

NOTICE IS GIVEN THAT THE GEORGETOWN BOARD OF SELECTMEN AT ITS NOVEMBER 14, 2023, MEETING, PASSED THE FOLLOWING ORDINANCE NO.11, (SERIES 2023), ON FIRST READING. NOTICE IS FURTHER GIVEN, THAT A PUBLIC HEARING WILL BE HAD PRIOR TO SECOND AND FINAL READING AND CONSIDERATION OF ADOPTION AT 6:00 P.M. ON TUESDAY, NOVEMBER 28, 2023, AT THE BOARD OF SELECTMEN MEETING CONTACT TOWN HALL AT 303-569-2555 EXT. 2 FOR QUESTIONS/CONCERNS. MEETINGS ARE STREAMED LIVE AT WWW.TOWNOFGEORGETOWN.US

**ORDINANCE NO. 11  
(Series 2023)**

**AN ORDINANCE AMENDING CHAPTER 5.32 OF THE GEORGETOWN MUNICIPAL CODE ENTITLED HOTEL LICENSING**

**WHEREAS**, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

**WHEREAS**, the Georgetown Board of Selectmen ("Board") is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare; and

**WHEREAS**, in the exercise of this authority and in order to address the significant public safety and related concerns involving extended guest stays in hotels and motels within the Town, the Board has deemed it necessary to adopt a licensing program for the same, and has enacted Chapter 5.32 of the Code for that purpose; and

**WHEREAS**, the Board wishes to amend that Chapter after consultation with the hotel operators within the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:**

**Section 1. Hotel licensing program amended.** Chapter 5.32, entitled Hotel Licenses of the Georgetown Municipal Code concerning Business Licenses and Regulations is hereby amended to read as follows:

**CHAPTER 5.32 - Hotel Licenses**

**5.32.010 - Findings.**

The Board of Selectmen finds this Chapter is necessary for the following reasons:

- (a) This Chapter is necessary in order to ensure the safety conditions, sanitary needs, and appearance of hotel and motel properties which permit longer guest stays than that of the typical client; and

- (b) Extended stays of hotel guests have the potential to evolve into nodes of illegal activity and negatively affect the safety of Town residents and guests; and
- (c) Regulating a hotel's use as a temporary residence ensures hotel rooms maintain the same appearance and sanitary conditions as other rented rooms; and
- (d) The adoption of a hotel licensure system will further the health, safety, and welfare of the inhabitants of the Town.
- (e) This ordinance will help to preserve and ensure availability of a typical hotel motel property to short term guests who are visiting the Town, engaging in tourism efforts or need safe harbor from weather or road conditions.

**5.32.020 - Intent and scope.**

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 Town standards. This Chapter does not apply to the furnishing of short-term rental services as defined in Code Section 5.28.020.

**5.32.030 - Definitions and application.**

The words and phrases contained in this Chapter shall have the following meanings ascribed to them unless the context states otherwise:

*Employee* means any person receiving compensation from a licensee for work performed at the licensed premises.

*Employee housing* means any room on a hotel licensed premises utilized as an employee's primary place of abode.

*Extended stay* means a room or rooms rented for a period of more than 28 days.

*Hotel* means a transient lodging establishment renting individual rooms for temporary occupancy. The term *hotel* includes establishments also known as "motels."

*License* means a hotel business license issued by the Town Administrator pursuant to this Chapter.

*Licensed premises* means a premises for which a license has been issued by the Town Administrator pursuant to this Chapter.

*Licensee* means a person to whom a license has been issued by the Town Administrator pursuant to this Chapter.

*Room* means any room or suite of rooms or other facility affording sleeping accommodations to the general public and situated within a licensed premises. The term *room* shall not be construed to mean a banquet room, meeting room or any other room not primarily used for, or in conjunction with, sleeping accommodations.

*Transient and family extended stay* means a room or rooms rented from fourteen (14) to twenty-eight (28) days in length.

**5.32.040. License required; license fee; license renewals.**

- (a) Issuance. No person shall conduct or operate a hotel within the Town without first having obtained a license issued by the Town Administrator as required by this Chapter. This requirement to obtain a license is in addition to the requirement to obtain a business license pursuant to Chapter 5.04 of this Title. Applicants for a license shall file a completed license application form set forth in Section 5.32.040 and pay the applicable fee set by the Board of Selectmen.
- (b) Renewal. The renewal of an existing license issued pursuant to this Chapter shall be granted upon the payment of the annual license fee and the filing of a completed renewal application in the form required by Section 5.32.050 with the Town Administrator at the same time as the renewal application for the business license for the hotel.
- (c) The failure to approve or renew or the denial or revocation of either the license under this Chapter or the business license for that operation shall automatically revoke the corresponding business or hotel license, as applicable.
- (d) Term. The term of the license shall be one year and shall run concurrently with the associated business license issued under Chapter 5.04 of this Title.

