

O-2024-5

AN ORDINANCE

AMENDING TITLE 5 CHAPTER 55, SECTIONS 5.55.010 AND 5.55.050 OF THE LAKEWOOD MUNICIPAL CODE REGARDING INSPECTORS AND MINIMUM HEALTH AND SAFETY REQUIREMENTS

WHEREAS, the City of Lakewood, Colorado, the "City", is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, on February 13, 2023, the Lakewood City Council adopted Ordinance O-2023-5 to allow for the licensing and regulation of short-term rentals (STR/STRs) within the City, as codified in Title 5, Chapter 55 of the Lakewood Municipal Code (LMC);

WHEREAS, during the implementation and enforcement of Ordinance O-2023-5, staff has discovered two areas in need of immediate correction/cleanup to be in compliance with federal and local laws;

WHEREAS, this City Council will receive a look-back on the STR Ordinance as a whole in June 2024, at which time staff may propose more robust changes to LMC Chapter 5.55 in addition to the minor corrective/cleanup changes presented herein;

WHEREAS, the definition of "Inspector" in LMC section 5.55.010(J) only allows for ASHI, a nationally recognized home inspection and certification organization, to complete STR inspections;

WHEREAS, InterNACHI is also a nationally recognized home inspection and certification organization with qualifications that mirror ASHI;

WHEREAS, there is and was no intent to promote one nationally recognized home inspection and certification organization over any other;

WHEREAS, LMC section 5.55.050(C) defines the minimum health and safety requirements for STRs in the City and, in part, currently requires all STRs to have carbon monoxide detectors in all rooms used for sleeping and smoke detectors on each floor;

WHEREAS, section R314.3 of the 2021 International Residential Code requires smoke detectors in all rooms used for sleeping and section R315.3 of the 2021 International Residential Code requires carbon monoxide detectors outside of each separate sleeping area;

WHEREAS, it is the intent of the City to harmonize the STR minimum safety standards with the requirements of the 2021 International Building Code, which has been adopted by reference in LMC Chapter 14.09;

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. Amendment of Title 5, Chapter 55. Title 5, Chapter 55 of the Lakewood Municipal Code shall be amended as follows:

5.55.010 - Definitions.

As used in this Chapter, the following terms shall have the meanings ascribed thereto. Any word or term not defined hereinafter shall be defined in accordance with Chapter 17 of the Lakewood Municipal Code.

J. *Inspector* means an ASHI, InterNACHI or other Certified Master Inspector from a nationally recognized certifying body, certified professional residential property inspector or a residential property inspection company member of ASHI, InterNACHI or other Certified Master Inspector with any nationally recognized home inspection certifying body.

5.55.050 - Property Safety Inspection; Investigation.

C. *Minimum Health and Safety Requirements.* All STRS shall contain the following: a minimum of one operable fire extinguisher per floor (or more if deemed necessary during the premises inspection); operable smoke detectors in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedrooms, and as otherwise required by section R314.3 of the 2021 International Residential Code; and operable carbon monoxide detectors outside of each separate sleeping area in the immediate vicinity of bedrooms and as otherwise required by section R315.3 of the 2021 International Residential Code. An STR with living or sleeping areas within a basement area shall be equipped with egress windows or other exit systems. Please note: this Code only mandates minimum health and safety requirements. Property owners who utilize their home as an STR are solely responsible for compliance with all applicable property maintenance laws.

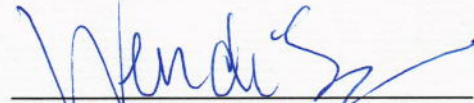
SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

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 12th day of February 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 15th day of February 2024; set for public hearing to be held on the 26th day of February 2024, read, finally passed and adopted by the City Council on the 26th day of February 2024, and, signed by the Mayor on the 27th day of February 2024.






Wendi Strom, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney