

ORDINANCE NO. 713

AN ORDINANCE AMENDING THE HAYDEN MUNICIPAL CODE BY ADDING LANGUAGE AT SECTION 7.28.160, SHORT-TERM RENTAL STANDARDS, IN TITLE 7: THE HAYDEN DEVELOPMENT CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Town of Hayden has previously adopted and amended Title 7, Hayden Development Code (HDC), of the Hayden Municipal Code governing the use, subdivision and development of real property codes within the Town limits; and

WHEREAS, at the time of the adoption it was determined by the Hayden Town Council (Council) that additional opportunities for input with regard to short-term rentals was needed prior to adopting short-term rental standards within the HDC; and

WHEREAS, in accordance with the requirements of the Hayden Home Rule Charter, after providing proper notice, the Hayden Town Council held a public hearing on April 7, 2022; and considered all public comments received and all testimony and materials provided by Town Staff prior to making a decision; and

WHEREAS, the Council desires to adopt regulations that permit short-term rentals as such are defined in the HDC under certain limited standards as further set forth herein with the findings that:

1. The adoption and enactment of standards related to short-term rentals within the Hayden Development Code promotes the health, safety and general welfare of the Hayden community; and
2. The adoption and enactment of standards related to short-term rentals within the Hayden Development Code promotes or implements the goals and policies of the Hayden Forward Master Plan; and
3. The adoption and enactment of standards related to short-term rentals the Hayden Development Code is necessary or desirable to respond to changed conditions or other social or economic conditions.

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply the requirements of the Hayden Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the proposed short-term rental standards and that approval of this Ordinance on first reading does not constitute a representation that the Council, or any member of the Council, supports, approves, rejects, or denies this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO THE FOLLOWING:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Enacted. The following language is hereby enacted at Section 7.28.160, Short-Term Rental Standards OF Title 7, Hayden Development Code, of the Hayden Municipal Code:

7.28.160 Short-Term Rental Standards.

- (a) The short-term rental shall be clearly incidental and customary to the operation of the primary residential household living use.
- (b) The short-term rental must be located in the applicant's primary residence. A primary residence means the place in which a person's habitation is fixed for the term of the license and is the person's usual place of return. A person can have only one (1) primary residence.
- (c) Use of a mobile home, recreational vehicle or travel trailer as a short-term rental is prohibited.
- (d) Signage is limited to one (1) non-animated, non-illuminated flat wall or window sign having an area of less than 100 sq. in.
- (e) Approval of a license under the provisions of Chapter 5.25, Licensing of Short-Term Rentals, Hayden Municipal Code must be authorized.
- (f) The short-term rental will be offered, provided, or operated as lodging accommodations to guest in exchange for remuneration for a period of less than thirty (30) consecutive days.
- (g) The short-term rental may be integrated within the owner's dwelling unit or located in a detached accessory building located on the same lot as the owner's dwelling unit.

Section 3. Codification Amendments. The codifier of the Town's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Hayden Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any article, section, paragraph, sentence, clause or phrase 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 Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. No Existing Violation Affected. The repeal or modification of any provision of the Municipal Code of the Town of Hayden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions

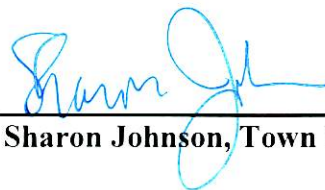
for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. Effective Date. This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

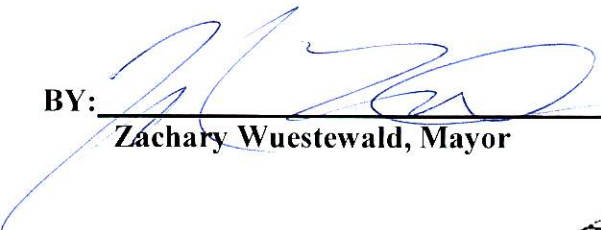
Section 8. Public Hearing on Ordinance No. 713. A public hearing on this Ordinance will be held on April 7, 2022 at the regular meeting of the Hayden Town Council beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ON MARCH 17, 2022, and setting a public hearing for April 7, 2022 at the Council Chambers of the Hayden Town Hall, located at 178 West Jefferson Avenue, Hayden, Colorado.

BY: 
Zachary Wuestewald, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7TH DAY OF APRIL, 2022.

BY: 
Zachary Wuestewald, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