**5.32.050. Application form; processing.**

- (a) All applicants for a hotel license shall file a completed application with the Town Administrator on forms provided by the Town Administrator.
- (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) The location of the hotel, the number of rooms contained in the hotel, the street address of the property, and telephone number(s) associated with the property.
  - (4) Proof of compliance with requirements outlined in Section 5.32.060.

**5.32.060. Eligibility requirements for hotel license.**

No hotel license shall be issued, maintained, or renewed under this Chapter unless and until the applicant provides sufficient information to establish, and the Town Administrator reviews and

determines the sufficiency of the same, of the following requirements:

- (a) The applicant shall keep a record in which the following information shall be entered legibly, either in electronic, ink, or typewritten form prior to the room being furnished or rented to a guest:
  - (1) As provided by the guest in response to an inquiry or by other means:
    - A. The name and address of each guest and the total number of guests; and
    - B. The make, type, and license plate number of the guest's vehicle if the vehicle will be parked on hotel premises.
  - (2) The day, month, year, and time of arrival of each guest;
  - (3) Such records shall be maintained by the licensee for 180 days from creation. Such records may be required to be disclosed to the Town Administrator under the following procedure:
    - A. The Town Administrator is authorized to issue administrative subpoenas requiring the production of documents, records, and other evidence relevant to a determination of a licensee's or applicant's compliance with this Chapter. Administrative subpoenas may be appealed to an administrative hearing officer upon written request by the licensee.
    - B. The municipal judge or his/her designee shall serve as the administrative hearing officer and shall hold a hearing, after notice to the licensee. The sole issue on an appeal of an administrative subpoena is whether the issuing officer exceeded his/her authority in issuing the subpoena. The standard of proof is a preponderance of the evidence, and the burden of proof shall rest with the Town to establish that the subpoena at issue lies within the issuing officer's authority.
    - C. No records shall be provided without the issuance of an administrative subpoena, or if the same is appealed, upon order of the administrative hearing officer.
- (b) The applicant shall ensure rooms utilized as *employee housing*, as defined at Section 5.32.030, meet the following minimum conditions:
  - (1) Rooms must contain cooking and laundry facilities meeting code requirements on the hotel property;
  - (2) Rooms must maintain the same look and feel as other non-employee housing rooms present in the hotel; and
  - (3) Rooms must be clean, uncluttered, and maintained in a sanitary condition.
- (c) The applicant shall ensure *transient and family extended stays*, as defined at Section 5.32.030, maintain compliance with the following requirements:
  - (1) Occupancy limit shall not exceed square foot requirements set out in Chapters 15.08 and 15.20 of this Code;
  - (2) No personal cooking or cooking devices are permitted in a room. No portable electric fireplaces or other items that require high, long term electric demands are permissible. No charcoal or gas grills allowed inside or outside of the room;
  - (3) No personal possessions, exclusive of wearable sports equipment (skis, etc.) may be present outside of the room, including, but not limited to, chairs, awning,

coolers, or laundry;

- (4) A maximum of two pets may be in the room and must be attended to at all times, unless placed in a kennel. Pets must be leashed (if applicable) and may not disturb other guests;
  - (5) Rooms must be inspected every four (4) days by staff and fully cleaned by staff a minimum of one (1) time per week; cleaning to also constitute an inspection; and
  - (6) Guests must check out after twenty-eight (28) days and shall not be readmitted to the property for a minimum of thirty (30) days.
- (d) Extended stay requirements:
- (1) All requirements of Section 5.32.060(c), as well as:
  - (2) Rooms have a maximum occupancy of two (2) persons to a room.
  - (3) Monthly room rentals are permitted, provided that if the stay extends beyond 28 days, a room change is required.
- (e) Maximum overall occupancy for transient and family stays and extended stays, in total, cannot exceed twenty percent (20%) of the available rental rooms of the licensed premises. This limitation shall not apply to hotels designed, constructed and maintained to provide exclusive extended stay in all available rooms or suites, including cooking facilities compliant with code requirements.
- (f) Windows and doors in rooms must remain fully functional and accessible at all times. No alterations or partitions to rooms are allowed.
- (g) Employee and guest vehicle parking cannot restrict fire lanes or emergency access to the licensed premises and must comply with the access and fire code requirements for the property.

