

1 ORDINANCE 8154

2 AN EMERGENCY ORDINANCE AMENDING TITLE 3 "REVENUE AND  
3 TAXATION," AMENDING SECTION 3-15-2 "IMPOSITION AND RATE OF  
4 TAX" BY CHANGING THE RENTALS TO WHICH THE TAX IS  
5 APPLICABLE, AMENDING TITLE 10 "STRUCTURES," AMENDING  
6 SECTION 10-1-1 "DEFINITIONS" BY ADDING A NEW DEFINITION OF  
"PRINCIPAL RESIDENCE," AMENDING SECTION 10-3-2 "RENTAL  
LICENSE REQUIRED BEFORE OCCUPANCY AND LICENSE  
EXEMPTIONS," AND AMENDING 10-3-19 "SHORT-TERM RENTALS"  
AND SETTING FORTH RELATED DETAILS.

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
8 COLORADO:

9 Section 1. Section 3-15-2 is amended to read as follows:

10 **3-15-2. – Imposition and Rate of Tax.**

11 There is and shall be paid and collected an excise tax of seven and one-half percent on  
12 the price paid for the leasing or rental of any dwelling unit for a period of less than thirty  
13 days. This tax does not apply to any person subject to Chapter 3-3 "Public  
Accommodations Tax," B.R.C. 1981.

14 Section 2. Section 10-1-1 is amended to add the following:

15 **10-1-1. – Definitions.**

16 ...

17 *Principal Residence* means the dwelling unit in which a person resides for more than one  
18 half of the year. However, if (1) the entire unit is offered and available for rental for more than  
20 days in any month; or, (2) the person owns another dwelling unit that is not licensed for long  
19 term rental; (3) the person's spouse or domestic partner has a different principal residence; (4)  
20 the person's driver's license, voter registration or any dependent's school registration shows a  
different residence address, or (5) the Boulder County Assessor lists a mailing address different  
21 from the dwelling unit address it shall be presumed that the dwelling unit in question is not a  
principal residence. Provided, however, no presumption shall apply in any criminal proceeding.

22 These presumptions are rebuttable, but each must be rebutted by credible evidence from the  
23 party claiming that the dwelling is a principal residence.

24 ...

25 Section 3. Section 10-3-2 is amended to read as follows:

1 **10-3-2. – Rental License Required Before Occupancy and License Exemptions.**

2 (a) No operator shall allow, or offer to allow through advertisement or otherwise, any person  
3 to occupy any rental property as a tenant or lessee or otherwise for a valuable consideration  
4 unless each room or group of rooms constituting the rental property has been issued a valid rental  
license by the city manager. Any advertisement shall include the rental licensing number  
assigned by the city manager.

5 (b) Buildings, or building areas, described in one or more of the following paragraphs are  
6 exempted from the requirement to obtain a rental license from the city manager, provided  
7 however that the exemptions in subsections (b)(1) and (b)(2) below shall not apply to short-term  
rentals.

8 (1) Any dwelling unit occupied by the owner or members of the owner's family who  
9 are at least 21 years of age and housing no more than two roomers who are unrelated to the  
owner or the owner's family. An owner includes an occupant who certifies that the occupant  
owns an interest in a corporation, firm, partnership, association, organization or any other group  
10 acting as a unit that owns the rental property.

11 (2) A dwelling unit meeting all of the following conditions:

12 (A) The dwelling unit constitutes the owner's principal residence;

13 (B) The dwelling unit is temporarily rented by the owner for a period of time  
14 no greater than twelve consecutive months in any twenty-four-month  
period;

15 (C) The dwelling unit was occupied by the owner immediately before its  
16 rental;

17 (D) The owner of the dwelling unit is temporarily living outside of Boulder  
18 County; and

19 (E) The owner intends to re-occupy the dwelling unit upon termination of the  
20 temporary rental period identified in subparagraph (b)(2)(B) of this  
section.

