF AUGUST, 2023.**

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

**ATTEST:**

**BOARD OF TRUSTEES OF THE  
TOWN OF LAKE CITY, COLORADO**

\_\_\_\_\_  
Jonathan Broadway  
Town Clerk

By: \_\_\_\_\_  
Dave Roberts  
Mayor

**Town of Lake City  
Bills Payable  
8/16/2023**

Vendor Name	Description	Invoice Amount	GL
1 Ben Hake	PR - Mileage to Montrose for Fence Supplies & Trees	\$267.24	GF
2 Big State Industrial Supply	PW - Diamond Blade, Gloves, First Aid Kit, Ear Plugs, etc.	\$1,476.59	WS
3 Bolinger and Queen	PW - Red Brass Bushings, Tubing Stiffner, Brass Nipples, etc.	\$1,284.62	WS
4 Caselle	TA - Contract Support and Maintenance 09/01/2023 to 09/30/2023	\$1,196.00	GF
5 CDPHE	PW - Annual Fee July 2023 - June 2024 Permit CO0040673	\$1,501.00	WS
6 CDPHE	PW - Annual Pretreatment Fee July 2023 - June 2024 for WWTP	\$92.00	WS
7 CenturyLink	PR - Ski Hill Phone	\$56.08	GF
8 CenturyLink	PW - WWTP Phone	\$74.07	WS
9 CenturyLink	PW - Well House Telemetry	\$166.59	WS
10 CenturyLink	PW - WWTP Internet	\$69.43	WS
11 City of Gunnison	PW - WWTP June Water Lab	\$145.00	WS
12 CONSOLIDATED CONSULTING SERVICES	SA - 3rd Street Project Consulting Services	\$12,412.50	GF
13 First Baptist Church	First Baptist Church Bible School Facility Use Deposit Refund	\$100.00	GF
14 Fitness Tech	PR - Treadmill Maintenance & Repair/Trip Charge	\$2,049.37	GF
15 Fullmer's Ace Hardware	PW - Odor Eliminator, Lysol Wipes, & Clorox	\$35.95	WS
16 Granicus	TA - Granicus Yearly Subscription/Address Identification	\$6,903.00	GF
17 Gunnison County Electric	PR - Acct 1905200 160 Spring Street Restroom	\$77.01	GF
18 Gunnison County Electric	TA - Acct 2218400 230 Bluff Street	\$402.22	GF
19 Gunnison County Electric	PR - Acct 2311100 Lake City Ice Wall CR20	\$36.00	GF
20 Gunnison County Electric	PR - Acct 2361100 CR20 North Ice Wall	\$38.50	GF
21 Gunnison County Electric	PR - Acct 679600 230 Silver Street	\$62.40	GF
22 Gunnison County Electric	TA - Acct 1287001 5th & Henson Xmas Light	\$38.50	GF
23 Gunnison County Electric	PR - Acct 664300 Ski Lift	\$60.41	GF
24 Gunnison County Electric	PW - Acct 155301 #2 Pump on Henson Creek	\$1,847.88	WS
25 Gunnison County Electric	PW - Acct 18401 #3 Pump in County Yard	\$1,030.45	WS
26 Gunnison County Electric	PW - Acct 23800 Lake City Substation Water Tank Control	\$38.50	WS
27 Gunnison County Electric	PW - Acct 551001 1 Water Tank Hill	\$39.56	WS
28 Gunnison County Electric	PW - Acct 155201 Sewer Plant	\$2,917.07	WS
29 Gunnison County Electric	PW - Acct 1637000 Sewer Plant Motor House N. Hotchkiss Street	\$44.72	WS
30 Hinsdale County	PR - Unleaded Fuel	\$101.87	GF
31 Hinsdale County	PR - Chamber Dumpster Share with TOLC	\$201.25	GF
32 Hinsdale County	SA - Road and Bridge Work for Mag Application on Town Streets	\$20,319.00	GF
33 Hinsdale County	PW - Transfer Station Dump Fees	\$164.75	WS
34 Hinsdale County	PW - Diesel & Unleaded Fuel	\$686.83	WS
35 Hinsdale County Clerk & Recorder	TA - 3 Plat Copies	\$15.00	GF
36 Lake City Arts Council	Lake City Arts Arts and Crafts Festival Facility Use Deposit Refund	\$300.00	GF
37 Old West Cowboys	Old West Cowboys Stickhorse Rodeo Facility Use Deposit Refund	\$300.00	GF
38 Pierre Gendron	Customer Utility Account Balance Refund	\$1,714.60	GF
39 Professional Document Solutions, Inc	TA - Town Hall Xerox Printer Usage July 2023	\$40.83	GF
40 Professional Document Solutions, Inc	PW - WWTP Xerox Printer Payment & Usage July 2023	\$158.20	WS
41 SGS North America, Inc	PW - State Forms Drinking Water, Nitrogen, Volatile Organics, Disposal Fee	\$348.12	WS
42 SGS North America, Inc	PW - State Forms Drinking Water, Haloacetic Acids, Disposal Fee, etc.	\$235.58	WS
43 Silver World Publishing	WWTP Bids Request, GBRT Ad, Trustee Ad, Legal Budget Amendment, Legal Emergency Ordinance	\$312.20	GF
44 Turner Automotive, Inc.	Replacement Key for Town Suburban That Was Lost at The CML Conference	\$20.17	GF
45 Utah's Inc.	PR - Armory & Parks Trash Removal	\$1,505.00	GF
46 Verizon	TA - BOT iPads	\$154.16	GF
47 Verizon	TA - Employee Cell Phones	\$243.55	GF
48 Visionary Broadband	Visionary Broadband Promo Booth Facility Use Deposit Refund	\$300.00	GF
49 Wilbur Ellis	PW - Sodium Hypochlorite	\$3,784.00	WS
50 Xerox Financial Services	TA - Xerox Copier Lease Payment & Equipment Protection Program	\$199.54	GF

