

ORDINANCE O-2025-24

AN ORDINANCE AMENDING TITLE 4 OF THE LONGMONT MUNICIPAL CODE
AMENDING CHAPTER 4.06 CONCERNING THE ESTABLISHMENT OF TOURISM
IMPROVEMENT DISTRICTS IN THE CITY OF LONGMONT

WHEREAS, as a home rule municipality, the City of Longmont (“City”) has the authority under Article XX, §6 of the Colorado Constitution to establish local improvement districts and other types of districts that are separate and distinct governmental entities from the City; and

WHEREAS, the City may establish these districts as needed to provide public improvements and services that are of local and municipal concern and to benefit the health, safety, and welfare of the City’s residents and visitors; and

WHEREAS, increased tourism and commercial activity substantially improves the health of the City’s economy, provide a significant number of jobs for City residents, and directly benefit the City’s businesses; and

WHEREAS, this Ordinance will allow the City’s businesses to organize and establish, subject to the City Council’s approval, tourism improvement districts to generate revenue intended to provide certain tourism-related improvements and services to encourage commercial activity in the City; and

WHEREAS, the City Council hereby intends to authorize tourism improvement districts in the City to impose fees exclusively as charges bearing a reasonable relationship between the cost to payors and the tourism services, or tourism improvements, provided by tourism improvement districts for the benefit of charge payors consistent with Bloom v. City of Fort

1 Collins, 784 P.2d 304, 308 (Colo. 1989) and Colorado Union of Taxpayers Found. v. City of
2 Aspen, 418 P.3d 506 (Colo. 2018); and

3 WHEREAS, adoption of this Ordinance will therefore serve the public purposes of
4 helping to enhance the economic health of the City’s tourism and commercial industries,
5 increase jobs in those industries, and generally contribute to the public’s health, safety, and
6 welfare.

7 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONGMONT,
8 COLORADO ORDAINS:

9 Section 1 That a new Chapter 4.06 of the Longmont Municipal Code (“LMC”) shall read as
10 follows:

11 Chapter 4.06 Tourism Improvement Districts

12 4.06.010 Council findings.

13 It is the city’s policy that tourism improvement districts be organized under this
14 chapter to provide improved, enhanced, additional, or otherwise unavailable
15 tourism-related facilities and services that will supplement the facilities and
16 services regularly provided by the city. The organization of tourism improvement
17 districts within the city having the purposes and powers provided in this chapter
18 will serve the following public purposes: (i) promote economic health; (ii) promote
19 the health, safety, prosperity, security and general welfare of the city’s residents and
20 visitors; and (iii) specially benefit the businesses within the boundaries of any
21 tourism improvement district created under this chapter. The city is empowered to
22 create tourism improvement districts as authorized in this chapter under its plenary
23 home rule authority over matters of local and municipal concern, as authorized by

1 Article XX, §6 of the Colorado constitution. The city council hereby intends to
2 authorize tourism improvement districts in the city to impose fees exclusively as
3 charges bearing a reasonable relationship between the cost to payors and the
4 tourism services, or tourism improvements, provided by tourism improvement
5 districts for the benefit of charge payors.

6 4.06.020. General power to establish tourism improvement districts.

7 The city authorizes the establishment and organization of tourism improvement
8 districts within the city under this chapter to fund and provide tourism
9 improvements and tourism services that will confer special benefits upon businesses
10 within such districts and confer general benefits to the city and its residents and
11 visitors. There shall be no more than one tourism improvement district created
12 pursuant to this chapter operating at one time.

13 4.06.030. Legal status of tourism improvement districts.

14 Any tourism improvement district created under this chapter shall be deemed a
15 body corporate and politic, a "district" within the meaning of Article X, §20(2)(b)
16 of the Colorado constitution, and a unit of local government distinct and separate
17 from the city itself. As a legal entity established entirely through an exercise of the
18 city's home rule authority, tourism improvement districts shall not be considered
19 political subdivisions of the state. The multiple-fiscal year debt and other financial
20 obligations of a tourism improvement district shall not be considered obligations of
21 the city, nor shall a tourism improvement district's fiscal year spending and revenue
22 be considered that of the city.

23 4.06.040. Definitions.

1 As used in this chapter, unless the context indicates otherwise, the following words
2 and terms shall have the meanings set forth below:

3 Annual plan shall mean the board's annual report outlining the tourism
4 improvement district's revenues, expenditures, projects, and goals.

5 Authorized manager shall mean the person who exercises overall responsibility to
6 manage the routine operations of a specific business and is authorized by the
7 business to sign a petition for the inclusion of the business in a tourism
8 improvement district.

9 Board shall mean the board of directors of a tourism improvement district.

10 Business shall mean any business in the city.

11 Tourism improvements shall mean any public improvements designed and intended
12 to be used in support of the services to be provided by the tourism improvement
13 district, which may include, without limitation: decorative structures; identification
14 and directional signs; bicycle and pedestrian paths; buildings and facilities located
15 anywhere in the city primarily designed to host and serve conventions and meetings
16 or to otherwise serve visitors to the city and the traveling public; and all necessary,
17 incidental and appurtenant structures and improvements thereto having a nexus
18 with tourism services in the city.

19 Tourism services shall mean any of the following: (a) the maintenance of any
20 tourism improvements or district-owned tourism improvements; (b) the
21 organization, promotion, marketing and management of public events; (c)
22 marketing and promotions services designed to generate commercial activity,
23 attract tourists, visitors, conventions and other meetings to the city; (d) any

1 combination of the foregoing services; and (e) any other service or improvement
2 having a demonstrable nexus with tourism improvements or tourism services in the
3 city.

4 Charge payor shall mean any business that is paying a tourism improvement district
5 fee.

6 Chief financial officer shall mean the chief financial officer of the city of
7 Longmont, or their designee.

8 City shall mean the city of Longmont, a home rule city and municipal corporation
9 of the State of Colorado.

10 City clerk shall mean the city clerk of the city of Longmont, or their designee.

11 City council shall mean the city council of the city.

12 City manager shall mean the city manager duly appointed by the city council as
13 provided in Article VI of the city's charter, or their designee.

14 Director shall mean a member of the board of a tourism improvement district.

15 Elector shall mean a natural person who is a resident of the State of Colorado, is 18
16 years of age or older and registered to vote in general elections in the State of
17 Colorado, and who satisfies at least one of the below requirements:

18 (1) Maintains a sales and use tax license with the city consistent with LMC §
19 6.08, and is obligated to pay the sales and use tax imposed by LMC §4.04 by virtue
20 of ownership and operation of a businesses within the tourism improvement
21 district; or

22 (2) Maintains a hotel as defined consistent with LMC §6.40.010, and is
23 obligated to pay the lodging tax imposed by LMC §4.05 by virtue of ownership and

operation of a hotel within the tourism improvement district; or

(3) Is the natural person designated to vote for an entity that:

a. Is not a natural person; and

b. Either maintains a sales and use tax license with the city, consistent with LMC §6.08, and is obligated to pay the sales and use tax imposed by LMC §4.04 or defined as a hotel consistent with LMC §6.40.010, and is obligated to pay the lodging tax imposed by LMC §4.05 by virtue of ownership of a hotel within the tourism improvement district.

Such designation must be in writing, under oath, on a form approved by the Board and filed with the Board's secretary. Only one such natural person may be designated by the business owner. Nothing in this definition shall permit a business to cast more than one vote per business whether through a designated elector or as a natural person.

Establishment ordinance shall mean the ordinance passed by city council establishing a tourism improvement district and containing the information required in §4.06.140.

Initial plan shall mean the plan submitted with the petition to organize a tourism improvement district containing the information required in §4.06.090.

Lodger shall mean a person to whom lodging is being provided for compensation.

Maintenance shall mean the periodic cleaning, repair, restoration, rehabilitation, refurbishment, and replacement of an existing tourism improvement.

Room shall mean any portion of a building designed for an occupancy as a complete, independent living quarter for one or more natural persons, having direct access

1 from outside the building or through a common hall, and having living, sleeping and
2 sanitary facilities, and may also include kitchen facilities, which living quarter is
3 for the exclusive use of the occupant(s).

4 Self-affirmation shall mean a self-affirmation substantially in the form shown in
5 §4.06.080(a).

6 Tourism improvement district or district shall mean a tourism improvement district
7 established under this chapter.

8 4.06.050. General powers of tourism improvement districts.

9 Except as may be limited or modified by the establishment ordinance, tourism
10 improvement districts shall have the following powers:

11 (1) Term. To have perpetual existence unless limited as provided in the
12 establishment ordinance.

13 (2) Charge fees. To fund tourism improvements, tourism services and the
14 other affairs of the district by charging fees on the businesses; provided, however,
15 that a district shall have no authority to impose any ad valorem property tax.

16 (3) Elections. To hold elections for the purpose of approving any multiple-
17 fiscal year obligation of the district or conducting any other district affairs. A
18 district's elections shall be conducted in accordance with the Colorado Local
19 Government Election Code in Article 13.5 of Title 1 of the Colorado Revised
20 Statutes, provided, however, that the definition of electors eligible to vote in such
21 an election shall be as provided in this chapter. In the event of any other conflict
22 between this chapter and the Colorado Local Government Election Code, the
23 requirements of this chapter shall control.

1 (4) Contracts. To enter into contracts and agreements affecting the affairs of
2 the district, including, without limitation: (i) contracts relating to the district's
3 tourism improvements and tourism services; (ii) contracts with the city for the
4 collection and expenditure of district fee, and fee revenue; and (iii) contracts for
5 any other administrative, legal, or financial services necessary to assist the district
6 in the performance of its lawful functions.

7 (5) Control of district business. To have the management, control, and
8 supervision of all the business and affairs of the district and of the acquisition,
9 construction, financing, installation and operation of tourism improvements and the
10 funding and operation of district tourism services.

11 (6) Property interests. To acquire, construct, finance, install and operate the
12 tourism improvements contemplated by this Chapter and to acquire all property,
13 rights or interests necessary, incidental, or appurtenant thereto and to dispose of real
14 and personal property and any interest therein, including leases and easements in
15 connection therewith.

16 (7) Employees and contractors. To hire employees and retain agents,
17 engineers, consultants, attorneys, accountants, and other professionals as needed to
18 conduct the affairs of the district.

19 (8) Litigation. To sue and be sued and be a party to suits, actions, or
20 proceedings.

21 (9) Bylaws. To adopt and amend bylaws not in conflict with the constitution
22 and laws of the United States and State of Colorado or the city's charter, code and
23 ordinances as needed by the district for executing its tourism objectives and the

1 affairs of its board.

2 (10) Necessary, incidental, and implied powers. To exercise all rights and
3 powers necessary or incidental to or implied from the specific powers granted in
4 this chapter. Such specific powers shall not be considered as a limitation upon any
5 power necessary or appropriate to carry out the purposes and intent of this chapter.

6 4.06.060. Prohibited powers.

7 A tourism improvement district shall have neither the power of eminent domain nor
8 any police or regulatory powers. A tourism improvement district shall not have the
9 power to incur bonded debt or similar indebtedness in any other form without the
10 city council's prior written consent. However, a district may have the power to enter
11 into contractual multiple-fiscal year debt or other financial obligations within the
12 meaning of Article X, §20(4)(b) of the Colorado constitution, subject to the
13 approval of the electors of the district or provided that the district's payment of such
14 debt or other financial obligations are subject to annual appropriation by the board.

15 4.06.070. How initiated.

16 (a) Petition. Any proposal for the establishment of a tourism improvement
17 district may be initiated by a petition filed with the city clerk subject to the
18 requirements in this section.

19 (b) Contents of petition. Each petition shall include:

- 20 1) A description of the district's boundaries, which may be coterminous with
21 the boundaries of the entire city or a smaller geographical area encompassing only
22 a portion of the city;
23 2) Description of the type and kind of businesses to be initially included in

1 the district and the type and kind of future businesses to be included in the district
2 under §4.06.110;

3 3) A general description of the tourism improvements and tourism services
4 that the district intends to fund and provide;

5 4) Any proposed fees to be levied by the district, the proposed method by
6 which any fees will be collected and disbursed, and the intended uses of any
7 revenue derived from any fee;

8 5) The proposed composition of the board, including the number of directors
9 desired, which must be in accordance with §4.06.150(a);

10 6) The initial plan of the district, containing the information specified in
11 §4.06.090; and

12 7) All signatures on petitions shall be accompanied by a self-affirmation
13 substantially in the form provided in §4.06.080(a).

14 (c) Petition sections. A petition may consist of one or more petition sections,
15 all of which will be aggregated to determine whether the requirements of §4.06.090
16 have been met.

17 (d) Petition Fee. The city manager may require payment of an administrative
18 fee for the filing, review, approval and amendment of any petition and initial plan.
19 The city manager may waive such fee upon a showing of good cause.

20 4.06.080. Self-affirmation; penalties.

21 (a) The self-affirmation on a petition shall state: "I state, under penalty of law,
22 that to my knowledge and belief the facts stated in the petition are true, that my
23 signature and name are as shown on this petition, and that I have signed this petition

1 or have been duly authorized to sign this petition by the entity identified
2 hereunder.”

3 (b) A self-affirmation on a petition shall be deemed invalid after one year has
4 elapsed between the date of the self-affirmation as shown on the petition and the
5 date the petition is filed with the city clerk under §4.06.090.

6 (c) Self-affirmation shall be presumed valid unless competent evidence to the
7 contrary is presented to and accepted by the city manager or their designee.

8 (d) If a person eligible to sign a petition is unable to make a signature, such
9 person may affirm by making a mark on the self-affirmation, with or without
10 assistance, witnessed by another person.

11 (e) It shall be unlawful for any person to knowingly make a false statement on
12 a self- affirmation on any petition filed under this chapter.

13 (f) It shall be unlawful for any person to, by use of force or any other means,
14 unduly influence a person to sign a petition or to not sign a petition, falsely make,
15 alter, forge or counterfeit any petition before or after it has been filed as provided
16 in §4.06.090 or to destroy, deface, mutilate or tamper with any petition before or
17 after it has been filed as provided in §4.06.090.

18 4.06.090. Petition submittal and initial plan.

19 (a) In all cases in which a district is proposed pursuant to this chapter, the
20 petition filed with the city clerk under §4.06.070 must be signed by either:

21 (1) In the case of a district formed to charge a fee on lodging businesses only,
22 the authorized managers representing businesses in the proposed district having at
23 least fifty percent (50%) or more of the total rooms to be included in the district; or

1 (2) In the case of any other type of district assessing businesses that are not
2 lodging businesses, the authorized managers representing businesses in the
3 proposed district paying at least fifty percent (50%) of the proposed fee proposed
4 to be levied.

5 (b) The initial plan for the district shall include the following information:

6 1) Name. The proposed name of the district, which must substantially follow
7 the form "Tourism Improvement District."

8 2) Purpose. The primary purpose or rationale for the district.

9 3) Location. A description and map of businesses proposed to be assessed
10 within the proposed district, providing sufficient specificity so an owner of a
11 business can reasonably determine whether their business is within or outside of
12 the district's boundaries.

13 4) Public participation. A summary of the process employed by petitioners to
14 inform the eligible electors of the proposed district, the efforts taken to organize the
15 district in a manner that will allow the electors the opportunity to participate, and
16 the results of such process and efforts.

