

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 37

4
5 Series, 2018

6
7 **INTRODUCED BY COUNCILMEMBERS: VALDES & DRISCOLL**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, EXTENDING THE TEMPORARY**
11 **MORATORIUM ON THE ISSUANCE OF BUSINESS AND**
12 **SALES/USE TAX LICENSES FOR SHORT TERM RENTAL**
13 **PROPERTIES**

14
15 **WHEREAS**, the city has adopted a sales tax code requiring persons engaged in
16 the rental of lodging services to obtain a business and sales/use tax license, see section 3-9-2-1 of
17 the municipal code; and

18
19 **WHEREAS**, tourism is an important part of the local economy, including
20 vacation rentals at hotels, condominiums, and increasingly, in residential neighborhoods; and

21
22 **WHEREAS**, the increase in transient occupancy has had an adverse impact on
23 residential neighborhoods because they often generate excess noise, traffic, and trash and the
24 lack of permitting of short term rentals results in the existence of incompatible property uses in
25 residential neighborhoods; and

26
27 **WHEREAS**, the current zoning code does not adequately address the issues
28 involving short term rentals and the city is in the process of studying the issue in order to make
29 recommendations on the best approach to address the issues; and

30
31 **WHEREAS**, the imposition of a temporary moratorium on the submission,
32 acceptance, processing, and approval of all applications and requests for a city permit, license,
33 land use approval, or other approval is reasonable in time and scope and would not work an
34 unnecessary hardship upon or unreasonably prejudice any party; and

35
36 **WHEREAS**, the temporary moratorium set in place by Ordinance 29-2018
37 expires on October 16, 2018, and the city council finds that more time is necessary to adequately
38 address the needs of the city regarding short term rentals and to amend city code to reflect these
39 needs; and

40
41 **WHEREAS**, the city council finds that it is in the public interest to impose an
42 extension to the temporary moratorium and that this ordinance is necessary and proper to provide
43 for the safety, preserve the health, promote the prosperity, and improve the order of the City of
44 Littleton and the inhabitants thereof.

45
46 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
47 **THE CITY OF LITTLETON, COLORADO, THAT:**

48
49 **Section 1:** There is hereby imposed an extension to the temporary moratorium

1 on the issuance of business, sales and use tax licenses under the lodging services classification
2 for a period of ninety days, as set forth in section 2.

3
4 **Section 2:** Business and sales/use tax licenses under the lodging services
5 classification for the following uses as defined in section 3 are subject to this moratorium:

- 6
7 (a) Vacation rentals, as falling under the lodging services classification for business,
8 use, and sales taxes.

9
10 **Section 3:** Definitions. The following terms shall have the following
11 meanings for the purposes of this ordinance:

12
13 (a) **APARTMENT** means one or more rooms with private bath and kitchen facilities
14 comprising an independent self-contained dwelling unit not owned in fee simple and
15 located in one or more structures containing more than ten (10) units for rent.

16
17 (b) **LODGING SERVICES** means the furnishing of rooms or accommodations by
18 any person, to a person who, for consideration, uses, possesses, or has the right to use or
19 possess, any room in a hotel, inn, bed and breakfast, residence, apartment, lodging house,
20 motor hotel, guest house, guest ranch, trailer coach, mobile home, auto camp, or trailer
21 court and park, or similar establishment, for a period of less than thirty (30) days, under
22 any concession, permit, right of access, license to use, or other agreement, or otherwise.

23
24 (c) **MANUFACTURED OR MOBILE HOME** means a transportable structure
25 suitable for year-around single-family occupancy and having water, electrical, and
26 sewage connections similar to single-family dwellings.

27
28 (d) **SINGLE FAMILY ATTACHED RESIDENTIAL DWELLING UNIT** means
29 two or more dwelling units, each owned in fee or rented and located on individual lots
30 but joined along a single lot line, each of which is totally separated from the other by an
31 unpierced wall extending from ground to roof.

32
33 (e) **SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNIT** means
34 a dwelling that is not attached to any other dwelling unit designed for use by one family
35 and separated from other units by open space.

36
37 (f) **VACATION RENTAL** means the furnishing of a room, rooms or
38 accommodations to a person by the rental of all or part of any of the following:

- 39
40 1. A single family attached residential dwelling unit or accessory building;
41 2. A single family detached residential dwelling unit or accessory building;
42 3. A rental of a manufactured or mobile home.

43
44 The rental shall be for periods of less than thirty (30) consecutive days and subject to
45 business, use and sales tax under the lodging services

1
2 **Section 4:** It is hereby declared that, in the opinion of the city council, this
3 extension of the temporary moratorium provides the time necessary to prepare or implement a
4 work plan for the review of all current land use regulations and for city council and staff of the
5 City of Littleton to consider amendments, if any are required, to the city code.

6
7 **Section 5:** It shall be a violation of this ordinance to engage in the business of
8 lodging services, as set forth in section 2 of this ordinance, while subject to the provisions of this
9 moratorium. Violations of this ordinance shall be a misdemeanor.

10
11 **Section 6:** The city shall, effective October 17, 2018, not allow for any
12 business and sales/use tax licenses for lodging services in the City of Littleton, and will halt the
13 acceptance, processing, and approval of applications for all business and sales/use tax licenses
14 for lodging services, as set forth in section 2 of this ordinance.

15
16 **Section 7:** This ordinance shall become effective immediately upon passage
17 and shall expire ninety (90) days thereafter, unless sooner repealed or extended by a duly
18 adopted ordinance of the city council.

19
20 **Section 8:** Severability. If any part, section, subsection, sentence, clause or
21 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
22 validity of the remaining sections of this ordinance. The City Council hereby declares that it
23 would have passed this ordinance, including each part, section, subsection, sentence, clause or
24 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
25 clauses or phrases may be declared invalid.

26
27 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in
28 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
29 repealer clauses of such ordinance nor revive any ordinance thereby.

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31
32 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
33 of the City of Littleton on the 2nd day of October, 2018, passed on first reading by a vote of 6
34 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
35 Municipal Courthouse and on the City of Littleton Website.

36 PUBLIC HEARING on the Ordinance to take place on the 16th day of October,
37 2018, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
38 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

39

40 PASSED on second and final reading, following public hearing, by a vote of _____FOR
41 and _____ AGAINST on the 16th day of October, 2018 and ordered published by posting at
42 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

43

44 ATTEST:

45 _____
46 Wendy Heffner
47 CITY CLERK

Debbie Brinkman
MAYOR

48

49 APPROVED AS TO FORM:

50

51 _____
52 Lena McClelland
53 ASSISTANT CITY ATTORNEY

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