Total Bills Payable August 16, 2023: \$65,567.31

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK



Alexander Mulhall &lt;townmanager@townoflakecity.co&gt;

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**Ocean Wave Dr.**

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**Sandy Hines** <sjhines11@gmail.com>

Mon, Aug 14, 2023 at 8:53 AM

To: daveroberts@townoflakecity.co, dianebruce@townoflakecity.co, Jessekendall@townoflakecity.co, henrywoods@townoflakecity.co, Triphorn@townoflakecity.co, doughamel@townoflakecity.co, ckambish@hinsdalecountysheriff.com, Alexander Mulhall <alexandermulhall@townoflakecity.co>

Good morning

The parking along the start of Ocean Wave Dr. is a hazard. Cars, trucks and RVs have been parking along both sides of the street all summer long. My assumption is they are parking to go to the Bakery or the Hangout restaurant. Vehicles are parked on both sides of the street blocking the roadway into one lane. I have seen cars parked in front of the stop sign ath Ocean Wave and Hwy 149.

We own the Utah's Sanitation shop across from the Hangout. This morning it was almost impossible for Joe to even get his pickup to our shop, to say nothing of trying to find a way to get the trash truck back out between all the vehicles that are parked everywhere.

This is an obvious safety issue as cars are blocking the roadway and making it almost impossible to drive in that area. My understanding is there are parking requirements for businesses in the Town of Lake City, but it seems they are not being followed. We have good relations with the businesses around us, but this parking issue has gotten out of hand.

Please address the issue of cars blocking Ocean Wave Dr.

Thank you

Joe Hearn  
Sandy Hines  
Utah's Sanitation

**TOWN OF LAKE CITY  
BOARD OF TRUSTEES  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING AND REPLACING SECTION 23-5 OF THE  
LAKE CITY TOWN CODE REGARDING SHORT TERM RENTALS**

**WHEREAS**, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

**WHEREAS**, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

**WHEREAS**, the existing Section 23-5 of the Code permits short term rentals in residential districts as a conditional use allowed by special permit and sets forth the process for application and issuance of the same; and

**WHEREAS**, the Board has considered amending the licensing and regulation of short term rentals within the Town of Lake City in response to various changes in housing availability and enforceability of the existing regulations; and

**WHEREAS**, the Board finds is necessary and appropriate to revise the Short Term Rental (“STR”) provisions of the Code to ensure the health, safety and welfare of the residents and visitor of the Town of Lake City.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF LAKE CITY AS FOLLOWS:**

Section 1. Section 23-5 of the Town of Lake City municipal Code is hereby repealed in its entirety and amended by adding the following language to read in its entirety as follows:

**Sec. 23-4. – Short Term Rentals**

**1. Permit Requirement**

(a) It shall be unlawful for any person to operate or advertise to rent any short-term rental unit without a valid short-term rental (“STR”) unit permit approved by the Town Manager or their designee.