**5.32.070. Transferability; change of ownership.**

- (a) No license under this Chapter shall be transferable to another person or any other group acting as a unit.
- (b) No license under this Chapter shall be transferred to another hotel name or franchise, or hotel location or building.
- (c) Any transfer or change of ownership shall require the issuance of a new hotel license for the licensed property.

**5.32.080. Approval or denial of application.**

- (a) A completed license application shall be reviewed by the Town Administrator and shall be approved or denied 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 5.32.060;
  - (2) The applicant knowingly made a false statement or knowingly gave false information in connection with the application; or

- (3) The applicant is overdue in payment to the Town of taxes, fees, fines, or penalties assessed or imposed against the applicant.
- (b) In the event the Town Administrator denies the license application, the Town Administrator 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 ten (10) days after the date of denial. The denial shall become a final administrative decision of the Town on the fourteenth (14<sup>th</sup>) day following the date of the decision unless the applicant files a timely appeal, as provided by Section 5.32.100.

**5.32.090. Suspension or revocation of license; grounds.**

- (a) The Town Administrator may suspend or revoke a hotel license upon the finding of any of the following facts based upon available information. It is not required that any criminal conviction be obtained to support the administrative action.
  - (1) Failure of the licensee to achieve and maintain the eligibility requirements described in Section 5.32.060; provided, however, the Town Administrator shall offer the licensee notice and opportunity to cure the identified violations at least 30 days prior to taking further adverse action.
  - (2) The licensee 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;
  - (3) The licensee or any 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;
  - (4) The licensee knowingly made a false statement or knowingly gave false information in connection with an application for license or for a renewal of a license;
  - (5) The licensee has failed to maintain books or records sufficient to properly document the permitted length of stay of individual customers;
    - a. The Town Administrator shall have the authority to issue administrative subpoenas for the purpose of inspecting books and/or records to ensure compliance with this Chapter.
    - b. Administrative subpoenas may be appealed to the Board of Selectmen. The Board of Selectmen shall consider whether the appealed administrative subpoena was properly issued within the scope of this Chapter. Appeals of administrative subpoenas shall follow the same process present in Section 5.32.100.
  - (6) The licensee is delinquent in payment to the Town for taxes, fees, fines, or penalties.
- (b) The Town Administrator shall have the discretion to summarily suspend a hotel license in the event the Town Administrator 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 Chapter or any conditions of its existing license. In the case of a summary suspension, the licensee shall be afforded a right of appeal in the manner provided by Section 5.32.100.

- (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.

**5.32.110 Suspension, revocation, and appeal procedures.**

- (a) Any licensee aggrieved by the action of the Town Administrator in the denial of an application, or the non-renewal, suspension, or revocation of a license as provided in this Chapter, shall have the right to appeal to the Board of Selectmen. Such appeal shall be filed with the Town Clerk in writing within fifteen (15) days of the decision being appealed and shall be heard by the Board of Selectmen. The Board of Selectmen shall hear and decide upon all appeals, after fifteen (15) days public notice of the time, date and location of the appeal hearing being posted on the subject property and at the Town Hall. The decision of the Town Administrator (if not appealed) or of the Board of Selectmen (if appealed), is the final decision of the Town for purposes of judicial review.
- (b) The licensed premises may continue to operate during the appeal process and until the final decision of the Board of Selectmen is rendered.

**5.32.111. Summary suspension.**

The Town Administrator may summarily suspend a license, provided the licensee shall first be given notice of a hearing conducted by an administrative hearing officer, appointed by the Municipal Court Judge. No summary suspension shall take effect unless affirmed by the administrative hearing officer.

**Section 3. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 4. Minor Revision or Correction Authorized.** The Town Clerk, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 5. Effective Date: Implementation.** The Town Administrator shall implement the licensing requirements of Sections 5.32.040 through 5.32.100 on and after three months from the date of final adoption of this ordinance. This ordinance shall take effect upon final adoption as provided by Section 5.26 of the Territorial Charter.

**INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 14<sup>th</sup> day of November 2023.**

**INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED  
POSTED AFTER PUBLIC HEARING on the 28<sup>th</sup> day of November 2023.**

TOWN OF GEORGETOWN

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Lynette Kelsey, Police Judge

ATTEST:

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Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

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Jennifer Yobski, Town Clerk