



## Council Request Update

April 5, 2018

**Council Request: 18-027**

**Requested by:** Council Member Barrentine

**Request:** Hotel/Motel Inspections and Length of Stay.

**Assigned to:** Police Department

**Response:** Please see the attached from Fire Marshal Laura Herblan.

**Council Request: 18-028**

**Requested by:** Council Member Barrentine

**Request:** Asked for the process utilized for a citizen to correct a police report that they believe contains errors.

**Assigned to:** Police Department

**Response:** Please see the attached from Commander Kelly Martin.

**Council Request: 18-032**

**Requested by:** Council Member Cuesta

**Request:** A request for Code Enforcement to inspect various properties.

**Assigned to:** Police Department

**Response:** Please see the attached from Code Enforcement Supervisor David Lewis.



To: Chief Collins  
From: Fire Marshal Laura Herblan  
Date: 4/4/2018  
Re: Council Communication Response - Hotel / Motel Inspections and Length of Stay

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In November 2015, the City of Englewood approved Ordinance No. 51, which established business and licensing regulations, for the licensing and regulation of Hotel and Motel services within the City of Englewood; attached is copy of Ordinance No. 51 and a link to the Englewood Municipal Code, Chapter 30, Title 5:

[https://library.municode.com/co/englewood/codes/code\\_of\\_ordinances?nodeId=TIT5BULIRE\\_CH30HO\\_MOSE\\_5-30-2LIRE](https://library.municode.com/co/englewood/codes/code_of_ordinances?nodeId=TIT5BULIRE_CH30HO_MOSE_5-30-2LIRE)

A condition of the license is an inspection by the Fire Marshal's Office and Chief Building Code Official.

(Ord. 51-15 § 1)

**5-30-4: - Special Conditions and Restrictions of the License.**

D.

The Fire Marshal and Chief Building Code Official shall inspect the hotel/motel prior to issuance or renewal of a license. A license or renewal shall not be issued until the hotel/motel is in compliance with all provisions of the Englewood Municipal Code and associated fire and building codes adopted by the City.

Annual licensing inspections conducted at the Hotel / Motels are coordinated originally by the Fire Marshal's Office and consist of a collaborative effort that originally also includes the Code Enforcement, Impact and the Building Division.

**The Fire Marshal's Office has conducted the following Hotel/Motel inspections\*:**

\*For this Council Communication Response, the following inspection details represent that solely of the Fire Marshal's Office.

3020 S Broadway-	6/17/2015, 3/17/2016, 7/27/2017, 12/12/2017, 3/18/2018
3850 S Broadway-	4/16/2016, 7/28/2016, 10/14/2016, 7/27/2017, 9/29/2017
4475 S Broadway-	2/10/2015, 3/1/2015, 3/17/2015, 1/8/2016, 6/15/2017, 9/21/2017, 12/12/2017, 3/29/2018





4575 S Broadway- 3/31/2015, 7/20/2017, 9/21/2017

Annual site inspections conducted by the Fire Marshal's Office in 2015 found conditions that yielded serious risks to health and life safety. Many conditions were the result of extended guest stays that exceed that allowed by the Fire Code of (30) days, which prevented maintenance and the necessary day-to-day operations for general housekeeping and sanitary upkeep. Since 2015, Ordinance No. 51 was implemented which adds a further level of responsibility to the Hotel /Motel owner to ensure that guests are not exceeding 30 days in a single visit.

On March 29, 2018, the Fire Marshal's Office conducted site visits of the local Hotel / Motels in order to have a reminder compliance discussion with the local Business Owners relative to length of stay, (30)-day limitations. During those site visits, one Motel was found in violation with two units rented longer than thirty days. The owner was given a notice of violation and immediately corrected the situation.

The 2017 inspections conducted by the Fire Marshal's Office have been completed.

Fire inspections occur annually, thus the 2018 Hotel / Motel annual inspection process will begin their rotation in the near future.



BY AUTHORITY

ORDINANCE NO. 51  
SERIES OF 2015

COUNCIL BILL NO. 55  
INTRODUCED BY COUNCIL  
MEMBER McCASLIN

AN ORDINANCE APPROVING A NEW CHAPTER 30 OF TITLE 5, BUSINESS AND LICENSE REGULATIONS, FOR THE LICENSING AND REGULATION OF HOTEL AND MOTEL SERVICES WITHIN THE CITY OF ENGLEWOOD.

