

PEOPLE'S ORDINANCE NO. 12

SERIES 1988

AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE BUSINESS
AND OCCUPATIONAL LICENSE TAX ORDINANCE

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

Section 1. There are hereby added to Section 4-1-2 of the Town Code of Breckenridge the following definitions:

BEDROOM A separate room in an accommodation unit designed as a sleeping area. An area of an accommodation unit commonly known as a "loft" shall be treated as a separate bedroom.

LICENSING YEAR The period for which a license issued under this Chapter is valid as provided in Section 4-1-5.

STUDIO An accommodation unit which does not contain a bedroom.

Section 2. The definition of "Accommodation Unit" contained in Section 4-1-2 of the Town Code of Breckenridge is hereby amended so as to read in its entirety as follows:

ACCOMMODATION UNIT Separate and distinct living units including condominium, town home, 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 provided such accommodation unit is or is anticipated to be rented for more than fifteen (15) days in a licensing year.

Section 3. Section 4-1-5 of the Town Code of Breckenridge is hereby amended so as to read in its entirety as follows:

4-1-5 ISSUANCE OF LICENSE:

- A. The Town Clerk shall issue a license under this Chapter upon presentation of a completed application therefor and payment of the fee required by Section 4-1-4.
- B. A license issued under this Chapter shall be valid for a period of one year commencing with the date of issuance and shall be renewed annually for so long as such person is subject to the licensing requirements of this Chapter.
- C. Any business and occupational license issued under prior Town law shall be valid for the period of time provided by the ordinances of the Town which were in effect at the time of the issuance of such license. Nothing contained herein shall extend or shorten any business and occupational license issued under prior Town law. Upon the expiration of such previous license, the licensee shall obtain a license in accordance with this Section.

Section 4. There is hereby added to Section 4-1-10 of the Town Code of Breckenridge new Subparagraphs C and D which shall read in their entirety as follows:

- C. Presumption of Continued Use. With respect to a license issued under this Chapter to the owner of an accommodation unit, the Town Clerk shall be entitled to presume that such unit will continue to be rented for more than 15 days in the next license year, thereby obligating such person to obtain a license for such unit under this Chapter, until such time as the owner of such unit submits information to the Town Clerk, under oath, which demonstrates that such accommodation unit is exempt from the licensing requirements of this Chapter pursuant to Section 4-1-9.
- D. Obligation to Provide Information. It shall be unlawful for any owner of real property within the Town to fail or refuse to provide to the Town Clerk upon request information sufficient to permit the Town Clerk to determine if such person is required to obtain a license pursuant to this Chapter. Any person convicted of violating the provisions of this Subparagraph D shall be punished as provided in Section 4-1-11 (B).

Section 5. Section 4-1-12 of the Town Code of Breckenridge is hereby amended so as to read in its entirety as follows:

4-1-12 ENFORCEMENT; LIEN:

- A. Enforcement. Pursuant to Section 31-20-101, et seq., C.R.S., the Town may cause any delinquent charges for fees made or levied hereunder to be certified to the Summit County Treasurer, to be collected and paid over by said Treasurer in the same manner as real or personal property taxes.
- B. Lien. As to any license due with respect to an accommodation unit, the licensing fees imposed by that Chapter, and any penalty and attorneys' fees due with respect thereto, if not paid when due, shall constitute a perpetual lien upon the accommodation unit and shall have priority over all other liens except general tax liens, special improvement district assessment liens and those bona fide mortgages or trust deeds which were of record prior to the recording of this Town's lien statement as hereafter provided. The Town's lien shall continue until the amount due to the Town is paid in full, or until the lien is discharged in the manner provided for by law. To perfect its lien hereunder, the Town shall record with the Clerk and Recorder of Summit County a statement of lien describing the affected accommodation unit and setting forth the amount then due to the Town. The lien granted to the Town hereunder shall be effective from and after the date of the recording of such lien statement.

Section 6. Except as specifically amended hereby, the Town Code of Breckenridge, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

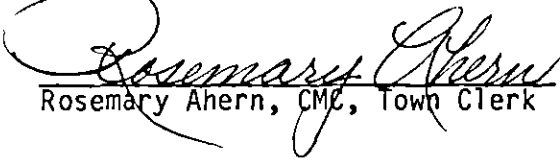
Section 7. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED
IN FULL this 10th day of May, 1988. A Public Hearing shall be held at the
regular meeting of the Town Council of the Town of Breckenridge, Colorado
on the 24th day of May, 1988, at 7:30 p.m. or as soon thereafter as

possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, CMC, Town Clerk

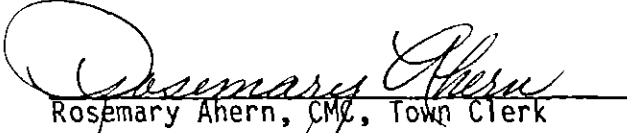

Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL
this 24th day of May, 1988.

A copy of this Ordinance is available for inspection in the
office of the Town Clerk.

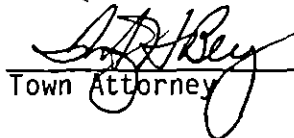
ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney


Date