17 5) Board. The names of the board's proposed initial directors and a description
18 of how future directors will be nominated for the city council's consideration of their
19 appointment to the board.

20 6) Promotional plan. A summary of the promotional efforts, if any, that the
21 district plans to undertake as part of its proposed tourism improvements and tourism
22 services, the estimated cost thereof, and the manner in which such promotional
23 efforts will be administered.

1 7) Financial plan. A financial plan describing:
2 i. The type and rate of any fee that will be levied for district purposes;
3 ii. A statement as to whether bonds will be issued;
4 iii. The reasonably estimated costs of the tourism improvements and tourism
5 services that will be funded by the district; and
6 iv. A draft first year budget.

7 8) Term. The district's proposed term may be either perpetual or limited. If the
8 term for the district is less than perpetual, the establishment ordinance shall include
9 provisions for dissolution of the district at the end of the term or may include
10 provisions authorizing the district's term to be extended. Whether the term is
11 perpetual or for a limited term, the district may be dissolved at any time as provided
12 for in §4.06.210 or in the manner provided in the establishment ordinance.

13 9) Conclusion. A request for city council to approve the establishment of the
14 district.

15 4.06.100. Boundaries of district.

16 The boundaries of a district may be coterminous with the boundaries of the city, or
17 may consist of a smaller geographical area encompassing only a portion of the city,
18 if so provided in the petition and approved in the establishment ordinance, and such
19 boundaries may consist of contiguous or noncontiguous tracts or parcels of land.
20 The boundaries of the district shall be described in the establishment ordinance.

21 4.06.110. Inclusion or exclusion of businesses after district is established.

22 Unless an alternative procedure for future inclusion or exclusion of businesses is
23 provided in the petition for establishment of a tourism improvement district, the

1 establishment ordinance for a district may provide for the automatic inclusion
2 within the district of the future businesses described in the petition under
3 §4.06.070(b)(2) and for the automatic exclusion from the district of any business
4 that ceases to exist after the district is established. If the boundaries of the district
5 will be conterminous with the city's boundaries, such future businesses annexed
6 into the city after the establishment of the district shall automatically be included
7 within the district when the city's boundaries are modified.

8 4.06.120. Notice of petition.

9 In all cases when a petition to organize a district has been filed with the city clerk
10 and the city manager has determined the petition complies with the requirements of
11 this chapter, the city manager shall forward the petition to the city council for its
12 consideration of the proposed district's establishment ordinance at a public hearing.

13 The city clerk shall give notice of the city council's hearing by publishing the notice
14 once in a newspaper of general circulation in the city, and posting it on the city's
15 website no later than 14 days before such hearing. The petition representative shall
16 give notice of the city council's hearing by mailing it by first class mail to the
17 businesses proposed to be included in the district no later than 14 days before such
18 hearing. Said notice shall:

19 (1) Generally describe the tourism improvements and tourism services that the
20 district intends to undertake;

21 (2) Generally describe the district boundaries and the businesses within such
22 boundaries; and

23 (3) Prominently state the place, date, and time of the city council hearing

on the establishment of the proposed district, which hearing shall be held no earlier than 14 days after the date of the mailing of notices.

4.06.130. Hearing on the petition.

(a) At the time and place specified in the notice required by §4.06.120, the city council shall conduct a hearing to determine if the petition and initial plan satisfy the following criteria:

(1) The petition has been circulated and signed in conformity with the applicable requirements of this chapter; and

(2) The initial plan and the establishment of the district are in the best interest of the city.

(b) The findings of city council on its determination of the genuineness of the petition signatures, the sufficiency of the petition and its determination of the city's best interest shall be final, conclusive and in the city council's sole discretion.

4.06.140. Establishment ordinance.

(a) If the city council determines that the petition and initial plan satisfy the criteria of this chapter, the city council may adopt an establishment ordinance.