WHEREAS, the Englewood City Council desires to address current problems and issues with motels in Englewood; and

WHEREAS, under 31-15-501 of the Colorado Revised Statutes, a municipality is given the power to regulate businesses; and

WHEREAS, the Englewood Municipal Code does not currently license or regulate hotels or motels; and

WHEREAS, the Englewood City Council desires to improve the business and residential quality of life in the City; and

WHEREAS, the City requires hotels and motels to operate in accordance with applicable municipal laws and state statutes; and

WHEREAS, the licensing of hotels and motels will provide an inspection process to protect the public health, safety and welfare from unsanitary conditions; and

WHEREAS, the City of Englewood requires a pest certification related to the control and eradication of vermin within the individual rooms and complex to protect the public health, safety and welfare; and

WHEREAS, the annual inspections related to fire and building code compliance are designed to protect the public and first responders; and

WHEREAS, the definition of hotel / motel is specifically chosen to avoid a change in tax policy; and

WHEREAS, this Ordinance is not addressing short term rentals, such as Airbnb, which are currently being studied by the Planning and Zoning Commission and will be addressed by a future ordinance; and

WHEREAS, this Ordinance is not addressing the recent U.S. Supreme Court decision in Los Angeles vs. Patel regarding the inspection of hotel registers by law enforcement which will be addressed in a future ordinance; and

WHEREAS, this Ordinance is not addressing the use and provision of vouchers by non-profit and for-profit groups to provide temporary housing to persons who find themselves suddenly without shelter which will be addressed in a future ordinance; and

WHEREAS, the City Manager will bring forth a Resolution establishing a fee to recover the actual costs of administering the program, principally the recovery of cost of inspections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado, hereby amends Title 5, of the Englewood Municipal Code 2000, with the addition of a new Chapter 30 to read as follows:

**5-30: HOTEL AND MOTEL SERVICES**

**5-30-1: Definitions.**

For the purpose of this chapter the following definitions apply:

Hotel/Motel: An establishment, making rooms available to the public, where the period of lodging for which such rental fee, price or other consideration is paid or received shall be less than (30) days.

Pest Control Certification: Shall mean an annual certification, issued within thirty (30) days of submission of the Application, from a fully licensed pest control company that the proposed premises is free of insect and/or pest infestation.

**5-30-2: License Required.**

It shall be unlawful for any person or entity to offer or provide hotel or motel services in the City of Englewood without having first obtained a license.

**5-30-3: Application for License.**

Hotel and Motel licenses shall be issued in accordance with Chapter 1 of this Title.

**5-30-4: Special Conditions and Restrictions of the License.**

In addition to the requirements of Chapter 1 of this Title, the following special conditions and restrictions apply:

- A. Hotel or Motel licenses may not be transferred to another person or location other than that listed in the license application.
- B. Any change of owner, officer, director, or holder of more than ten percent of the shares of stock of a corporate license holder or partner of a partnership, requires a written amendment to the original application for the issuance of a hotel or motel license. The amendment shall be submitted to the Licensing Officer within thirty (30) days of the change of ownership.

A change of ownership amendment is not required if the licensed hotel or motel is owned directly or beneficially by a person that as an issuer has a class of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (the "Act") or is an issuer of securities which is required to file reports with the Securities and Exchange Commission pursuant to Section 15(d) of the Act, provided that such person files with the Commissioner

such information, documents and reports as are required by the provisions of the Act to be filed by such issuer with the Securities and Exchange Commission. The issuer shall file with the Licensing Officer information on officers and directors of such issuer of any licensed or intermediate subsidiary as is otherwise required of officers and directors of corporate hotel or motel.

C. Pest Control. Pest Control Certification must be submitted with the license application and annually thereafter.

D. The Fire Marshal and Chief Building Code Official shall inspect the hotel/motel prior to issuance or renewal of a license. A license or renewal shall not be issued until the hotel/motel is in compliance with all provisions of the Englewood Municipal Code and associated fire and building codes adopted by the City.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 19<sup>th</sup> day of October 2015.

