

AS APPROVED ON FIRST READING – May 9, 2017

Additions To The Current Breckenridge Town Code Are Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

COUNCIL BILL NO. 16

Series 2017

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE “BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE,” CONCERNING REQUIREMENTS FOR THE ADVERTISING OF ACCOMMODATION UNITS OFFERED FOR RENT

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The definition of “Accommodation Unit” in Section 4-1-2 of the Breckenridge Town Code is amended to read as follows:

ACCOMMODATION UNIT: Separate and distinct living units including condominium, townhome, house, trailer, studio unit, condo-hotel units, or any such other similar unit which is rented to any person, who, for consideration, uses, possesses or has the right to use or possess such accommodation unit **for a period of 30 consecutive days or less**, regardless of the number of days during a license year such unit is rented.

Section 2. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of the following definition:

ADVERTISEMENT: **A form of marketing communication that employs a nonpersonal message to promote the rental of an accommodation unit. This includes, but is not limited to, signage, mailing, brochures, print, radio, television, internet listing, e-mail publication, social media, other electronic means, telephone, or other means or methods regardless of the medium used.**

Section 3. Section 4-1-3 of the Breckenridge Town Code is amended to read as follows:

4-1-3: LICENSE REQUIRED:

It shall be unlawful for any person to maintain, operate, or conduct any retail business or engage in any business activity in the town, including the delivery of goods (excluding wholesale) within the town which are purchased or contracted for outside the corporate limits of the town, without having first obtained a business and occupational license pursuant to this chapter. **Advertisement of a accommodation unit that is located within the town is considered engaging in a business activity within the town.** If business is transacted at two (2) or more separate locations by one person, a separate license for each place of business shall be required.

Section 4. Chapter 1 of Title 4 of the Breckenridge Town Code is amended by the addition of a new Section 4-1-8-3, to be entitled “Special Conditions of a License; Advertisement of an Accommodation Unit,” which shall read as follows:

4-1-8-3: SPECIAL CONDITIONS OF A LICENSE: ADVERTISEMENT OF AN ACCOMMODATION UNIT

A. In addition to the other requirements of this chapter, the owner of an accommodation unit licensed pursuant to this chapter shall, as a condition of such license, be subject to the following requirements:

- 1. The owner of the accommodation unit shall list in the initial license application filed pursuant to this chapter all means, methods, and**

locations of advertisement for the rental of the accommodation unit that the owner intends to use, including, but not limited to, print publications advertisement and website advertisements.

2. After a license has been issued, a licensee shall update the list of advertising information that was provided to the town with the initial license application within thirty (30) days of utilizing a means, method, or location of advertising the accommodation unit for rental.
3. An advertisement offering to rent an accommodation unit must prominently display the Town's business and occupational license number in the advertisement as, "Breckenridge Business License No. [insert number]." The failure to prominently display the required information in any advertisement of accommodation shall be a violation of this section.

B. The licensee and owner of the accommodation unit shall each be liable for compliance with the requirements of this section. The licensee and owner of an accommodation until shall be given written notice of a violation of this section and fifteen (15) days within which to comply with the requirements of this section. It shall be an infraction for a licensee and owner of an accommodation unit to fail to comply with the requirements of this section. A person found to be in violation of this section, or against whom a default judgment has been entered, shall be subject to a minimum fine of two hundred dollars (\$200.00) up to a maximum fine of one thousand dollars (\$1,000.00) for each day of a violation of this section.

Section 5. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. Based upon the information provided to it in connection with the adoption of this ordinance by the Financial Services Manager of the Town, the Town Council finds, determines, and declares that the adoption of this ordinance will not result in a net tax revenue gain to the Town within the meaning of Article X, Section 20 of the Colorado Constitution, also known as the "TABOR Amendment."

Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 8. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 9. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of May, 2017. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of May, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC
Town Clerk