(b) At a minimum, the establishment ordinance shall contain the following:

(1) The city council's findings concerning the criteria in §4.06.130;

(2) Boundaries of the district;

(3) Description of the type and kind of businesses to be initially included in the district and the type and kind of future businesses to be included in the district under §4.06.110.

(4) The powers and limits of power to be conferred on the district;

1 (5) The number of directors, appointments and terms of the initial directors, and
2 the process by which future directors will be nominated for appointment by city
3 Council;

4 (6) The term of the district;

5 (7) The other contents of the initial plan of the district as required by §4.06.090;

6 (8) Any other provisions the city council deems necessary to protect the
7 interests of the city, its residents or those of the affected businesses; and

8 (9) A declaration by city council that the district is duly established and
9 organized.

10 (c) If city council adopts the establishment ordinance, such ordinance shall
11 establish the district and approve the initial plan as presented unless the petition
12 representatives consent at the hearing to the city council modifying the initial plan.

13 The city council's determinations by adoption of the establishment ordinance that
14 the district is duly organized after notice duly given, or that a petition was or was
15 not filed or was or was not duly subscribed and acknowledged as herein required,
16 or that the evidence presented at the hearing was sufficient or insufficient to support
17 the adoption of the establishment ordinance, shall be conclusive in every court or
18 other tribunal.

19 (d) If there is any conflict between the provisions of the initial plan and the
20 establishment ordinance, the establishment ordinance shall control.

21 (e) 4.06.150. Board of directors.

22 (a) Board of directors. A district shall have a board of 5 to 9 voting directors. A
23 district shall have a board of 6 to 10 directors. The directors of the board shall be

1 nominated in the manner stated in the petition, provided that any such nominees
2 shall be subject to appointment by the city council. The directors of the initial board
3 shall be confirmed in the establishment ordinance with one-third, or as near to one-
4 third as possible as determined by the city council, of initial appointees to have a term
5 of one year, one-third of the appointees to have a term of 2 years, and one-third of
6 the appointees to have a term of 3 years. One voting director of the Board may be
7 a designated representative of the city. All other voting directors of the board shall
8 be electors within the district or authorized representatives of the electors.
9 Additionally, a designated representative of the city may be designated as a non-
10 voting, ex officio director of the board. The terms of the initial directors on the board
11 shall be deemed to have commenced on the effective date of the establishment
12 ordinance. Upon the expiration of the initial terms, successor directors shall be
13 appointed for terms of 3 years unless the appointee is being appointed to finish the
14 term of a director who has left the board for any reason before the expiration of
15 their term and, in such case, the appointee shall only be appointed to complete the
16 departed director's term.

17 (b) Modification of business type or kind. If the type and/or kind of business
18 assessed within a tourism improvement district is modified pursuant to section
19 4.06.190, the composition of the board of directors shall be modified to ensure that
20 each type and/or kind of business must have at least 1 designated director seat.

21 (c) Officers and duties. The board shall appoint a president, secretary, treasurer,
22 and such other officers as the board deems necessary, and the same board director
23 may hold more than one position except that the positions of president and secretary

1 shall not be held by the same person. The secretary shall keep a record of all
2 proceedings, minutes of meetings, certificates, contracts, and corporate acts of the
3 board. The district shall keep permanent records containing accurate accounts of all
4 money received by or disbursed on behalf of the district and shall make such annual
5 or other reports to the City as may be required in the establishment ordinance.

6 (d) Removal of Directors. The board may remove a director for inefficiency or
7 neglect of duty or misconduct in office, but only after the director has been given a
8 copy of the charges made by the board against such director and has had an
9 opportunity to be heard in person or represented by counsel before the board. In the
10 event of the removal of any director pursuant to this subsection, the board shall file
11 a record of the proceedings, together with the charges made against the directors
12 and the findings thereon.