(b) The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

(c) Any person found to be advertising for rent or renting a short-term rental unit without a permit will be notified by certified mail or other delivery method requiring the signature of the recipient to cease and desist all offending actions. Upon receipt of the notice, the offending party shall have 10 business days to correct the offending action. By way of example, and not limitation, resolutions may include removing the offending advertisement, ceasing the rental of the offending unit(s), obtaining a short-term rental permit, or other corrective action deemed acceptable by the Town Manager or their designee. After the 10 business day period has ended without correction of the offending action or upon any further violation, the offending party shall be determined to be in violation of this section and may be fined \$500 for each day the offending action continued.

(d) The requirements and restrictions of this chapter shall not apply to hotels, motels, lodges, or boarding houses. Short-term rentals are required to comply with IBC/IFC requirements for R-1 occupancies.

## **2. Permit Application**

Applicants for a short-term rental unit permit shall submit a completed application form which contains such information as required by this section and shall pay all fees required for the permit application. The application shall be reviewed administratively by the Town Manager or their designee who shall approve or deny the application within 10 working days of submittal or as soon thereafter as reasonable.

The permit application shall include:

(a) Standard town application;

(b) A separate short-term rental permit is required for every rental unit.

(c) The name, mailing address, physical address of the rental unit and contact information including a 24-hour contact phone number for the owner or the owner's property manager (responsible agent) who can be contacted in the event of an emergency and who, therefore, can promptly address the needs of guests occupying the short-term rental unit and can respond within one hour.

(d) Proof of insurance. The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

- (e) A narrative addressing all of the short-term rental unit permit review criteria showing how they will be met.
- (f) A statement that the owner has read and understands the rules and regulations for a short-term rental unit set forth in this chapter.
- (g) The application fee of \$100.
- (h) Sales Tax License. The property owner or property manager shall provide a current sales tax license for the short-term rental issued by the Colorado Dept. Of Revenue and shall be responsible for remitting sales tax and lodging tax.
- (I) Fire Department Inspection Report. All new registrations will be required to pass an fire inspection prior to short-term renting. Inspections must be scheduled 30 days prior to applying for a short-term rental license. Existing short-term rentals will need to complete and pass an inspection within the first year of this ordinance's effective date. A copy of the fire inspection report that includes the occupancy limit shall be submitted with the application.
- (j) Proof of ownership. Proof of ownership of the subject property on which the requested use subject to the permit is to be conducted satisfactory to the Town Manager or their designee.
- (k) Certificate of Occupancy. The property owner shall provide a copy of the Certificate of Occupancy that was issued by the Hinsdale County Building Department.
- (l) Proof of citizenship or other lawful presence in the United States in conformity with provisions of Colorado legislation.
- (m) Site Parking Plan. Property owner shall submit a site parking plan that shows adequate on-property parking shall be supplied.
- (n) Property Floor Plan. Property owner shall submit a floor plan of the property that clearly shows the number of bedrooms and where they are located.
- (o) Notice with contact information. Within five calendar days of filing an application with the town, the concerned applicant(s) shall mail, by certified mail with return receipt requested, on forms provided by the town, notice of the use for which the permit is being sought and 24 Hour contact information of the applicant and the property manager, to all owners of property adjoining the property for which each permit is requested, at the addresses of such owners as is shown by then-current records of the assessor of the county. Satisfactory proof of such certified mailing of notice to all such adjoining property owners must be submitted to the town manager no more than ten calendar days following the date of filing of the pertinent application.

### **3. Fee Schedule and Permit.**

- (a) The permit fee shall be per year per unit:



(1) Residential Zones: \$375.00.

(2) Non-Residential Zones: \$0.00

(b) No person, LLC, Corporation, or related entity shall be issued more than three (3) Short Term Rental permits with the Residential Zones of Lake City.

(c) The permit application fee is a one-time payment of \$100.00. The purpose of the fee is to finance the cost of administering and monitoring compliance of terms, conditions, and requirements for short-term rental operations.

(c) The permit must be posted within the short-term rental property within 10 days of final approval.

(d) The permit number must be included in all advertisements.

#### **4. Permit Criteria.**

The town manager or designee may approve or approve with conditions an application for a short-term rental unit permit if the following criteria and specific regulations are met:

(a) Sleeping quarters for short-term tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.), in commercial (office/retail) or outdoors (e.g., tent, etc.) or in a recreational vehicle.

