

ORDINANCE NO. 768
SERIES 2022

An Emergency Ordinance Of The Town Of Mancos, Colorado, Extending The Current Moratorium On The Submission, Acceptance, Processing, Consideration Or Approval Of New Permits, But Excluding Renewal Permits, For Short Term Rental In The Town Of Mancos For The Purpose Of Allowing The Town To Prepare And Adopt New Zoning, Land Use And Permitting Regulations With Regard To Short-Term Rentals; Providing For The Moratorium To Extend To And Through August 31, 2022; And Declaring An Emergency Therefore

WHEREAS, the existing Town of Mancos Land Use Code does not adequately provide for the location and regulation of short-term rentals in the Town of Mancos; and

WHEREAS, it is the opinion of the Town Board of Trustees that adequate zoning, land use and permitting regulations do not now exist in the Town to address short-term rentals; and

WHEREAS, the Town Board of Trustees is concerned that there is now an over-abundance of new short-term rental permit interest and applications in the Town of Mancos, and that there is a danger that there will be a reduced inventory of rental homes in the Town of Mancos for Town of Mancos residents; and

WHEREAS, if new short-term rental permits were allowed in the Town of Mancos without appropriate regulation as to the zoning, location, land use and permitting, it might conflict with the Town of Mancos comprehensive land use plan, be inconsistent with surrounding uses, or be detrimental to the public health, safety and welfare; and

WHEREAS, pursuant to the Local Government Land Use Enabling Act of 1974, and other applicable law and authority, the Town Board of Trustees is charged with providing the citizens of the Town with planned and orderly development, balancing human needs with the needs of a changing population and legitimate environmental concerns; and

WHEREAS, the Town Board of Trustees desires to afford itself time to develop such regulations and to afford the citizens of the Town an opportunity to comment thereon prior to adoption; and

WHEREAS, the Town staff in conjunction with the Board of Trustees is in the process of developing such regulations, but have not yet completed the regulations.

WHEREAS, in order to protect the public health, safety and general welfare of the inhabitants of the Town of Mancos, and in order to allow time for the Town of Mancos Planning Commission and the Board of Trustees to adopt appropriate standards for short-term rentals under the Mancos Land Use Code and then the Board of Trustees of the Town of Mancos, Colorado, and in order to prevent the issuance of short-term rental permits that might be inconsistent with the new regulations, the Town Board of Trustees hereby finds and determines that it is necessary and appropriate to extend the temporary moratorium on new short-term rental permitting, but

excluding renewal of short-term rental permits, in the Town of Mancos, during which time the Town shall consider amendments to its Mancos Land Use Code concerning the zoning, land use and permitting regulations concerning short-term permits within the Town of Mancos and appropriate regulations and requirements governing such businesses.

WHEREAS, the extension of the moratorium is required for the immediate preservation of public property, health, welfare, peace, safety, and the financial well-being of the Town; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the citizens of the Town to extend the moratorium as set forth herein below.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS, COLORADO, AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing recitals are incorporated herein and made a part of this Ordinance.

Section 2. Moratorium Imposed. Upon adoption of this Ordinance, the moratorium is extended to and through August 31, 2022, on the submission, acceptance, processing, and approval of permits and renewals of any new short-term rental permit, but excluding renewals of short-term rental permits, unless terminated earlier by the Town Board of Mancos by ordinance.

By the terms of this Ordinance, the Town Board of Trustees specifically reserves the authority to extend or modify this moratorium in the event such action becomes necessary to effectuate the purpose of the moratorium or to otherwise serve the best interests of the Town and its citizens. The Town Board of Trustees hereby directs the staff of the Town and the Town Attorney to continue to develop appropriate regulations.

The provisions of this Ordinance shall apply to new permitting for short-term rental permits that are received by the Town after the adoption of the original moratorium and throughout the extension provided in this Ordinance. The provisions of this ordinance do not apply to any short-term rental within the Town of Mancos for which there is an unexpired short-term rental license issued by the Town of Mancos, during the time period that the short-term license remains unexpired. The provisions of this temporary moratorium do not apply to the yearly renewals of existing short-term rental permits.

It remains required that a valid short-term rental permit must be in effect to use any property as a short-term rental within the Town of Mancos.

The provisions of this ordinance are temporary in nature and are intended to be replaced by subsequent legislative enactment.

Section 3. Town Staff to Investigate and Prepare Proposed Ordinance. The Board of Trustees finds the provisions of this Ordinance are temporary in nature and are intended to be

replaced by subsequent legislative enactment. Before the expiration of the extended moratorium imposed by this Ordinance the Town staff, working with the Town Attorney, shall prepare appropriate information/ordinances regarding the regulations, zoning, land use, and permitting for short-term rentals for consideration by the Town of Mancos Planning Commission and thereafter to the Town Board of Trustees. The Town Board of Trustees encourages all interested persons and groups to express their concerns and desires to the staff of the Town with regard to the issues presented herein so that the Town of Mancos Planning Commission and the Town Board of Trustees may be fully informed prior to the adoption of such regulations and standards.

Section 4. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); Section 31-15-103, C.R.S. (concerning municipal police powers); Section 31-15-401, C.R.S. (concerning municipal police powers); and, Section 31-15-501 (concerning municipal power to regulate businesses).

Section 5. Reason for Emergency. The Board of Trustees of the Town of Mancos hereby finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. The Board of Trustees finds, determines and declares that passage of this Ordinance is necessary in order that the submission, acceptance, processing and approval of any new permit for short-term rental should be postponed until the Town has had a reasonable opportunity to determine: (i) the desired extent of the Town's regulatory authority over such businesses; and (ii) what regulations, if any, should be imposed by the Town upon them. Failure to immediately extend the moratorium provided for in this Ordinance will potentially allow short-term rental permits to be located in areas that would conflict with the Town's comprehensive land use plan and zoning; be inconsistent with surrounding uses; otherwise be detrimental to the public health, safety and welfare; and, potentially allow acquisition of certain legal rights with respect to short-term rentals before the Town has had the reasonable opportunity to consider appropriate regulations thereof.

The Board of Trustees further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Mancos.

Section 6. Emergency declared. For the reason stated herein, the Board of Trustees for the Town of Mancos, Colorado hereby declares an emergency to exist concerning the subject matter of this Ordinance and its immediate effect is necessary in order to preserve public property, health, welfare, peace, safety, and the financial well-being of the Town.

Section 7. Severance Clause. If an 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that anyone part or parts may be declared invalid or unconstitutional.

Section 8. Immediate Effect. The Board of Trustees of the Town of Mancos finds and concludes that this Ordinance is necessary for the immediate preservation of the health, safety, and welfare of the citizens of the Town of Mancos to protect the citizens of the Town of Mancos and, therefore, this Ordinance shall be effective immediately upon its approval by the Board of Trustees.

Section 9. Repeal. All other ordinances or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 10. Effective Date. The within Emergency Ordinance shall take effect immediately upon adoption.

THIS EMERGENCY ORDINANCE PASSED BY THE AFFIRMATIVE VOTE OF THREE FOURTHS OF ALL MEMBERS ELECTED TO THE TOWN OF MANCOS GOVERNING BODY, TAKEN BY AYES AND NOES ON FIRST AND FINAL READING HELD on the 26th DAY OF January, 2022, at the hour of 7:00 p.m. at the Town Hall in Mancos, Colorado.

TOWN OF MANCOS, COLORADO


Ellen "Queenie" Barz, Mayor

ATTEST:


Jamie Higgins, Town Clerk/Treasurer