21 (3) Commercial hotel and motel occupancies which offer lodging accommodations  
22 primarily for periods of time less than thirty days, but bed and breakfast facilities are not  
excluded from rental license requirements.

23 (4) Common areas and elements of buildings containing attached, but individually  
24 owned, dwelling units.

25 Section 4. Section 10-3-19 is amended to read as follows:

1 **10-3-19. – Short-Term Rentals.**

2 (a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental  
3 license for the property. :

4 (b) The city manager shall only issue a rental license for short-term rental to

5 (1) A natural person, whose name appears on the deed to the property;

6 (2) A trust, if the beneficiary of the trust is a natural person;

7 (3) A not-for-profit corporation licensed pursuant to section 501(c) of the Internal  
8 Revenue Code, provided, however, the city manager shall have discretion to reject any  
9 application for a not-for-profit corporation if the city manager deems the application to be  
10 inconsistent with the goals of this chapter, which include allowing not-for-profits the opportunity  
11 support their mission through short term rentals, preserving long term rental units and preventing  
12 investor owned short term rentals;

13 (c) Any application for a rental license for short-term rental shall include the following:

14 (1) If the applicant is a natural person, the application must include a sworn statement  
15 that the dwelling unit to be licensed is the applicant's principal residence;

16 (2) If the applicant is a trust, a sworn statement that the dwelling unit is a beneficiary's  
17 principal residence;

18 (3) If the applicant is a not-for-profit corporation, the application shall include proof of  
19 the corporation's status under section 501(c) of the Internal Revenue Code and a statement of the  
20 manner in which short-term rentals serve the organization's charitable purpose; and

21 (4) A certification that the dwelling unit is equipped with operational smoke detectors,  
22 carbon monoxide detectors and other life safety equipment as may be required by the city  
23 manager.

24 (5) The names and telephone numbers of two contacts who for owner-operated rentals  
25 can be permanent residents on the property and who are capable of responding to the property  
within sixty minutes.

(d) If the dwelling unit is an accessory unit, only the accessory unit and not any other dwelling unit on the same property may be a licensed or used as a rental;

(e) If a dwelling unit is licensed for short-term rental, then no accessory unit on the same property may be licensed or used as a rental;

(f) If the applicant is a natural person, the applicant's name must appear on the deed to the property on which the dwelling unit to be rented is located;

1 [\(g\) The city manager shall not issue a license for short-term rental of a permanently affordable](#)  
2 [dwelling unit.](#)(h) Short-term rentals shall not be subject to the inspection requirements of  
Section 10-3-3(a)(1)(A), "Licenses," B.R.C. 1981 except:

3 (1) Accessory Units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981  
4 if such Accessory unit is in an Accessory Structure, as that term is defined in Section 9-16-1,  
"General Definitions," B.R.C. 1981.

5 (i) An accessory unit may not be rented as a short-term rental for more than 120 days in any  
6 calendar year.

7 [\(j\) The occupancy of a dwelling unit rented as a short-term rental shall not exceed the](#)  
8 [occupancy permitted pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981;](#)  
9 [provided, however, for the purposes of this section only, the licensee and people related to the](#)  
10 [licensee shall be counted as one person. The occupancy of any accessory unit shall be limited to](#)  
11 [a family or two unrelated persons;](#)

12 (k) Notwithstanding the provisions of § "Adoption of the International Property Maintenance  
13 Code with Modifications," 10-2-2 B.R.C. 1981, Appendix C, effective January 2, 2019, the  
14 energy efficiency requirements set forth in § 10-2-2, Appendix C section shall apply to  
15 Accessory Units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981 if such  
16 Accessory unit is in an Accessory Structure, as that term is defined in Section 9-16-1, "General  
17 Definitions," B.R.C. 1981.

