

ORDINANCE NO. 31

Series 2002

AN ORDINANCE CONCERNING THE DEFINITION OF "ACCOMMODATION UNIT" UNDER THE "TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSE AND TAX ORDINANCE"

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

Section 1. The definition of "Accommodation Unit" as set forth in Section 4-1-2 of the Breckenridge Town Code 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, regardless of the number of days during a license year such unit is rented.

Section 2. Paragraph C of Section 4-1-10 of the Breckenridge Town Code is hereby amended so as to read in its 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 as an accommodation unit 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 unit will not be rented as an accommodation unit.

Section 3. To the extent that the amount to be paid to the Town pursuant to the Town's Business and Occupational License and Tax Ordinance (Chapter 1 of Title 4 of the Breckenridge Town Code) is deemed to be a tax (and not a fee), the amendments to the Town of Breckenridge Business and Occupational License and Tax Ordinance made by this Ordinance do not result in a new tax, a tax rate increase or a tax policy change directly causing a net tax revenue gain to the Town within the meaning of Article X, §20 of the Colorado Constitution.

Section 4. 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.

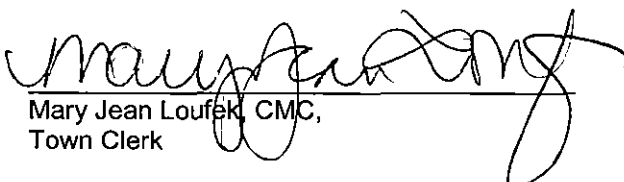
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the powers possessed by home rule municipalities in Colorado.

Section 6. The Town Council hereby 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 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 27th day of August, 2002. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of September, 2002, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

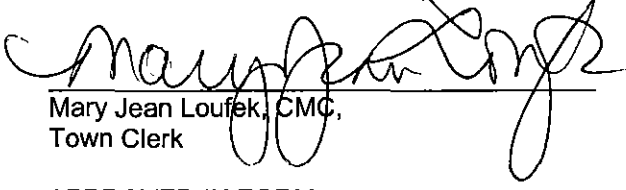

Sam Mamula, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 6, 2002.

The public hearing on this ordinance was held on September 10, 2002.

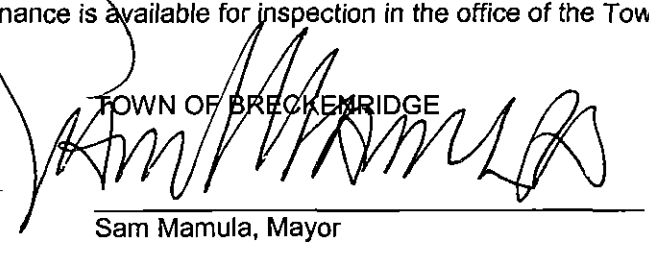
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 10th day of September, 2002. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:



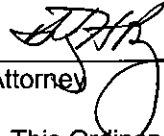
Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE



Sam Mamula, Mayor

APPROVED IN FORM:

 9/10/02

Town Attorney Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 20, 2002.