

ORDINANCE NO. 30

Series 2019

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 OCCUPANCY LIMITS FOR ACCOMMODATION UNITS

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

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

OCCUPANCY LIMIT:	The maximum number of persons permitted to reside overnight in an accommodation unit.
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Section 2. Section 4-1-8-1A9 of the Breckenridge Town Code is amended to read as follows:

9. The occupancy limit for all accommodation units except studios shall be two (2) persons per bedroom plus four (4) additional persons. The occupancy limit for studio accommodation units shall be a total of four (4) persons. The number of bedrooms in an accommodation unit shall be based upon the records of the Summit County Assessor used for general property tax assessment. Accommodation units described in section 4-1-4-1B of this chapter are exempt from the limits of this section.

Section 3. Section 4-1-8-3A3 of the Breckenridge Town Code is amended to read as follows:

3. An advertisement offering to rent an accommodation unit must prominently display: (1) the Town's business and occupational license number in the advertisement as, "Breckenridge Business License No. [insert number]"; and (ii) the occupancy limit for the accommodation unit as, "Maximum overnight occupancy [insert number]. The failure to prominently display the required information in any advertisement of accommodation shall be a violation of this section. Accommodation units described in section 4-1-4-1B of this chapter are exempt from the requirements of this section.

Section 4. Section 4-1-10-1D of the Breckenridge Town Code is amended to read as follows:

D1. Except as provided in subsection D2, below, if the Finance Director determines after a hearing that cause exists for the imposition of a sanction against a licensee of an accommodation unit pursuant to section 4-1-8-1 of this chapter, the Finance Director shall impose the following sanction against the licensee:

First violation within 12 months	Suspension of license for 30 days. Licensee may pay administrative fine of \$200.00 within 3 days of entry of suspension order in lieu of serving suspension.
Second violation within 12 months	Suspension of license for 60 days. Licensee may pay administrative fine of \$500.00 within 3 days of entry of suspension order in lieu of serving suspension.
Third violation within 12 months	Suspension of license for 90 days. Licensee may pay administrative fine of \$999.00 within 3 days of entry of suspension order in lieu of serving suspension.
Fourth and each subsequent violation within 12 months	Suspension for such period of time as Finance Director may determine, not to exceed 1 year, or revocation of license. In determining what sanction to impose, the Finance Director shall consider the factors set forth in subsection C of this section. For a fourth and each subsequent violation occurring within a 12 month period, no administrative fine may be

accepted by the Finance Director in lieu of the licensee serving a suspension or revocation.

2. If the Finance Director determines after a hearing that cause exists for the imposition of a sanction against a licensee of an accommodation unit for a violation of section 4-1-8-1A9 of this chapter, the Finance Director shall impose the following sanction against the licensee:

Occupancy Fine Structure		Studio	1 bdrm	2 bdrm	3 bdrm	4+ bdrm
First violation	Suspension of license for 30 days. Licensee may pay administrative fine based on bedroom count within 3 days of entry of suspension order in lieu of serving suspension.	\$ 175	\$ 200	\$ 250	\$ 700	\$ 1,000
Second violation	Suspension of license for 60 days. Licensee may pay administrative fine based on bedroom count within 3 days of entry of suspension order in lieu of serving suspension.	\$ 450	\$ 500	\$ 600	\$ 1,800	\$ 2,650
Third violation and each subsequent violation	Suspension for such period of time as Finance Director may determine, not to exceed 1 year, or revocation of license. In determining what sanction to impose, the Finance Director shall consider the factors set forth in subsection C of this section. For a third and each subsequent violation, no administrative fine may be accepted by the Finance Director in lieu of the licensee serving a suspension or revocation.	<i>No Fine Option</i>				

Section 5. 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, particularly, Section 12.1 of the Breckenridge Town Charter.

Section 6. This ordinance shall be published as required by Section 5.9 of the Breckenridge Town Charter and shall become effective on January 1, 2020.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of September, 2019.

This ordinance was published in full on the Town of Breckenridge website on September 12, September 13, September 14, September 15 and September 16, 2019.

A public hearing on this ordinance was held on September 24, 2019.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 24th day of September, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on September 25, September 26, September 27, September 28 and September 29, 2019. This ordinance shall become effective on January 1, 2020.