

O-2022-21

AN ORDINANCE

AMENDING TITLE 5, CHAPTER 5.56, OF THE LAKEWOOD MUNICIPAL CODE TO
UPDATE LANGUAGE RELATED TO THE ENFORCEMENT OF THE LODGING
LICENSE PROGRAM

WHEREAS, the City of Lakewood ("Lakewood" or "City") is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, the Lodging License program was established in February of 2019 and helped to support lodging establishments within the City;

WHEREAS, while enforcement of the Lodging License Program has been tremendously successful, updating provisions within the code will help streamline the program and make lodging compliance easier and more efficient;

WHEREAS, updating certain provisions within the code will allow the City to better support lodging businesses operating within the bounds of the ordinance;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. SECTION 1. Amendment of Title 5, Chapter 56. Title 5, Chapter 56 of the Lakewood Municipal Code shall be amended as follows:

5.56.010 – Definitions.

As used in this chapter, the following terms are defined as follows:

B. *Calls for service (CFS)* means and includes, but is not limited to, any and all calls to law enforcement that result in a representative being dispatched or directed to the lodging facility, either in person, by telephone, or through any other electronic medium.

1. Calls for service includes:

- a. A call to emergency services that results in a response, either in person, by telephone, or through any other electronic medium, by a law enforcement representative to the lodging facility.
- b. Any police-initiated call for service to the lodging facility that results in a criminal report.
- c. Any call to emergency services or police-initiated call for service within the lodging facility's surrounding neighborhood regarding activity that results in a criminal report, when such activity is associated with lodging facility staff and/or lodging facility guests and/or visitors.

2. Calls for service shall not include traffic citations in which the lodging facility property address is used as the location of violation.

Q. *Significant criminal act* means an act or acts that causes serious bodily injury or death to any person or any act that involves the use of a deadly weapon that poses the threat of or causes injury to life or property or an act or acts that requires a law enforcement specialized unit or tactical response team.

5.56.050 - Investigation.

- A. Such individual(s) as the Chief of Police may designate shall be the inspector, who shall perform the inspection duties set forth in this chapter and such other duties as the Chief of Police may reasonably direct. Prior to any lodging license being approved, denied, suspended or renewed, the inspector may inspect the premises for conformance with all applicable laws and all orders from the authority.
- B. The City Clerk may cause to be conducted any other investigation deemed necessary by the City Clerk to determine the application's conformance with any requirement of this chapter, including, but not limited to, investigation of the proposed lodging facility's conformance with the Lakewood Zoning Ordinance or other applicable laws.
- C. Any reports of the results of any investigation conducted by any City of Lakewood department shall be delivered by the respective departments or officials to the City Clerk. Not less than ten (10) days prior to the date of the hearing, if any, on the application, the City Clerk shall mail or email the

report of findings based on the investigation to the applicant and, upon request, to other interested parties.

5.56.070 - Hearings.

- A. *Notice.* When the authority issues an order to show cause why a license should not be suspended or revoked, the authority shall give the licensee reasonable advance notice of the time and place of the hearing, nature thereof, the authority and jurisdiction under which it is to be held and the violation(s) alleged in the complaint. The City Clerk shall mail such notice to the licensee by first-class mail or email and shall cause the notice to be served personally on the licensee at its last known address. At least ten days prior to the hearing, the City Clerk shall prepare and post the licensed premises with a sign that contains notice of the hearing date, time and location.

5.56.080 - License revocation, suspension or nonrenewal.

- A. The Authority may suspend, revoke or not renew a license upon a finding of one or more of the following:
1. The lodging facility has outstanding official orders from the Jefferson County Department of Health;
 2. The lodging facility has outstanding official orders from West Metro Fire;
 3. The calls for service ratio is at or above 1.89 or more calls for service per room for the previous 12-month period;
 4. A significant criminal act has occurred on the lodging facility's premises;
 5. The operation of the lodging facility is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community;
 6. The lodging facility is delinquent to the City of Lakewood for any taxes imposed pursuant to Lakewood Municipal Code chapter 3.01 or 3.03;
 7. An investigation performed by the City of Lakewood demonstrates or establishes that the lodging facility fails to conform to any requirement of this chapter, the Lakewood Zoning Ordinance, Lakewood Subdivision Regulations, or other applicable law;
 8. The Applicant knowingly made a false statement or knowingly gave false information in connection with the application;
 9. The City Clerk determines that the individual applicant, or a director or officer of a corporation, partner of a partnership, manager of a limited liability company

or manager of the lodging facility, has had a lodging facility license revoked or suspended within five years prior to the application;

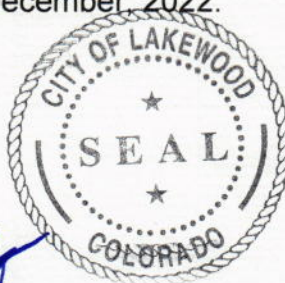
10. The City Clerk determines that the individual applicant or a director or officer of a corporation, partner of a partnership, or manager of a limited liability company or manager of the lodging facility has operated a lodging facility that was determined to be a public nuisance.

B. If the authority finds a licensee to be in violation of Section 5.56.080(A)(3), and if it is the licensee's first violation, the authority shall place the licensee on a 12-month probationary period. The authority shall impose mandatory restrictions on the licensee to help reduce criminal activity at the lodging facility.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 28th day of November 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 1st day of December 2022; set for public hearing on the 12th day of December 2022; read, finally passed and adopted by the City Council on the 12th day of December 2022, and signed, and approved by the Mayor on the 13th day of December, 2022.

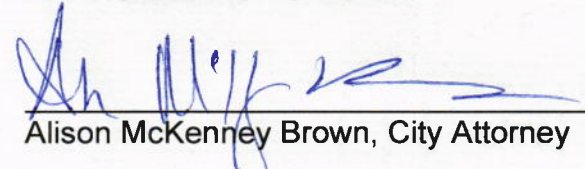



Adam Paul, Mayor

ATTEST:


Jay Robb, City Clerk

APPROVED AS TO FORM:


Alison McKenney Brown, City Attorney