Published as a Bill for an Ordinance in the City's official newspaper on the 22<sup>nd</sup> day of October, 2015.

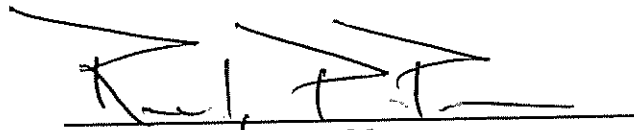
Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of October, 2015 for thirty (30) days.

Read by title and passed on final reading on the 2nd day of November, 2015.

Published by title in the City's official newspaper as Ordinance No. 51, Series of 2015, on the 5<sup>th</sup> day of November, 2015.


Published by title on the City's official website beginning on the 4<sup>th</sup> day of November, 2015 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.




Randy P. Penn, Mayor

ATTEST:



Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 51, Series of 2015.



Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Meeting Date:</b> November 2, 2015	<b>Agenda Item:</b> 11bi	<b>Subject:</b> Recommendation to approve a bill for an ordinance related to Hotel and Motel Licensing- 2 <sup>nd</sup> Reading
<b>Initiated By:</b> Police Department	<b>Staff Source:</b> Deputy Chief Jeff Sanchez	

### PREVIOUS COUNCIL ACTION

N/A

### RECOMMENDED ACTION

The Police Department recommends that City Council adopt, on second reading, a Bill for an Ordinance which would add a new section (5-30) to the Englewood Municipal Code 2000 pertaining to Hotel and Motel Services – Licensing.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This ordinance would require any person or entity providing hotel or motel services to obtain a license in order to provide these services in Englewood.

There are conditions which pertain to the transfer of a license, as well as changes involving an owner, officer, director, etc.

A Pest Control Certification will need to be submitted with the license application.

The Fire Marshal and Building Division will be required to inspect the hotel/motel prior to the issuance or renewal of a license. The licensee will need to be in compliance with all Englewood codes prior to the issuance of a license or renewal.

### FINANCIAL IMPACT

No significant financial impact is anticipated.

### LIST OF ATTACHMENTS

Bill for an Ordinance



## COUNCIL COMMUNICATION

<b>Meeting Date:</b> October 19, 2015	<b>Agenda Item:</b> 11aii	<b>Subject:</b> Recommendation to approve a bill for an ordinance related to Hotel and Motel Licensing
<b>Initiated By:</b> Police Department	<b>Staff Source:</b> Deputy Chief Jeff Sanchez	

### PREVIOUS COUNCIL ACTION

N/A

### RECOMMENDED ACTION

The Police Department recommends that City Council adopt a Bill for an Ordinance which would add a new section (5-30) to the Englewood Municipal Code 2000 pertaining to Hotel and Motel Services – Licensing.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This ordinance would require any person or entity providing hotel or motel services to obtain a license in order to provide these services in Englewood.

There are conditions which pertain to the transfer of a license, as well as changes involving an owner, officer, director, etc.

A Pest Control Certification will need to be submitted with the license application.

The Fire Marshal and Building Division will be required to inspect the hotel/motel prior to the issuance or renewal of a license. The licensee will need to be in compliance with all Englewood codes prior to the issuance of a license or renewal.

### FINANCIAL IMPACT

No significant financial impact is anticipated.

### LIST OF ATTACHMENTS

Bill for an Ordinance



City of Englewood Fire Marshal's Office  
 3615 South Elati Street  
 Englewood, Colorado 80113

<http://englewoodgov.org/inside-city-hall/city-departments/fire-marshal-s-office>

## INSPECTION REPORT

**Business Name:** Holiday Motel

**Property Address:** 4475 S. Broadway Englewood, CO 80110 **Phone:** (303) 789-9328

**Emergency Contact:** Sebastian, Kim / Dwight Kim **Occupancy ID:** 436

**Property Owner:** Kim, Sebastian **Property Use:** Motel

A site inspection only for transient occupancy has been made of these premises on: **March 29, 2018** to determine if there any violations of the International Fire Code. If violations have been found, this shall serve as your official notice. All violations shall be corrected immediately; a re-inspection of the premises will be made in 30 days by the City of Englewood Fire Marshal's Office to verify that the required corrections have been made. Failure to correct violations shall cause the owner of the property or other responsible person to be in violation of the City of Englewood Municipal Code and Ordinances and subject to fees and penalties per EMC Section 8-1-9 and 8-1-10. Should you need assistance regarding this inspection, please contact the Englewood Fire Marshal's Office.

