

**AGENDA
OURAY CITY COUNCIL**

June 29, 2021 2pm

**IN-PERSON MEETING – ALL PUBLIC WHO WOULD LIKE TO SPEAK SHOULD
ATTEND IN-PERSON
320 6th Ave. – Massard Auditorium**

ZOOM MEETING (FOR LISTENING PURPOSES ONLY)

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878
Or dial: 408 638 0968 or 669 900 6833

Special Meeting – 2pm

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CITIZENS' COMMUNICATION
5. ACTION ITEM
 - a. Consideration of Emergency Ordinance 4, Series 2021 – Temporary Allowance of Workforce Recreational Vehicle Camping on Private Property
 - b. Discussion and Possible Action on Temporary Short-term Rental Restrictions
6. ADJOURNMENT

**CITY OF OURAY
ORDINANCE NO. 4 (SERIES 2021)**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY
ALLOWING FOR TEMPORARY RECREATIONAL VEHICLE CAMPING
ON PRIVATE PROPERTY FOR PEOPLE WHO ARE WORKING WITHIN
THE LIMITS OF THE CITY OF OURAY THROUGH NOVEMBER 19, 2021.**

WHEREAS, as Colorado and the nation opens to business as usual and recovers from the COVID-19 pandemic, tourism is increasing but service industry employees are not re-entering the work force as expected.

WHEREAS business within the City of Ouray (City) are experiencing substantial increases in the number of people visiting as regional tourism increases because people stay in City limits or visit places of interest within the City.

WHEREAS along with increased visitors, the City's housing market is experiencing exponential growth rendering work force housing for seasonal workers almost unattainable.

WHEREAS, with little available work force housing, businesses are having difficulty hiring adequate staff to deliver services to the public resulting in a reduction in open hours and/or days as well as last minutes closures when staff are unavailable on short notice leaving visitors without adequate services.

WHEREAS tourism is a substantial economic driver for City businesses and when visitors are unable to access adequate services such as lodging, eating establishments, recreation opportunities, and shopping visitors leave with a negative opinion which may be shared with others.

WHEREAS City Council desires to pass this emergency ordinance to allow the issuance of temporary camping permits to place a Recreational Vehicle (RV) as defined in Ouray Municipal Code § 7-2, on private property in limited situations and only for use as workforce housing for anyone working for a business within the City.

BE IT ORDAINED BY THE OF THE COUNCIL OF THE CITY OF OURAY, COLORADO that:

1. This Ordinance is necessary for the immediate preservation of the health, safety, and welfare of all.
2. The temporary work force housing permit program attached as Exhibit A and the Application Form and Permit attached as Exhibit B are hereby incorporated herein by reference and adopted and approved as a temporary stand-alone ordinance of the City.

3. If the provisions of this temporary work force housing ordinance are inconsistent with the Ouray Municipal Code, this ordinance governs to the extent allowed by law.
4. The temporary work force housing ordinance will expire by its own terms without having to adopt a repealing ordinance no later than November 19, 2021, or upon such further action of this Council.
5. This ordinance is effective immediately upon adoption and shall be published in the newspaper as soon as practical.

CITY OF OURAY

By: _____
Greg Nelson, Mayor

ATTEST:

Melissa Drake, City Clerk

Date

CITY OF OURAY
TEMPORARY RV WORK FORCE HOUSING PERMIT PROGRAM

I. DEFINITIONS.

- A. *Owner* means the person or persons identified as the owner of real property in the records of the Ouray County Assessor
- B. *Recreational Vehicle (RV)* means a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, motor homes, or truck campers which may be used as a temporary dwelling or sleeping place for work force housing staff.
- C. *Work Force Housing Staff* means any person who provides services within the City limits as an employee or independent contractor for more than 18 hours per week.

II. PERMIT REQUIRED; TERM; FEES.

- A. Any Owner may, upon the granting of a temporary RV work force housing permit issued administratively by City staff, enter into a private agreement with any Work Force Housing Staff to allow RV parking on the owner's private property for use as a temporary dwelling or sleeping quarters.
- B. This temporary RV work force housing permit shall issue and automatically renew weekly until such time as Owner terminates the permit in writing or on November 19, 2021, whichever comes first.
- C. The permit application fee shall be \$50.00.
- D. The weekly permit fee shall be \$25.00 paid to the City for each RV spot without proration and is owed by permittee whether a permitted spot is in use or not. The permit fee is due and payable on the Thursday prior to the start of each week. Each week begins on Sunday.
- E. The City may accept advance payment of the weekly permit fees, but acceptance of such payment does not change the week-to-week permit status. City will not provide refunds on any advanced permit fees paid, except if a permit is revoked by the city for cause.
- F. This Permit does not allow any material change in the exterior of any premises that would require a building permit.

