

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 18
ORDINANCE NO. 1723
Series 2021**

TITLE: AN ORDINANCE AMENDING CHAPTER 11 OF THE WHEAT RIDGE CODE OF LAWS BY THE ADDITION OF A NEW ARTICLE XIV ENTITLED HOTEL LICENSES AND IN CONNECTION THEREWITH, ADDING REFERENCE TO EXTENDED STAY LODGING IN CHAPTER 26 USE SCHEDULES

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

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, within the City there are presently nine hotels with a total of approximately 972 rooms; and

WHEREAS, while these nine hotels represent less than .05% of the total number of households and businesses in the City, the calls for service from the City's Police Department to these establishments constitute approximately 10% of the total police calls; and

WHEREAS, in order to address the significant public safety and related concerns involving hotels and motels within the City, City Council has determined that it is necessary to adopt the licensing program for hotels as contained herein; and

WHEREAS, the Council further finds that hotels used for long-term housing should include minimal amenities sufficient to provide a safe and healthful environment for persons relying upon such housing.

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

Section 1. Hotel licensing program established. Chapter 11 of the Wheat Ridge Code of Laws concerning licenses, permits, and miscellaneous business Regulations, is hereby amended by the addition of a new Article XIV, entitled Hotel Licenses, to read as follows:

ARTICLE XIV HOTEL LICENSES

Sec. 11-500 Findings.

The City Council finds this article is needed for the protection of the health and safety of the public, and further to that end, finds as follows:

- (a) Calls for service at hotels within the City are disproportionately higher than other businesses and residences. The use of police department resources in responding to these calls for service is excessive.
- (b) The nature of calls for service at hotels include unwanted parties, disturbances, welfare checks, theft, suspicious persons and vehicles, drug calls, domestic violence, assaults, motor vehicle thefts and motor vehicle recoveries.
- (c) Hotels with high calls for service evolve into nodes of illegal activity, including drug dealing, prostitution and other illicit behaviors.
- (d) Adopting stronger local requirements to limit illegal activities in hotels and motels is an essential tool to further combat economic blight in the City.
- (e) It is necessary to establish and enforce standards for hotels by providing for a separate licensing system, including inspection and revocation or suspension of licenses if determined that the hotel is not operated consistent with established standards and/or contributes disproportionately to calls for services or documented rates of illegal activity.

Sec. 11-501 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Calls for service are public initiated dispatched calls for police assistance that are generated by the community, through a call or text to 911 or the non-emergency line.

Calls for service rate is equal to the total calls for service at the *licensed premises* divided by the total number of hotel rooms in the applicable period.

Extended stay lodging is the renting of a hotel room for a duration of stay greater than 29 consecutive days. Extended stay lodging includes transient lodging establishments constructed and operated to provide accommodations for longer term stays by including additional common area amenities and in-room cooking facilities beyond what might be provided in the standard hotel establishment.

Hotel is a transient lodging establishment renting individual rooms for temporary occupancy and typically not including facilities for cooking. The term "hotel" includes establishments also known as "motels."

Licensed premises include a hotel and its buildings, land, parking areas and accessory structures.

Sec. 11–502. License required; licensee fee; license renewals.

- (a) Issuance: No person shall conduct or operate a hotel without first having obtained a hotel license issued by the City as required by this article. This requirement to obtain a hotel license is in addition to the requirement to obtain a business license pursuant to article II of this chapter. Applicants for a hotel license shall pay the applicable fee.
- (b) Renewal: The renewal of an existing hotel license issued pursuant to this article shall be granted upon the payment of the annual license fee and the filing of a completed renewal application in the form set forth in section 11-503 with the treasurer at the same time as the renewal application for the business license for the hotel. The treasurer may waive the timely filing requirement if the licensee demonstrates in writing that the failure to complete timely filing is not solely the result of neglect.
- (c) The failure to approve or renew or the denial or revocation of either the hotel license or the business license for that operation shall automatically revoke the corresponding business or hotel license, as applicable.
- (d) Term: The term of a hotel license shall be one year and shall run concurrently with the associated business license under Article II of this chapter.

Sec. 11-503. Application form; processing.