18 [\(l\) No person shall rent a dwelling unit in a manner that requires or encourages a person to sleep](#)  
19 [in an area that is not habitable as that term is used in the International Property Maintenance](#)  
20 [Code as adopted in § 10-2-2, "Adoption of the International Property Maintenance Code with](#)  
21 [Modifications," B.R.C. 1981.](#)

22 [\(m\) No person shall advertise a short-term rental, unless the advertisement includes the license](#)  
23 [number and the maximum unrelated occupancy permitted in the unit.](#)

24 [\(n\) The city manager shall not issue more than one short term rental license to any applicant.](#)

25 Section 5. Amend Section 10-3-16 as follows:

10-3-16. - Administrative Remedy.

(a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2,  
"Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator  
and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-  
Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to  
remedy the violation:

(1) Impose a civil penalty according to the following schedule:

1 (A) For any violation in the following areas: the area south of Arapahoe Avenue, north  
2 of Baseline Road, east of 6<sup>th</sup> Street and west of Broadway, the area south of  
3 Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S.  
4 Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west  
5 of Folsom Street and east of 15<sup>th</sup> Street:

6 (i) For the first violation of the provision, \$500.00;

7 (ii) For the second violation of the same provision, \$750.00; and

8 (iii) For the third violation of the same provision, \$1,000.00;

9 (B) For a violation in any other area:

10 (i) For the first violation of the provision \$150;

11 (ii) For the second violation of the same provision \$300; and

12 (iii) For the third violation of the same provision \$1,000.

13 (2) Revoke the rental license;

14 (3) If the city manager finds that a short term rental license was issued to a licensee who is  
15 determined not to comply with subsections (1), (2) or (3) of section 10-3-19(c), "Short  
16 Term Rentals," B.R.C. 1981, the city manager shall revoke the short term rental license;  
17 and

18 (4) Issue any order reasonably calculated to ensure compliance with this chapter and  
19 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

20 (b) If notice is given to the city manager by the operator at least forty-eight hours before the  
21 time and date set forth in the notice of hearing on any violation that the violation has been  
22 corrected, the manager will reinspect the building. If the manager finds that the violation has  
23 been corrected, the manager may cancel the hearing.

24 (c) The city manager's authority under this section is in addition to any other authority the  
25 manager has to enforce this chapter, and election of one remedy by the manager shall not  
preclude resorting to any other remedy as well.

(d) The city manager may, in addition to taking other collection remedies, certify due and  
unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-  
12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for  
Collection," B.R.C. 1981.

(e) To cover the costs of investigative inspections, the city manager will assess operators a  
\$250.00 fee per inspection, where the city manager performs an investigative inspection to  
ascertain compliance with or violations of this chapter.

(f) The city manager shall not accept a new application from the same licensee for the same  
dwelling unit or units after revocation of a license:

(1) For at least six months following the revocation; and

(2) Unless the applicant demonstrates compliance with all licensing requirements.

1           Section 6. The city council finds this ordinance is necessary for the immediate  
2 preservation of public peace, health, safety, and property justifying the adoption of this ordinance  
3 as an emergency measure. This ordinance clarifies provisions of the Boulder Revised Code  
4 relating to short term rentals. To allow for efficient regulation of short term rentals passage of  
5 this ordinance immediately is necessary. Immediate effectiveness is necessary to allow  
6 administration of short term rental regulations in a manner consistent with the council's original  
7 intent. This ordinance shall become effective immediately.

8           Section 7. The City Council deems it appropriate that this ordinance be published by title  
9 only and orders that copies of this ordinance be made available in the office of the city clerk for  
10 public inspection and acquisition.  
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1 READ ON FIRST READING, PASSED ON EMERGENCY MEASURE BY TWO-  
2 THIRDS OF COUNCIL MEMBERS PRESENT, ADOPTED, AND ORDERED PUBLISHED  
3 BY TITLE ONLY this 10th day of November, 2016.

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5  
6 Suzanne Jones  
Mayor

7 Attest:

8  
9 Lynnette Beck  
City Clerk