III. ELIGIBILITY FOR TEMPORARY PERMIT.

- A. An applicant shall submit a completed permit application to the City along with payment of the permit application fee.
- B. The real property must have a structure on the parcel with a valid City water tap.
- C. The RV must be placed entirely on private property and meet the front yard setback of the zoning district. The rear and side yard setbacks shall be zero feet (0 ft).
- D. The location of the RV on the Owner's private property must be on a hard surface consisting of concrete, asphalt, chip seal, or rock which is designated for parking but in no case shall an RV be placed upon any dirt, grass, or other soft surface.
- E. The RV must have a supply of electricity from a source on the same parcel. No use of a generator is allowed at any time. No air-conditioning unit on the roof of an RV or any other mechanized unit to cool air may operate after the hours of 8:00 p.m. or before 8:00 a.m.
- F. The RV must have access to City water by a hose or other means from a structure located on the same parcel. There is no additional water cost to Owner.
- G. Hoses and cords which cross real property lines or public property are prohibited.
- H. No sewer hook-up for an RV is required, however the RV black water holding tank must be dumped every 3 to 5 days to ensure odors are suppressed and Owner is required to ensure that there is adequate water in the holding tank so aerobic bacteria are hydrated for effective waste breakdown and odor elimination.
- I. In no case shall black or grey water tanks be dumped into any City sewer system located on the premises, unless an RV sewer connection is available, but the grey water tank may be dumped on site so long as the grey water is dumped on a vegetated area located within the real property.
- J. The RV must be equipped with a fully functioning fire extinguisher and carbon monoxide detector.
- K. No more than one RV per parcel shall be allowed in the Residential District – R-1, two per parcel within the Residential District – High Density - R2, and four per parcel in Commercial District – C-1, and Commercial – Industrial District – C-2.
- L. Only one family of not more than three adults over the age of 18 and up to three minor children or three unrelated adults over the age of 18 may dwell or sleep in any RV located on a permitted spot.

- M. The term of the tenancy between the Owner and the Work Force Housing Staff shall end each week on Saturday at 11:59 p.m. and notice to quit shall not be necessary if a forcible entry and detainer action is required to be filed by Owners under C.R.S. § 13-40-107(4). This rental term shall be contained in a written agreement signed by the Owner and the Work Force Housing Staff with a copy provided to City Staff prior to approval of the permit.
- N. The Permit shall be affixed to the RV, so it is visible from any public way, if possible.
- O. The Owner and any Work Force Housing Staff grant permission to City staff or Police Department personnel to enter the property as an invitee to inspect the RV for permit compliance or to respond to complaints without a search warrant at any time.
- P. The permitted RV shall comply with all other restrictions and requirements imposed by the local, state, or federal laws.
- Q. No permanent structure shall be erected in connection with this Permit.
- R. Property owner must file with the City a certificate evidencing valid and effective policies for real and personal property liability insurance at least to the limits required with minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence, One Million Dollars (\$1,000,000.00) in the aggregate.

IV. FACTORS FOR GRANT OF TEMPORARY PERMIT.

- A. No permit under this ordinance shall be granted unless the City finds that the following criteria have been met:
 - 1. No current nuisance as set forth under Ouray Municipal Code exists on the real property where the RV will be located.
 - 3. The RV location does not unreasonably interfere with other adjacent private property rights.
 - 4. The real property parcel complies with any applicable City zoning and building regulations.
 - 5. The issuance of the permit balances the safety of patrons, pedestrians, and traffic such that no such group shall be subject to an unreasonable risk of harm if the permit is granted.