- (a) All applicants for a hotel license shall file a completed application with the treasurer on forms provided by the treasurer.
- (b) The completed application shall contain the following information and shall be accompanied by the following documents:
 - (1) The business name and address of the applicant. If the applicant intends to operate the hotel under a name other than that of the applicant, the applicant shall state the business name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
 - (2) Each individual applicant, partner of a partnership, managing officer or managing director of a corporation, the manager of a limited liability company and all business managers shall be named in each application form.
 - (3) If the applicant is:
 - a. An individual, the individual shall state such person's legal name and any aliases and submit satisfactory proof that the individual is eighteen (18) years of age or older;

- b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and provide a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado, the names and capacity of all officers, directors, and the name of the registered corporate agent and the address of the registered office for service of process;
 - d. A limited liability company, the company shall state its complete name, the date of its formation, evidence that the company is in good standing under the statutes of the State of Colorado, or in the case of a foreign company, evidence that it is currently authorized to do business in the State of Colorado and the name of its members, the manager, and registered agent and the address of the registered office for service of process.
- (4) The location of the hotel, including a legal description of the property, street address, and telephone number(s).
 - (5) For renewal applications, proof of compliance with requirements outlined in Section 11-504.

Sec. 11-504. Eligibility requirements for hotel license. No hotel license shall be issued or maintained under this article unless and until the applicant provides sufficient information to establish, and the treasurer reviews and determines the sufficiency of the same, of the following requirements:

- (a) The applicant shall have achieved and maintained a call for service (CFS) rate of 1.8 within twelve (12) months of obtaining a hotel license. The required CFS rate shall be decreased to 1.5 on January 1, 2023. The City may in its sole discretion permit extensions of the twelve (12) month period, not to exceed a total of an additional six (6) months during which time the hotel license shall be deemed extended.
- (b) The applicant shall demonstrate participation in the City's certified crime free hotel/motel program, as evidenced by the approval of the Wheat Ridge Police Department.
- (c) The applicant shall have made all necessary corrective actions in response to matters identified through the City's most recent annual hotel/motel inspection program report for the subject location, which program is enforced through the City's police and community development departments, in cooperation with applicable fire protection districts.

- (d) The applicant shall demonstrate compliance with the City's landscape inspection program, as applicable and as certified by the Community Development Department.
- (e) The applicant shall demonstrate compliance with the applicable series of adopted international building and property codes applicable to the subject property, including the International Property Maintenance Code, as demonstrated by certification from the City's chief building official.
- (f) The applicant shall establish and maintain an approved security plan, including crime prevention through environmental design, video surveillance, security guards, fencing, and lighting, as approved by the City's police department.

Sec. 11-505. Approval or denial of application

- (a) A completed license application shall be reviewed by the Police Department prior to action by the treasurer. The application shall be approved or denied by the treasurer within thirty (30) days of the date of filing. The application shall be denied if:
 - (1) the applicant fails to satisfy the eligibility requirements of section 11-504;
 - (2) the application or any investigation performed or ordered by the city establishes that the proposed licensee fails to conform to any requirement of this article, the Wheat Ridge Code of Laws or other applicable law; and
 - (3) the applicant knowingly made a false statement or knowingly gave false information in connection with the application; or
 - (4) the applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed against the applicant.
- (b) Nothing in this article shall prevent the treasurer from revoking approval if it is discovered that the application contained or included false or incorrect statements, or information which would otherwise constitute sufficient grounds for the denial of the application. The decision of the treasurer to approve or deny a license application shall not be construed as a quasi-judicial act but shall be a final administrative decision of the City.
- (c) In the event the treasurer denies the license application the treasurer shall prepare a decision stating the reasons or basis for the denial. A copy of the findings and decision shall be sent to the address of the applicant as shown on the application within 10 days after the date of denial. The denial shall become a final administrative decision of the City on the 14th day following the date of the decision unless the applicant files a timely appeal, as provided by section 11-507.

