



ORDINANCE NO. 2015 – 06

AN EMERGENCY ORDINANCE EXTENDING A MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A VACATION HOME RENTAL PURSUANT TO ORDINANCE 2015 - 04.

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 May 4, 2015, the Board passed Ordinance 2015-04 establishing a temporary moratorium on Vacation Home Rental applications with an expiration date of August 7, 2015; and

WHEREAS, the diligent work by Staff to evaluate Town’s regulations and that of other communities who are also experiencing a significant number of vacation rental requests, requires more time to present findings and recommendations to the Board; and

WHEREAS, the Board will also need time to consider Staff recommendations and code modifications and determines that an extension of the moratorium for an additional 90 days is necessary to provide the necessary time to finalize regulatory changes to Town codes concerning vacation home rentals; and

WHEREAS, the Board hereby determines that property owners will not be unduly prejudiced by the imposition of additional time to the 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. Extension of Temporary Moratorium. The moratorium concerning applications for vacation home rentals enacted by Ordinance 2015-04 is hereby extended by ___ days. 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 October 26, 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 27 day of July, 2015.

ATTEST:



Michelle J. Hamilton
Town Clerk



Christine M. Tookey
Mayor