

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 7
(SERIES 2021)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR A SHORT-TERM RENTAL LICENSES, AND DECLARING AN EMERGENCY

WHEREAS, the Town of Fairplay, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the Board also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to such authority, the Town has previously adopted certain regulations within Chapter 6, concerning business licenses and regulations, and Chapter 16, concerning the unified development code, of the Fairplay Municipal Code (“Code”); and

WHEREAS, the Town is experiencing a shortage of available housing stock for its local workforce and professional infrastructure within its small jurisdiction with limited resources; and

WHEREAS, the Town is currently engaging in a review of Town policy regarding housing of all types and short-term rentals, its impacts, availability, solutions and options that may lead to modification to land use regulations, business licensing requirements, staffing and other regulatory measures; and

WHEREAS, the Board finds and determines that imposing a three (3) month temporary moratorium on receiving applications for review and issuing or approving short-term rental licenses is necessary to preserve the status quo while the Town Board completes its review of the Town’s regulatory framework for short-term rentals and its impact on housing, and that preserving the status quo will promote the public health, safety and welfare by allowing a deliberate and well-reasoned decision making process; and

WHEREAS, the Board finds that the impact of a temporary moratorium on short-term rental license applications will not unduly prejudice the interests of the owners of housing units because property suitable for short-term rental uses are equally suitable for residential uses, either owner occupied or through the long term rental market; and

WHEREAS, the Board has determined that the imposition of a three (3) month moratorium on the submission, acceptance, processing, and approval of all applications for short-

term rentals will permit Town staff and the Town Board to collectively develop and implement consistent regulations concerning short-term rentals; and

WHEREAS, a three (3) month temporary moratorium is a reasonable length of time and no longer than necessary for the Town to properly review, research, develop, adopt and implement any applicable recommendations, amendments and regulations regarding housing, availability and short-term rentals; and

WHEREAS, the Board also finds and determines that the subject regulations concerning short-term rentals are necessary to the immediate preservation of the public health, safety and welfare and that this ordinance should therefore become effective upon adoption, as authorized by C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the Town of Fairplay Board of Trustees.

Section 2. Imposition of Temporary Moratorium. Effective immediately, upon the effective date of this Ordinance, a moratorium is imposed upon the submission, acceptance, processing, and approval of all applications for short-term rental licenses within the Town of Fairplay. No application for a short-term rental license shall be submitted to or accepted by the Town, and no such application shall be reviewed or license issued or approved in response to such an application. Town Staff and the Town Board are directed to develop and amend regulations appropriate to short term rentals prior to the expiration of this moratorium period.

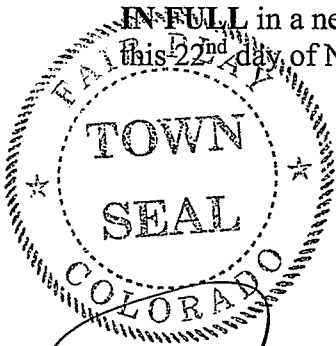
Section 3. Effective Date; Expiration. The moratorium imposed by this Ordinance shall commence as of the effective date of this Ordinance, November 22, 2021, and shall expire three (3) months thereafter, unless repealed prior to that date, or extended to a later date.

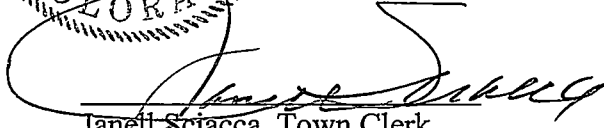
Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

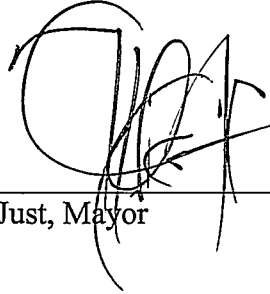
Section 5. Emergency declaration. Pursuant to C.R.S. § 31-16-105, the Town Board hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety and welfare and the financial well-being of the Town because there must be an analysis conducted on the impact on Town residents, workforce and property owners concerning short-term rentals and available housing, and there must be internal consistencies in the Code and clear regulations for all residents and property owners concerning short-term rentals, and therefore, this ordinance must be passed as an emergency ordinance.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED

IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees
this 22nd day of November, 2021.




Janell Sciacca, Town Clerk



Frank Just, Mayor