Sec. 11–506. Suspension or revocation of license: grounds

- (a) The treasurer may suspend or revoke a hotel license upon the treasurer's finding of any of the following facts in the treasurer's reasonable discretion, based upon available information. It is not required that any criminal conviction be obtained to support the treasurer's administrative action.
 - (1) Failure of the licensee to achieve and maintain the eligibility requirements described in section 11-504; provided, however, the treasurer shall offer the licensee notice and opportunity to cure the identified violations at least 30 days prior to taking further adverse action.
 - (2) Incidents of disorderly conduct in violation of Chapter 16 of this Code have occurred upon the licensed premises or upon any parking areas, sidewalks, access ways or grounds within the immediate neighborhood of the licensed premises involving a customer, manager and/or employee of the licensee;
 - (3) The licensee, manager, or any employee thereof illegally offered for sale or illegally allowed to be consumed or possessed upon the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs;
 - (4) The licensee or manager is not upon the licensed premises at all times if the premises is open for business;
 - (5) The licensee, manager or employee has allowed or permitted patrons and employees to engage in acts of prostitution, negotiations for acts of prostitution within the licensed premises or upon any parking areas, sidewalks, access ways or grounds immediately adjacent thereto;
 - (6) The licensee, manager or employee has allowed or permitted customers to engage in public displays of indecency, or has allowed or permitted customers to engage in acts of public urination or defecation within the licensed establishment upon any parking areas, sidewalks, access ways or grounds immediately adjacent thereto;
 - (7) The licensee or manager knowingly made a false statement or knowingly gave false information in connection with an application for license or for a renewal of a license;
 - (8) The licensee has failed to maintain books or records sufficient to properly document the permitted length of stay of individual customers;
 - (9) The licensee is delinquent in payment to the city for taxes or fees.

- (b) Summary suspension: the treasurer shall have the discretion to summarily suspend a hotel license in the event the treasurer determines that an immediate threat to public health, safety or welfare is posed by the licensee's failure to comply with the requirements of this Article or any conditions of its existing license. In the case of a summary suspension, the licensee shall be afforded a right of appeal substantially in the manner provided at Section 11-507(b) and (c).
- (c) Suspensions of a hotel license may be for any term up to a maximum of the amount of time remaining in the one-year term of the license as issued.

Sec. 11-507. Suspension, revocation and appeal procedures

- (a) The city treasurer shall have the authority to suspend or revoke hotel licenses. In so acting, the treasurer shall apply the relevant eligibility requirements and standards contained in this article.
- (b) Appeals. In the event the treasurer denies, does not renew, suspends or revokes a license, the applicant shall have the right to a quasi-judicial hearing before an administrative hearing officer appointed by the city. A written request for hearing shall be made to the treasurer within ten (10) days of the date of mailing of the treasurer's written decision. The hearing shall be conducted within thirty (30) days of the date of the treasurer's receipt of written request for hearing unless a later date is requested by the applicant.
- (c) The procedure for the appeal to and in consideration by the administrative hearing officer shall be conducted substantially in the manner described at and sections 11-31 and 11-32 of this Code, provided, however, that the hearing shall be conducted by an administrative hearing officer appointed by the city in compliance with section 2-87.
- (d) Except in the case of a summary suspension, the hotel may continue to operate during the appeal process and until the final decision of the hearing officer is rendered.

Sec. 11-508. License addendum for extended stay operations.

- (a) Application. As a part of or separately from an application for a hotel license under this article, the applicant may also apply for the right to offer extended stay lodging as defined in section 11-501 in all or portions of the licensed hotel property. Applications for an extended stay addendum to a hotel license shall be filed on forms provided by the treasurer and shall include the following information:
 - (1) Number of rooms and a percentage of square footage in the hotel to be devoted to extended-stay operations.

- (2) Certification of compliance with requirements of subsections (b), (c) and (d) below have been met with respect to the proposed extended-stay component of the hotel operation.
 - (3) Evidence of all required zoning and development approvals under Chapter 26 of the Code of Laws and demonstrated compliance with any conditions of approval.
 - (4) Evidence of a valid business license.
- (b) Zone district compliance: extended-stay facilities are allowed only in the following zone districts:
- (1) commercial-one (C1) as a special use permit process
 - (2) commercial-two (C2) as a special use permit process
 - (3) mixed-use commercial (MU-C), and all MUC subdistricts as a conditional use permit process; and
 - (4) mixed-use-neighborhood (MU-N) as a conditional use permit

The applicant, in addition to a precondition of the issuance of an extended-stay hotel license addendum, must apply for and obtain approval of the relevant special use under the procedures set forth in section 26-114 of this Code.