<b>Location</b>	<b>of</b>	<b>* Please note that violations are only listed once for efficiency, may be found in multiple locations on-site; all violations must be corrected.</b>
<b>Violation(s):</b>		
<b>Violation(s) Found:</b>		2015 IFC, EMC Title 8, Chapter #2
<p>Per the 2015 IFC, an occupancy described as a Hotel (transient) or Motel (transient) is classified as a Residential Group R-1. Transient is the occupancy of a dwelling unit or sleeping unit for not more than 30 days.</p> <p>Multiple Units were identified as being occupied for longer than (29) days,</p> <p><b>UNITS #</b> 106, 128</p>		
<p><b>Other:</b> Need Accurate Paperwork and have full accountability for all tenants. Check in date and check out date proper Room number associated with each tenant.</p>		
<b>Additional Notes:</b>		
<p>EMC Title 5, Chapter 30, requires that an application, an annual inspection to protect the public health and welfare, and licensing and applicable inspection fees for Hotels and Motels operating in the City of Englewood.</p>		

Hotel – Motel Inspection Fees will be accrued as follows:

Initial Inspection	No Charge
First Re-inspection	\$50
Second Re-inspection	\$100
Third Re-inspection	\$200
Fourth (and each subsequent) Re-inspection	\$400

Please ensure all violations have been corrected prior to requesting a re-inspection for compliance.

I, the undersigned, am in receipt of a copy of this inspection report and am aware of the hazards noted. I am also aware that this is a routine inspection as allowed by the International Fire Code, and may not encompass every possible violation of fire hazard present at this time.

Signature of Business Owner, Manager, or Responsible Party	Title	Date
M. Smith	Deputy Fire Marshal	March 29, 2018
Signature of Inspector	Title	Date



**TO:** Chief John Collins  
**FROM:** Commander Kelly Martin  
**DATE:** April 3, 2018  
**SUBJECT:** Council Request 18-028

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CR 18-028

Requested by: Council Member Laurrett Barrentine: Asked for the process utilized for a citizen to correct a police report that they believe contains errors.

Assigned to: Police Department

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A reporting person, suspect, victim or witness who has additional information on an incident or crime and/or who believes the information contained in an official police report is inaccurate may submit a written statement under the original case report number detailing their recollection of events. That written statement becomes part of the police report. An individual may also request that an officer complete a supplemental report paraphrasing any additional information. It is not necessary that a person wishing to submit a written statement or provide additional information provide that statement or additional information to the original officer. Official statement forms are available at the Englewood Police Department.



**TO:** Chief John Collins  
**FROM:** Code Enforcement Supervisor David Lewis  
**DATE:** April 4<sup>th</sup>, 2018  
**SUBJECT:** Council Request 18-032

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CR18-032

Requested by: Council Member Cuesta

A request for Code Enforcement to inspect the below properties

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As requested by Council, Code Enforcement conducted inspections of the below properties. Properties that were issued a Notice of Violation will follow Due Process as outlined in the Englewood Municipal Code with the primary goal of “voluntary compliance.” Should the property not come into voluntary compliance, within 7 days, the more formal “Posting Notice” along with a certified mailing will be issued for a 14 day voluntary compliance. Should the properties not voluntarily comply with the Posting Notice the resident and/or the property owner will be issued a summons into municipal court.

4771 S. Delaware (dead weeds over a knee high)

This property was placed on a 7 day Notice of Violation

4525 S. Delaware (couches or chairs in driveway)

The resident of the property was placed on a 7 day Notice of Violation along with the property owner who does not reside at the property

500 W. Belleview (excess trash on the property that has been present for weeks)

This property was placed on a 7 day Notice of Violation

4661 S. Bannock (commercial snow removal blade in drive way)

Property is currently in compliance since the Home Occupation and Outdoor Storage / Junk does not apply to the snow plow blade currently. If additional commercial / business activities are noticed the case will be referred to Community Development as a Home Occupation / Business Case.