13 (e) Meetings and public records. All board meetings shall be conducted in
14 compliance with the Colorado Open Meetings Law in Part 4 of Article 6 in Title 24
15 of the Colorado Revised Statutes. All district public records shall be open for public
16 inspection as provided in the Colorado Open Records Act in Part 2 of Article 72 in
17 Title 24 of the Colorado Revised Statutes.

18 (f) Board action. The board shall act by resolution or motion.

19 4.06.160. District revenues.

20 (a) A district shall exercise the authority to impose fees to the extent and in the
21 manner provided for in the district's establishment ordinance.

22 (b) Procedures for the collection and disbursement of district revenue shall be
23 as provided in the establishment ordinance. A district may contract with the city for

1 collection and enforcement of district fees.

2 (c) No district multiple-fiscal year debt or other financial obligation in which
3 such revenues of the district are pledged shall be imposed or incurred unless the
4 electors of the district have approved the multiple-fiscal year debt or other financial
5 obligation in an election conducted in compliance with Article X, §20 of the
6 Colorado Constitution.

7 4.06.170. Annual plan and operating budget.

8 The board of any tourism improvement district shall, by the anniversary of the
9 formation or renewal of the district of each year, or such other date agreed upon by
10 the Board of Directors and the city, file with the city clerk a budget and annual plan
11 for the ensuing year. Districts shall operate on a calendar fiscal year. The annual
12 plan and budget shall be subject to the city council's approval each year in a manner
13 similar to the way the operating plan and budgets of business improvement districts
14 are approved under C.R.S. 31-25-1211. The annual plan and budget may be
15 amended by the district in substantially the same manner as the process for
16 formulating the annual plan and operating budget.

17 4.06.180. Correction of faulty notices.

18 In any case where it is found that a notice provided for in this chapter was not given
19 or insufficient in any way, the city council, city manager, city clerk, or board, as
20 applicable, shall not thereby lose jurisdiction, and the proceeding in question shall
21 not thereby be void or abated. The city council, city manager, city clerk, or board, as
22 applicable, shall order due notice be given and shall continue the proceeding until
23 such time as notice is properly given and thereupon shall proceed as though notice

1 had been properly given in the first instance.

2 4.06.190. Modification.

3 (a) Upon the written request of the board, the city may modify the district after
4 conducting a public hearing on the proposed modifications and adopting a
5 resolution following the public hearing.

6 (b) If the modification includes the charge of a new or increased fee, changes
7 to district boundaries, or changes to the type and kind of businesses assessed, the
8 City shall comply with hearing and notice procedures in §4.06.120, and §4.06.130.

9 4.06.200. Renewal.

10 (a) If a term is specified in the initial plan or the establishment ordinance, any
11 district whose term has expired, or will expire, may be renewed by following the
12 procedures for establishment as provided in this chapter.

13 (b) Upon renewal, any remaining revenues derived from district fees, or any
14 revenues derived from the sale of assets acquired with the revenues, shall be
15 transferred to the renewed district. If the renewed district does not include
16 businesses previously included in the prior district, the remaining revenues
17 attributable to these businesses shall be refunded to the owners of these businesses.

18 (c) There is no requirement that the boundaries, fees, activities, or
19 improvements of a renewed tourism improvement district be the same as the
20 original or prior tourism improvement district.

21 4.06.210. Dissolution of a district.

22 (a) Initiation. Once established, a district shall not be dissolved except when the
23 establishment ordinance provides for automatic dissolution on a date certain or

1 upon the happening of an event, the establishment ordinance provides a different
2 manner for dissolution, or by a request made by the city manager to the city council
3 for a dissolution ordinance as provided in this section.

