

CITY OF LITTLETON, COLORADO

ORDINANCE NO.

Series, 2018

INTRODUCED BY COUNCILMEMBERS:

**AN EMERGENCY ORDINANCE OF THE CITY OF
LITTLETON, COLORADO, IMPOSING A TEMPORARY
MORATORIUM ON THE ISSUANCE OF BUSINESS AND
SALES/USE TAX LICENSES FOR SHORT TERM RENTAL
PROPERTIES**

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

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

WHEREAS, in recent years, the density and frequency of rentals of less than 30 days in residential neighborhoods has been increasing, due in large part to the web-based marketing tools such as Airbnb and vacation rentals by owner;

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

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

WHEREAS, the imposition of a moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

WHEREAS, a moratorium through an emergency ordinance is a reasonable and necessary measure to protect the public interest in quality of life and the preservation of public order for residents; and

WHEREAS, the city council hereby finds pursuant to section 41 of the city charter and determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order of the City of Littleton and the inhabitants thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: There is hereby imposed a temporary moratorium on the issuance of business, sales and use tax licenses under the lodging services classification for a period of ninety days, as set forth in Section 2.

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

- (a) Vacation Rentals

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

- (a) **APARTMENT** means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple and located in one or more structures containing more than ten (10) units for rent.
- (b) **LODGING SERVICES** means the furnishing of rooms or accommodations by any person, to a person who, for consideration, uses, possesses, or has the right to use or possess, any room in a hotel, inn, bed and breakfast, residence, apartment, lodging house, motor hotel, guest house, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, or similar establishment, for a period of less than thirty (30) days, under any concession, permit, right of access, license to use, or other agreement, or otherwise.
- (c) **MANUFACTURED OR MOBILE HOME** means a transportable structure suitable for year-around single-family occupancy and having water, electrical, and sewage connections similar to single-family dwellings.
- (d) **SINGLE FAMILY ATTACHED RESIDENTIAL DWELLING UNIT** means two or more dwelling units, each owned in fee or rented and located on individual lots but joined along a single lot line, each of which is totally separated from the other by an unpierced wall extending from ground to roof.
- (e) **SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNIT** means a dwelling that is not attached to any other dwelling unit designed for use by one family and separated from other units by open space.

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

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

The rental shall be for periods of less than Thirty-One (31) consecutive days, characterized by the following:

4. The rental is marketed through a third party; examples are Airbnb, Trip advisor, and similar online entities.
5. The renter has exclusive use of the portion of the premises rented.
6. Rental deposits and fees must be paid in advance and may be non-refundable.

Section 4: It is hereby declared that, in the opinion of the city council, an emergency exists; there is a need for the preservation of public property, health, peace, or safety of the City of Littleton; and this temporary moratorium adopted as an emergency ordinance provides the time necessary to prepare a work plan for the review of all current land use regulations and for the city council and staff of the City of Littleton to consider amendments, if any are required, to the city code.

Section 5: It shall be a violation of this ordinance to engage in the business of lodging services, while subject to the provisions of this moratorium. Violations of this ordinance shall be a misdemeanor.

Section 6. The city shall, effective July 18, 2018, not allow for any business and sales/use tax licenses for lodging services in the City of Littleton, and will halt the acceptance, processing, and approval of applications for all business and sales/use tax licenses for lodging services, except as provided in Section 2 of this ordinance.

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

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

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

INTRODUCED AS AN EMERGENCY ORDINANCE and adopted at a regular meeting of the City Council of the City of Littleton on the ____ day of _____, 2018, by a vote of _____FOR and _____ AGAINST on the ____ day of _____,2018 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Debbie Brinkman
MAYOR

APPROVED AS TO FORM:

Stephen M. Kemp
City Attorney