- (c) In-room characteristics. The following in-room characteristics are required for all lodging units permitted as extended-stay lodging:
- (1) Minimum size for entire unit: 300 square feet
 - (2) Minimum size for living room: 120 square feet
 - (3) A defined bedroom must be provided separate and apart from other portions of the unit
 - (4) The following minimum kitchen/cooking facilities are required (but may not be located in the defined bedroom or bathroom): refrigerator, cooktop, dedicated sink, cabinets with cooking/dining supplies
 - (5) The maximum sleeping occupancy per room or unit shall be 2 persons per dedicated bedroom
 - (6) Personal possessions may not be stored on exterior balconies, interior corridors or in a manner that prohibits adequate movement and ingress/egress within the unit, with the exception on balconies for items such as bikes, strollers, and coolers
 - (7) Housekeeping must be available, although an additional charge may be made for the same

(d) Common area characteristics:

- (1) The following common area amenities must be available to the residents of all extended stay lodging facilities:
 - a) 24-hour desk staffing;
 - b) prohibition of storage of any personal possessions within shared common areas of the building and/or site;
 - c) universal wireless internet available included within room charge;
 - d) In-room or common area laundry facilities adequate for number of guests;
- (2) A minimum of 3 of the following common area amenities shall be provided at the choosing of the extended stay lodging licensee, subject to the City's review and approval:
 - a) business center of a size at least 120 square feet
 - b) a fitness center of at least 350 square feet for every 200 rooms
 - c) a swimming pool at least 15 x 25 x 4 feet
 - d) meeting areas or conference rooms
 - e) on-site restaurant or other available food options provided adequate for number of guests

As part of the review process for the extended-stay lodging license addendum, the treasurer may determine that one or more of the foregoing amenities in this subsection (2) is not required, taking into consideration the age, location and size of the hotel property itself, as well as the portion thereof proposed to be devoted to extended stay lodging.

- (e) Duration of stay: Duration of occupancy in any extended stay lodging unit may be for a period of 30 consecutive days or more.
- (f) Guest behavior: Persons renting an extended stay unit in a hotel with a valid extended-stay hotel license addendum under this article must be present in the unit at all times during which other persons are also present. In addition, persons renting the unit may not:
 - (1) sublet the unit to any other person; or
 - (1) permit occupancy of the unit by any person other than the registered guest or guests.

Sec. 11–509. Implementation schedule.

It is the intention of the City that existing hotels within the City be given the sufficient time to make the operational and physical modifications and improvements necessary to satisfy the eligibility requirements in section 11-504. Accordingly, the following implementation schedule for this article is adopted:

- (1) existing hotels shall have until January 1, 2022 within which to submit an application and application fee for a hotel license
- (2) the city treasurer shall have 30 days within which to review applications for existing hotels
- (3) a hotel, once licensed, shall comply with the schedule to achieve the required CFS metric in Section 11-504(a)
- (4) existing hotels shall have until September 30, 2022 to limit the duration of guest stays to less than thirty (30) days, unless the hotel has applied for and received an extended stay addendum under Section 11-508
- (5) On or before June 30, 2023, and every 18 months thereafter, the Council shall conduct a review of the implementation of this Article and shall consider any amendments deemed appropriate in response to that review.

Section 2. Section 26-204 is amended by the addition of the following line entry at the appropriate alphabetical location in the Table of Uses – Commercial and Industrial Districts:

Uses	Notes	NC	RC	C-1	C-2	C-3
Extended stay lodging	See Ch.11 Art XIV			S	S	

Section 3. Section 26-316.B is amended to read:

- (B) Permitted. Uses. Permitted uses shall be a mixture of residential and commercial uses governed by approval of the outline development plan. EXTENDED STAY LODGING SHALL BE PERMITTED ONLY IN PLANNED MIXED USE DISTRICTS AND PLANNED COMMERCIAL DISTRICTS, AND ONLY AS A SPECIAL USE SUBJECT TO THE STANDARDS IN CHAPTER 11, ARTICLE XIV.

Section 4. Section 26-1111.B is amended by the addition of a note in the line entry under Hospitality and Entertainment- Hotels, motels and extended stay lodging, to read:

Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Hotels, motels and extended stay lodging: See Ch 11, Art. XIV	P	P	P	P

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter, provided, however, that implementation of requirements of this ordinance shall be as set forth in code section 11-509, adopted hereby.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 11th day of October 2021, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for October 25, 2021 at 7:00 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, if allowed to meet in person on that date per COVID-19 restrictions.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0 on this 25th day of October 2021.

SIGNED by the Mayor on this 27th day of October, 2021.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form:



Gerald E. Dahl, City Attorney

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