



ORDINANCE NO. 2015 - 04

AN EMERGENCY ORDINANCE ESTABLISHING A MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A VACATION HOME RENTAL PURSUANT TO ORDINANCE 2012-02.

WHEREAS, the Town of Silverton, in the County of San Juan and State of Colorado (the "Town"), is a statutory authority duly existing under the Constitution and laws of the State of Colorado and its Municipal Code; and

WHEREAS, the members of the Town Board of Trustees (the "Board") have been duly elected and qualified; and

WHEREAS, on December 10, 2012, the Board adopted Ordinance 2012-02, an Ordinance clarifying and establishing municipal regulations concerning the use of residential property for commercial purposes on a short-term rental basis; and

WHEREAS, since adoption of Ordinance 2012-02, the Board has seen an increase in vacation rental interest as well as an increase in the number of complaints regarding vacation rentals and has determined that the Ordinance inadequately addresses the issues associated with vacation rentals; and

WHEREAS, the Board is aware that staff has received inquiries from persons who are interested in permitting vacation rentals; and

WHEREAS, the Town Board desires to provide Town staff sufficient time to study and review the current regulatory structure governing vacation rentals and to develop a new and better vacation rental ordinance that appropriately addresses the issues facing the Town by and through the use of property within the Town for vacation rentals; and

WHEREAS, the Board has determined that a moratorium on the processing and approval of vacation rentals up to and including November 13, 2015 is a reasonable length of time for the Town to properly investigate and to develop new and amended vacation rental regulations; and

WHEREAS, the Board hereby determines that property owners will not be unduly prejudiced by the imposition of such a temporary moratorium.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:

Section 1. Findings and Intent. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board.

Section 2. Temporary Moratorium. Upon the adoption of this Ordinance, a moratorium is immediately imposed upon the processing and approval by the Town of applications for vacation rentals. Town staff is directed to decline to process, review or approve any such applications during the moratorium period.

Section 3. Investigation and Evaluation. During the moratorium, Town staff, working with the Town Attorney, shall investigate and evaluate the issues associated with use of property as vacation rentals and to develop a new and amended regulatory structure that adequately address all such issues.

Section 4. Police Power Finding. The Board hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town and the inhabitants thereof.

Section 5. Authority. The Board hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) C.R.S. § 31-15-103, C.R.S. (concerning municipal police powers); (iv) C.R.S. §31-15-401 (concerning municipal police powers); (iv) C.R.S. § 31-15-501 (concerning municipal power to regulate businesses); and (v) the powers contained in the Town of Silverton Municipal Code.

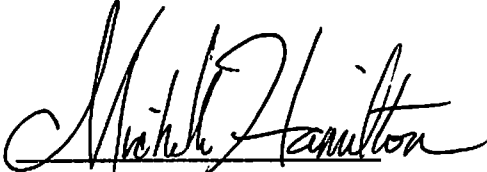
Section 6. Effective Date; Expiration. As per Town of Silverton Municipal Code Section 2-16-5, the moratorium imposed by this Ordinance shall take effect immediately upon its passage by an affirmative vote of three-fourths (3/4) of the members of the Town Board because the Town Board hereby finds this Ordinance to be a case of special emergency and the immediate effectiveness of this Ordinance is necessary for the preservation of the public peace, health, and safety of the Town and the inhabitants thereof. This ordinance shall expire on November 13, 2015, unless repealed prior to that date or extended, if necessary, as determined by the Town Board.

Section 7. Severance Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares it would have

passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

INTRODUCED, APPROVED AND ORDERED PUBLISHED ONCE IN FULL on this 4th day of May, 2015.

ATTEST:



Michelle J. Hamilton, Town Clerk



Christine M. Tookey, Mayor