(b) A separate short-term rental permit is required for each rental unit with the following limits:

##### 1. Residential Zones

- A. Any individual, related individual, corporation, limited liability company, or other entity may not be eligible to obtain more than three (3) STR permits per person, related person or entity in the Residential Zones without
- B. Maximum number of STR Permits Issued shall be limited to 43 STR Permits (the “STR Permit Cap”), representing 15% of the total number of residential units in the Residential Zones at the time of passage of this Ordinance. Upon request, this number may be adjusted with approval of the Board of Trustees.
- C. Qualifying STR Permits will be granted in the order in which they are received up to the STR Permit Cap. If an application is received after the STR Permit Cap is reached then the applicant will be put on a waiting list. In the event that a permit is not renewed or is revoked then a permit will be issued to the next applicant on the waiting list.

##### 2. Non-Residential Zones

- A. There shall be no restriction on the number of STR Permits issued in the Non-Residential Zones.
- B. There shall be no limit to the number of STR permits that can be issued to an individual, Corporation, limited liability company, or other entity.

(c) The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

(d) Short-term rental units must remain compliant with all planning, zoning, building, health, fire and town codes.

(e) The owner shall not have had a short-term rental unit permit revoked within the preceding 12 months.

## **5. Complaint procedure**

(a) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made to the town by contacting the Lake City Town Office. The subject of the complaint may include without limitations such things as violations of the parking, trash, noise or other requirements related to short-term rental units as provided in this chapter or in the issued permit.

(b) When a complaint concerning a short-term rental unit has been received, the Town Manager, code enforcement officer, or their designee will attempt to contact the responsible agent for the short-term rental unit using the contact number on file. In the event the responsible agent does not answer the officer's telephone call, the officer may leave a voice message requesting a return call. It shall be a violation of this code, for the responsible agent to fail to respond to the officer's telephone call within one hour of the officer leaving a voice message. When the responsible agent is reached by telephone, the agent will be informed of the details of the complaint.

(c) The responsible agent is required to attempt to address the issue that was the subject of the complaint within one hour of having been notified. A responsible agent shall initially respond to a complaint by contacting the renter of the short-term rental by telephone, electronic methods or in person and requesting the renter take such action as is necessary to eliminate the violation that is the subject of the complaint. A proper response to a complaint may also require the responsible agent to visit the short-term rental unit to attempt to eliminate the violation identified by the complaint.

(d) A responsible agent is not required to and should not place themselves in a situation that could cause them physical harm or cause a public disturbance in order to address a complaint.

(e) The responsible agent shall promptly notify the Town if the agent believes that the complaint has been successfully eliminated by the agent. If the town does not receive notification from the

responsible agent that the complaint has been successfully eliminated within one hour of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully eliminated and the complaining party may follow up with the town about the complaint.

(f) If the complaint involves the immediate health or safety of any person or property and the complaint was not eliminated, the responsible agent shall immediately contact the Hinsdale County Sheriff's Office and follow all direction(s) given to the agent by the police department.

(g) If the responsible agent fails to respond to a complaint within one hour as required by this section, the Town of Lake City code enforcement officer shall investigate the matter. If the officer determines that there are reasonable grounds to conclude that a violation of this chapter has occurred a code violation citation may be issued.

(h) In the event the fire district receives a call regarding an STR unit, the fire district may contact the responsible party of the STR. In the event the responsible agent does not answer the fire district's telephone call, the fire district representative may leave a voice message requesting a return call. It shall be a violation of this code for the responsible agent to fail to respond to the fire district representative's telephone call within one hour of the representative leaving a voice message. Nothing in this section shall restrict the ability of the fire district to respond to a call for service.

## **6. Permit renewal and appeal process.**

(a) If two or fewer code violations have been filed related to the subject property in the previous 12 months and the applicant is current on all taxes, fees and other charges owed the town, the applicant is only required to purchase a new yearly permit during the month of January of every year.

(b) If three or more code violations have been filed related to the subject property in the previous 12 months, there shall be no renewal of the permit. All future permit applications for the property shall be treated as new applications. The Board of Trustees may prohibit the approval of any permit that has been revoked or not eligible for renewal pursuant to this section for one year or such other period of time as the Board of Trustees deems reasonably appropriate.

