

SPONSORED BY: MAYOR PRO TEM ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1923  
Series of 2019

1773  
Series of 2019

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 18 TO CHAPTER 18 OF THE NORTHGLENN MUNICIPAL CODE ENTITLED SHORT-TERM RENTAL PROPERTIES

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

Section 1. The Northglenn Municipal Code is hereby amended by the addition thereto of a new Article 18 of Chapter 18, establishing licensing regulations for Short-Term Rental Properties, to read as follows:

ARTICLE 18  
SHORT-TERM RENTAL PROPERTIES

**Section 18-18-1.** Intent and Purpose.

(a) It is the intent of the City Council to establish licensing regulations to safeguard the public health, safety, and welfare by regulating and controlling the use and occupancy of short-term rental properties in the City. No property may be used as a short-term rental without the owner first obtaining a license as set forth in this Article 18.

(b) This Article shall apply to short-term rental properties only as defined herein. This Article shall not apply to hotels or other establishments providing lodging for the general public.

(c) This Article shall not supersede or affect any private conditions, covenants, or restrictions applicable to a parcel of property.

**Section 18-18-2.** Definitions. The following terms used in this Article shall have the meaning set forth below:

(a) *Boarding, Rooming, Lodging House* shall have the same meaning as set forth in Section 11-7-2 of the Northglenn Municipal Code.

(b) *Hotel/Motel* shall have the same meaning as set forth in Section 11-7-2 of the Northglenn Municipal Code.

(c) *Lease* means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession, and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

(d) *Owner* means the record owner of a dwelling or dwelling unit who intends to lease or who leases the unit as a short-term rental.

(e) *Short-term rental* shall have the same meaning set forth in Section 11-7-2 of the Northglenn Municipal Code

**Section 18-18-3.      License Required.**

(a) A valid license is required for each short-term rental in the City.

(b) Licenses shall be issued by the City Clerk, provided the requirements of this Article are met.

**Section 18-18-4.      Application/Fee.**

(a) Applications shall include the required license fee, and other documents and/or information as required by the City Clerk.

(b) All applicants for a short-term rental licensee shall also be required to obtain a business license prior to any short-term rental license being issued.

(c) All applicants for a short-term rental license shall complete and file with the application a License-Holder Affidavit of Inspection ensuring compliance with Section 18-18-6 of this Article.

(d) The annual license fees under this Article shall be set by separate resolution of the City Council.

(e) Accessory dwelling units, as defined in Chapter 11 of the Northglenn Municipal Code, mobile homes, recreational vehicles, and travel trailers are not eligible for a short-term rental license.

**Section 18-18-5.      License Term; Transferability.**

(a) The license term shall be for a period of one (1) year commencing January 1 of each year following the initial license term.

(b) Issuance of a short-term rental license shall not create a continued right to operate a short-term rental property beyond the annual term of the license. All short-term rentals shall be subject to amendments to this Article.

(c) An application for renewal shall be submitted not less than thirty (30) days prior to the date of expiration of the existing license, and if such application for renewal is received less than thirty (30) days prior to the expiration date, a late fee as determined by separate resolution of the City Council shall be assessed.

(d) Licenses issued pursuant to this Article are non-transferable and shall be surrendered upon sale of the licensed property.

**Section 18-18-6.** Health and Safety Standards. Each short-term rental property shall be licensed and in compliance with all applicable standards established under this Article as follows:

(a) Each short-term rental property shall have a posting of the following information in a conspicuous place and manner available to renters:

- (1) The short-term rental license number;
- (2) The contact information of the property owner or manager;
- (3) The contact information for all emergency services;
- (4) Fire escape routes (if a multi-story building);
- (5) Method and timing of trash disposal and recycling; and

(6) The maximum occupancy of the property that is subject to the short-term rental license.

(b) Each short-term rental shall ensure that the address number of the rental property is visible and easy to read from the road to the front of the building.

(c) Each short-term rental shall ensure that all smoke and carbon monoxide detectors are in working order and in compliance with Article 5, Chapter 10 of this Code.

(d) Each short-term rental shall ensure that fire extinguishers are present and maintained as required by the International Fire Code, as adopted in Section 10-5-2 of this Code.

