

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 836

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, AMENDING SECTION 6-97 OF THE NEDERLAND MUNICIPAL CODE TO ALLOW FOR THE ISSUANCE OF CLASS A LICENSES

WHEREAS, the Town of Nederland, Colorado ("Town") is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town possesses the authority to regulate the operation and licensing of businesses within its jurisdiction; and

WHEREAS, on October 1, 2019, the Town Board of Trustees ("Board") adopted Ordinance Number 798 establishing a short-term rental licensing program; and

WHEREAS, the effective date of Ordinance Number 798 is March 16, 2020; and

WHEREAS, pursuant to Ordinance Number 798, class A short-term rental licenses for accessory dwelling units-detached were available until September 16, 2020, and as of the date of the ordinance, Class A short-term rental licenses are not available; and

WHEREAS, since the adoption of Ordinance Number 798, Town Staff has worked on the implementation of this licensing program and has provided updates to the Board on the implementation and the requests for Class A licenses; and

WHEREAS, through these updates, the Board has expressed a desire to amend the short-term rental licensing ordinance to allow for the processing of applications for a Class A license for an accessory dwelling unit-detached.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Amendment to Section 6-97. Section 6-97 of the Town of Nederland Municipal Code is hereby amended to read as follows with additions showing in all caps and deletions showing as strike-throughs to allow for the processing and issuance of Class A short-term rental licenses for accessory dwelling-unit-detached:

**Sec. 6-97. Class A short-term rental license for accessory dwelling unit—
Detached.**

- (a) A person who owns an accessory dwelling unit-detached which is
PERMITTED PURSUANT TO SECTION 16-98 OF THE TOWN'S
ZONING CODE established on September 16, 2019, may apply for a Class

A short-term rental license provided the requirements of this Section and Section 6-96 are met.

- (b) An accessory dwelling unit-detached with a Class A license may be rented as a short-term rental for an unlimited number of days during the calendar year.
- (c) To apply for a Class A license, a person shall demonstrate compliance with all the requirements of Section 6-96 and shall demonstrate compliance with the following requirements:
 - (1) ~~The principal dwelling unit was legally established and constructed as evidenced by a certificate of occupancy dated on or before April 16, 2019;~~
 - (2) ~~Documentation that the person has operated the accessory dwelling unit detached as a short-term rental before April 16, 2019;~~
 - (1)(3) If the accessory unit is licensed for short-term rental, only the accessory unit and not any other dwelling unit on the same property may be licensed or used as a rental;
 - (2)(4) If a principal dwelling unit is licensed for short-term rental, then no accessory unit on the same property may be licensed or used as a rental;
- (d) ~~An applicant may apply for a Class A short-term rental license until September 16, 2020 at 5:00 p.m. Following such date and time, Class A short-term rental licenses will no longer be available.~~
- (e)(d) Class A licenses are not available for the principal dwelling unit.

Section 2. Minor Revision or Correction Authorized. The Town Administrator, 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, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

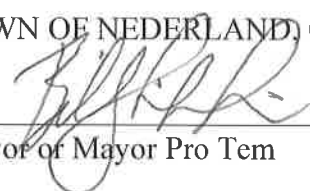
Section 3. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision,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

Section 4. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Effective Date. After adoption by the Board of Trustees, this Ordinance shall take effect thirty days after the publication of the ordinance.

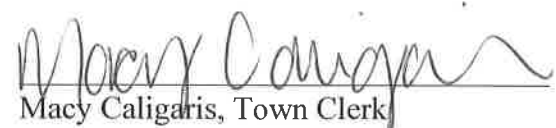
INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED THIS 7
DAY OF February 2023, BY A VOTE OF 7 IN FAVOR AND 0 AGAINST.

TOWN OF NEDERLAND, COLORADO



Mayor or Mayor Pro Tem

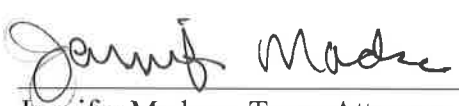
ATTEST:



Macy Caligaris, Town Clerk



APPROVED AS TO FORM:



Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of February 7, 2023, and ordered published by title only by The Mountain Eagle newspaper on February 9, 2023.



Macy Caligaris, Town Clerk