V. ENFORCEMENT PROVISIONS.

- A. It shall be unlawful to violate any of the provisions of this ordinance, or of the permit issued hereunder. In addition, continuing violations of this ordinance, or of any permit issued hereunder is declared a nuisance, which may be abated in any lawful manner.
- B. The penalties for violation of this ordinance shall be as set forth under the general penalty provision of Ouray Municipal Code 1-4.
- C. The permittee's rights hereunder are subject to the police powers of the City. The Permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the City or any other legally constituted government unit having lawful jurisdiction over the subject matter hereof. The City reserves the right to exercise its police powers, notwithstanding anything in this section, any permit issued hereunder, any franchise, or any other permit to the contrary. Any conflict between the provisions of this Ordinance, any franchise or any permit and any other present or future lawful exercise of the City's police powers shall be resolved in favor of this ordinance.
- D. Any revocation of any permit issued herein shall be in accordance with Ouray Municipal Code, § 13-3-F-17 and 18 except the appeal period for revocation or suspension is five days instead of 10 days.
- E. It is unlawful for Work Force Housing Staff or their guests to remain on permitted property after a Notice to Leave is personally served by Owner, or any disinterested person over the age of eighteen, no later than Thursdays at 5:00 p.m. of any week. Work Force Housing Staff and their guests must vacate the premises by the immediately following Saturday at 11:29 p.m. or be subject to the City's police powers. Each day a violation occurs is a separate and distinct violation.
- F. Nothing in this ordinance shall limit enforcement of the City's police regulations Upon Permittee or Work Force Housing Staff and guests.



RV WORK FORCE HOUSING APPLICATION AND PERMIT

PERMITTEE INFORMATION

Name: _____ Phone Number: _____

Mailing address _____

Email address: _____

PERMIT INFORMATION

Location of Permit: _____

Zone: _____ Number of RV Spots _____

Name, Contact Information, and Place of Work for each Work Force Housing Staff and guests who will reside in a permitted RV spot:

Permittee must supply the following documentation with the application (check each):

- Proof of real and personal property liability insurance with minimum limits of \$500,000 for any one person and \$1,000,000 for any one claim
- Pay required fees: \$50 application fee and \$25.00 permit fee for first week
- Written agreement between permittee and Identified Work Force Housing Staff which indicates the tenancy terminates each week on Saturday at 11:59 p.m. and a new tenancy begin on Sunday at 12:00 a.m.

TERMS AND CONDITIONS OF THE PERMIT

Permittee shall be subject to the terms and conditions, including:

- 1) No one shall dwell or sleep in any RV on private property unless a Permit has been issued by the City.
- 2) Permits are not transferable upon the conveyance of the property and do not run with the land.
- 4) Any Permit may be revoked upon five days written notice to the Permittee.
- 5) It shall be unlawful to allow anyone to sleep in an RV on private property once the Permit has been revoked by the City. Failure to remove the RV upon revocation is declared to be a nuisance that may be abated by the City.

- 6) Permittee agrees to hold the City harmless for any damages suffered to the persons or property of the Permittee arising out of their operations under this permit and Permittee agrees to defend and indemnify the City from any damages, cost, attorney fees claimed or adjudged against the City arising out of Permittee's operations under the permit.
- 7) Permittee agrees to properly maintain Permittee's real property, utilities, improvements, and the RV located in the permitted spots, in good and safe condition to create no safety hazards or unreasonable obstruction to person dwelling or sleeping in the RV.
- 8) Permittee shall be responsible to remove any RV upon termination or revocation of permit at the Permittee's sole expense.
- 9) The individual signing on behalf of the Permittee is hereby designated as an agent for service of process on behalf of Permittee.
- 10) In the event the City incurs any costs, including reasonable attorney's fees, enforcing any provision of this Permit, the City may recover such costs from the Permittee.
- 11) All obligations, terms and conditions of this Permit upon the Permittee shall be the obligations of the Permittee.
- 12) The Permittee represents that he/she has read and understands the foregoing terms and conditions of this Permit, that he/she has read and understands the City requirements pertaining to this Permit, and that the undersigned has authority to sign for and bind the Permittee.
- 13) Any breach of the conditions set forth in this Permit, or of City standards, specification or requirements pertaining to this Permit may cause the revocation of the Permit.
- 14) By his/her signature, the Permittee agrees to comply with all terms and conditions of this Permit.
- 15) The following additional conditions shall apply: _____

PERMITTEE: _____
 Signature _____ Date _____

 Printed Name and Title, if applicable

COMPLETED BY CITY STAFF:

Application and Permit Fee Amount: _____ Date Paid _____

INSPECTION OF REAL PROPERTY (Mark Each)

Date Inspected: _____ Name of Inspector: _____

- Front setback compliance
- Zoning compliance
- Adequate fire extinguisher and carbon monoxide detector in RV
- RV on a hard surface
- Agreement for Weekly Tenancy signed by Work Force Housing Staff and guests
- Placement of hoses and cords

Approved by the City:

Printed Name

Date

Signature