(e) Each short-term rental shall ensure the exterior and interior of the property are in good repair, including, but not limited to, kitchen facilities that are provided, which shall be maintained in good repair.

(f) Each short-term rental shall ensure that there are no active hazards present.

(g) Each short-term rental shall ensure that the property is pest and vermin free.

(h) Each short-term rental shall comply with the applicable provisions of the City's zoning, subdivision, and building regulations with respect to adopted bulk standards, including, but not limited to, height, setbacks, area, lot coverage, external signage, parking, and occupancy restrictions.

**Section 18-18-7.** Advertising. All advertising for a short-term rental property shall include the short-term rental license number. No property may be advertised for lease until a license has been issued.

**Section 18-18-8.**     Suspension. A license may be suspended:

- (a)     When any money due to the City has not been paid. This includes failure to pay civil penalties, fines, taxes, or any other money owed to the City.
- (b)     When any activity conducted by the licensee, his or her agent, or an occupant of a short-term rental violates any federal, state, or local rule, regulation, or law.
- (c)     Upon failing to comply with the terms and conditions of the license.
- (d)     Upon any grounds of suspension provided by ordinance.

**Section 18-18-9.**     Revocation. A license may be revoked by the City:

- (a)     When it appears that the license was obtained by fraud, misrepresentation or false statements within the application;
- (b)     When it appears that the use of the property as a short-term rental property is a public nuisance as defined by this Code or statute or violates any federal, state, or local rule, regulation, or law.
- (c)     Upon failing to comply with the terms and conditions of the license.
- (d)     Upon any ground of revocation provided by this Code.

**Section 18-18-10.**    Renewal.

- (a)     Upon receipt of a timely renewal application, the City Clerk shall review the application and shall administratively approve renewal of the license, provided that the property has not been in violation of this Article, has not had its short-term rental license suspended, and has not been the subject of a nuisance violation conviction or plea of guilty or no contest.
- (b)     In the event the City Clerk determines that the property is being operated in violation of this Article, has had its license suspended in the previous year, or has been convicted in the previous year of a nuisance violation or is subject to a pending nuisance violation, the City Clerk shall deny the renewal application.

**Section 18-18-11.**   Appeal to the City Council.

- (a)     In the event the City Clerk determines to suspend, revoke, or determine not to renew a license under this Article, the Owner may appeal the decision of the City Clerk by submitting a written appeal to the City Clerk within ten (10) days of the date of the decision by the City Clerk, which appeal shall then be forwarded by the City Clerk to the City Council.
- (b)     The City Council in determining whether to affirm or reverse the decision of the City Clerk shall consider the severity of the violation(s), the culpability of the licensee, any remedial measures taken to prevent future

violations, and the impact on the public health, safety and welfare of the conduct that resulted in the determination to suspend, revoke, or determine not to renew a license.

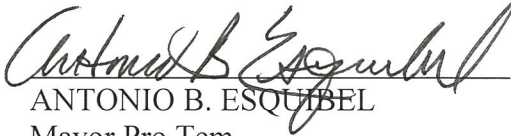
(c) Review by the City Council of the City Clerk's decision shall be according to Chapter 3, Article 7 of the Northglenn Municipal Code, and the burden of proof shall be on the Owner to show that the City Clerk's decision is not supported by competent evidence.

**Section 18-18-12.** Violations and Penalties.

(a) It is unlawful for any owner or occupant of a short-term rental property to violate any provision of this Article or any other applicable provisions of this Code.

(b) In addition to the suspension and revocation proceedings pursuant to Sections 18-18-8 and 18-18-9, violations of this Article shall be subject to the penalties set forth in Section 1-1-10 of this Code. Each separate act in violation of this Article, and each and every day or portion thereof during which any separate act in violation of this Article is committed, continued, or permitted, shall be deemed a separate offense. Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

INTRODUCED, READ AND ORDERED POSTED this 10<sup>th</sup> day of June,  
2019.

  
ANTONIO B. ESQUIBEL  
Mayor Pro Tem

ATTEST:

  
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JOHANNA SMALL, CMC  
City Clerk


PASSED ON SECOND AND FINAL READING this 24<sup>th</sup> day of June,  
2019.

  
ANTONIO B. ESQUIBEL  
Mayor

ATTEST:

  
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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney