

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 29**

4
5 **Series, 2018**

6
7 **INTRODUCED BY COUNCILMEMBERS:**

8
9 **AN EMERGENCY ORDINANCE OF THE CITY OF**
10 **LITTLETON, COLORADO, IMPOSING A TEMPORARY**
11 **MORATORIUM ON THE ISSUANCE OF BUSINESS AND**
12 **SALES/USE TAX LICENSES FOR SHORT TERM RENTAL**
13 **PROPERTIES**
14

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

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

22
23 **WHEREAS**, in recent years, the density and frequency of rentals of less than 30
24 days in residential neighborhoods has been increasing, due in large part to the web-based
25 marketing tools such as Airbnb and vacation rentals by owner;

26
27 **WHEREAS**, the increase in transient occupancy has had an adverse impact on
28 residential neighborhoods because they often generate excess noise, traffic, and trash and the
29 lack of permitting of short term rentals results in the existence of incompatible property uses in
30 residential neighborhoods;

31
32 **WHEREAS**, the current zoning code does not adequately address the issues
33 involving short term rentals and city is in the process of studying the issue in order to make
34 recommendations on the best approach to address the issues;

35
36 **WHEREAS**, the imposition of a moratorium on the submission, acceptance,
37 processing, and approval of all applications and requests for a city permit, license, land use
38 approval, or other approval is reasonable in time and scope and would not work an unnecessary
39 hardship upon or unreasonably prejudice any party.

40
41 **WHEREAS**, a moratorium through an emergency ordinance is a reasonable and
42 necessary measure to protect the public interest in quality of life and the preservation of public
43 order for residents; and

44
45 **WHEREAS**, the city council hereby finds pursuant to section 41 of the city
46 charter and determines and declares that this ordinance is necessary and proper to provide for the

1 safety, preserve the health, promote the prosperity, and improve the order of the City of Littleton
2 and the inhabitants thereof;

3
4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
5 **THE CITY OF LITTLETON, COLORADO, THAT:**

6
7 **Section 1:** There is hereby imposed a temporary moratorium on the issuance of
8 business, sales and use tax licenses under the lodging services classification for a period of
9 ninety days, as set forth in section 2.

10
11 **Section 2:** Business and sales/use tax licenses under the lodging services
12 classification for the following uses as defined in section 3 are subject to this moratorium:

- 13
14 (a) Vacation rentals, as falling under the lodging services classification for business,
15 use, and sales taxes.

16
17 **Section 3:** Definitions. The following terms shall have the following meanings
18 for purposes of this ordinance:

- 19
20 (a) **APARTMENT** means one or more rooms with private bath and kitchen facilities
21 comprising an independent self-contained dwelling unit not owned in fee simple and
22 located in one or more structures containing more than ten (10) units for rent.

- 23
24 (b) **LODGING SERVICES** means the furnishing of rooms or accommodations by
25 any person, to a person who, for consideration, uses, possesses, or has the right to use or
26 possess, any room in a hotel, inn, bed and breakfast, residence, apartment, lodging house,
27 motor hotel, guest house, guest ranch, trailer coach, mobile home, auto camp, or trailer
28 court and park, or similar establishment, for a period of less than thirty (30) days, under
29 any concession, permit, right of access, license to use, or other agreement, or otherwise.

- 30
31 (c) **MANUFACTURED OR MOBILE HOME** means a transportable structure
32 suitable for year-around single-family occupancy and having water, electrical, and
33 sewage connections similar to single-family dwellings.

- 34
35 (d) **SINGLE FAMILY ATTACHED RESIDENTIAL DWELLING UNIT** means
36 two or more dwelling units, each owned in fee or rented and located on individual lots
37 but joined along a single lot line, each of which is totally separated from the other by an
38 unpierced wall extending from ground to roof.

- 39
40 (e) **SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNIT** means
41 a dwelling that is not attached to any other dwelling unit designed for use by one family

1 and separated from other units by open space.

2
3 (f) **VACATION RENTAL** means the furnishing of a room, rooms or
4 accommodations to a person by the rental of all or part of any of the following:

- 5
6 1. A single family attached residential dwelling unit or accessory building;
7 2. A single family detached residential dwelling unit or accessory building;
8 3. A rental of a manufactured or mobile home.
9

10 The rental shall be for periods of less than thirty (30) consecutive days and subject to
11 business, use and sales tax under the lodging services classification.
12

13 **Section 4:** It is hereby declared that, in the opinion of the city council, an
14 emergency exists; there is a need for the preservation of public property, health, peace, or safety
15 of the City of Littleton; and this temporary moratorium adopted as an emergency ordinance
16 provides the time necessary to prepare a work plan for the review of all current land use
17 regulations and for the city council and staff of the City of Littleton to consider amendments, if
18 any are required, to the city code.
19

20 **Section 5:** It shall be a violation of this ordinance to engage in the business of
21 lodging services, as set forth in section 2 of this ordinance, while subject to the provisions of this
22 moratorium. Violations of this ordinance shall be a misdemeanor.
23

24 **Section 6.** The city shall, effective July 18, 2018, not allow for any business
25 and sales/use tax licenses for lodging services in the City of Littleton, and will halt the
26 acceptance, processing, and approval of applications for all business and sales/use tax licenses
27 for lodging services, as set forth in section 2 of this ordinance.
28

29 **Section 7:** This ordinance shall become effective immediately upon passage and
30 shall expire ninety (90) days thereafter, unless sooner or repealed or extended by a duly adopted
31 ordinance of the city council.
32

33 **Section 8:** Severability. If any part, section, subsection, sentence, clause, or
34 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
35 validity of the remaining sections of this ordinance. The city council hereby declares that it
36 would have passed this ordinance, including each part, section, subsection, sentence, clause, or
37 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
38 clauses, or phrases may be declared invalid.
39

40 **Section 9:** Repealer. All ordinances or resolutions, or parts thereof, in
41 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the

1 repealer clauses of such ordinance nor revive any ordinance thereby.

2
3
4 INTRODUCED AS AN EMERGENCY ORDINANCE and adopted at a regular
5 meeting of the City Council of the City of Littleton on the 17th day of July, 2018, by a vote of
6 FOR and _____ AGAINST and ordered published by posting at Littleton Center, Bemis Library,
7 the Municipal Courthouse and on the City of Littleton Website.

8 ATTEST:

9 _____
10 Wendy Heffner
11 CITY CLERK

Debbie Brinkman
MAYOR

12
13 APPROVED AS TO FORM:

14
15 _____
16 Stephen M. Kemp
17 City Attorney