4 (b) Contents of request for dissolution. A request for dissolution shall state:

5 (1) Name of the district;

6 (2) A description of the district's current boundaries;

7 (3) A description of the businesses within the district;

8 (4) A description of the tourism improvements and tourism services being
9 furnished by the district;

10 (5) A statement indicating whether the district's tourism improvements and
11 tourism services will continue to be provided after dissolution and, if so, the plan
12 for their continued provision;

13 (6) A description of the district's plan, if any, for the disposition of its real and
14 personal property; and

15 (7) A statement affirming that one or more of the following has occurred: (i) a
16 misappropriation of funds, malfeasance, misfeasance, nonfeasance or violation of
17 the law in connection with the management of the district; (ii) the district has failed
18 for 2 consecutive years to timely file its annual plan and budget as required in §
19 4.06.170; or (iii) a petition requesting dissolution of the district signed by the
20 electors in the district who represent at least fifty percent (50%) of the total rooms
21 or at least fifty percent (50%) of the total fee as described in § 4.06.090, then
22 existing in the district has been filed with the city clerk and the signatures on the
23 petition are accompanied by a self-affirmation substantially in the form provided in

1 §4.06.080(a), the petition includes the information required in subsections (b)(1)
2 through (b)(5) above, and it states that all the district's contracts and legal
3 obligations have been fulfilled.

4 (c) Winding up of district. A district shall not be dissolved until all its contracts
5 and legal obligations have been fulfilled and the plan for the district's disposition
6 of its real and personal property has been completed.

7 (d) Notice and hearing. Unless automatic dissolution of the district on a date
8 certain is provided in the establishment ordinance, no dissolution shall occur except
9 by an ordinance adopted by the city council following a public hearing called after
10 notice of the hearing is given in the same manner as provided in §4.06.120 for the
11 hearing on the establishment ordinance, except the notice shall describe the
12 tourism improvements and tourism services that the district intends to discontinue
13 providing and, if applicable, a plan for continued provision of such improvements
14 and services.

15 4.06.220. Limitations of actions.

16 No action or proceeding, at law or in equity, to review any acts or proceedings, or
17 to question the validity or enjoin the performance of any act, or the charge or
18 collection of any fee for a district, or for any other relief against any acts or
19 proceedings done or had under this chapter, whether based upon a claim of
20 illegalities, irregularities or jurisdictional defects, shall be maintained unless
21 commenced within 30 days after the performance of the act complained of or else
22 such proceeding shall be thereafter perpetually barred.

23 4.06.230. Liberal construction.

1 This chapter, being necessary to secure the public's health, safety, welfare, and
2 convenience, shall be liberally construed to affect its purposes within the
3 parameters of the charter and the city's home rule authority.

4 4.06.240. Substantial compliance.

5 Substantial compliance with this chapter shall be all that is required in determining the
6 validity of any petition or the performance of any duty hereunder.

7 4.06.250. Prior city bonds and other city obligations.

8 Nothing herein shall be deemed or construed in any manner that impairs the rights
9 of the owners or holders of any city bonds or other city obligations. In the event of
10 any such impairment, the section, clause, phrase, or word of this chapter causing
11 such impairment shall be deemed severed from this chapter to avoid the impairment.

12 Section 3

13 To the extent that they conflict with this ordinance, the City Council repeals any conflicting
14 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any
15 part shall not affect the validity of effectiveness of the rest of this ordinance.

16 Introduced this 25th day of March, 2025.

17 Passed and adopted this _____ day of _____, 2025.

18
19
20 _____
21 MAYOR

22
23 ATTEST:

24
25
26 _____
27 CITY CLERK

1 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
2 7:00 P.M. ON THE 8TH DAY OF APRIL, 2025, AT THE LONGMONT CITY COUNCIL
3 MEETING.
4

5
6 APPROVED AS TO FORM:
7

8
9 /s/ Eugene Mei 03/24/2025
10 CITY ATTORNEY DATE
11

12
13 /s/ Cristi Campbell 03/24/2025
14 PROOFREAD DATE
15

16
17 APPROVED AS TO FORM AND SUBSTANCE:
18

19
20 /s/ Tony Chacon 03/24/2025
21 ORIGINATING DEPARTMENT DATE
22

23 CA File: 24-002997