(c) Applicants seeking an appeal shall do so in writing within 10 business days of the date of the notice of denial or revocation to the town manager or designee. The notice of appeal shall contain the following information:

- (1) Name of property owner.
- (2) Name of registration holder.
- (3) Property address and legal description.
- (4) Date of violation(s).

- (5) Copy of notice of the violation(s).
  - (6) Brief statement of grounds for appeal.
  - (7) Any documentation the property owner or registration holder wants considered.
  - (8) Names, addresses, email address, and telephone number for contacting the appellant.
- (d) Appeals are to be heard by the board of trustees within 30 days of receipt of notice of appeal.
- (e) The board of trustees shall review the denial or revocation of a permit and shall only overturn the manager's or designee's determination if the board finds the decision to be arbitrary and capricious.

## **7. Rules and regulations.**

It shall be a violation of this chapter for the owner or short-term rental tenants to fail to comply with the following rules and regulations:

- (a) All short-term tenants shall abide by all applicable noise, open fire, housing and public health ordinances and codes of the town and all other town fire and safety regulations.
- (b) A site plan showing adequate parking shall be supplied at the time of application. Parking in private driveways shall be utilized first with overflow parking on the street if permitted. No on street parking is allowed in residential neighborhoods without prior approval of the Town Manager. Occupants must comply with all town parking regulations.
- (c) The town-issued permit number shall be used in all rental marketing materials. It shall be considered a code violation if false or misleading occupancy marketing materials are posted.
- (d) During the term that a short-term rental unit is occupied by a short-term rental tenant, the owner and/or responsible agent shall be available 24 hours per day, seven days a week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short-term rental unit and its tenants. If the local responsible agent designated by the owner changes then the owner shall update the permit on file within three business days.
- (e) A clearly defined trash storage area and Bear-proof trash containers shall be provided by the applicant if trash is to be stored outside. The property shall be free of trash and debris.
- (f) Short-term rental properties must comply with the town sign code.
- (g) The maximum occupancy of a short-term rental unit shall be determined by the Fire Department during the mandatory initial fire inspection by using the square footage of the residential unit.

(h) The property owner or property manager shall post the following information in a prominent location within the unit:

- (1) Copy of approved short-term rental permit.
- (2) Primary and secondary 24-hour contact person.
- (3) Maximum occupancy permitted. The posting shall include a statement that it is a code violation of the short-term rental permit for the number of occupants to exceed the permitted occupancy.
- (4) Maximum parking spaces and location on the property where parking is permitted and a statement that parking in non-designated areas is prohibited.
- (5) Notice of Short-Term Rental Rules shall be clearly posted in a conspicuous location
- (6) Identify the location of the garbage storage areas on the property and the location of the Hinsdale County Transfer Station and its operating hours.

(n) The unit address shall be clearly marked and visible from the roadway with a minimum of three-inch reflective or high contrast numbers.

(o) To ensure the health, safety, and welfare of short-term renters, the following safety equipment must be installed and safety measures must be taken in the Short Term Rental (“STR”) unit:

- (1) Smoke detectors inside and outside all sleeping areas of the STR (IFC 2015 907.2.11.2)
- (2) Carbon monoxide detectors on every floor of the STR near sleeping areas and near gas fueled boilers, furnaces, fireplaces, and where an attached garage exist (IFC 2015 915.1.1);
- (3) One 2A/10BC Fire Extinguisher (IFC 2015 906.1)
- (4) Egress doors and windows must remain operable and cleared of snow, debris or any other obstruction.

(p) Within 60 days of application for an STR permit or application for renewal of such permit, the town manager or his/her designated representative may enter upon and inspect the STR to ensure compliance with the provisions of this chapter. Such entry and inspection shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m. and after providing the responsible agent of the STR at least three days’ written notice of the town’s intent to inspect.

## **8. Penalties and revocation.**

(a) Code and permit violation penalties for violation occurring within a 12-month rolling period may be enforced as follows:

- (1) First offense: warning.
- (2) Second offense: \$500.00.
- (3) Third and subsequent offenses: up to \$2,650 and/or revocation of permit.

Section 2. Validity. If any part 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 Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS \_\_\_ DAY OF AUGUST, 2023.**

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

**ATTEST:**

**BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO**

\_\_\_\_\_  
Jonathan Broadway  
Town Clerk

By: \_\_\_\_\_  
Dave Roberts  
Mayor

