

ORDINANCE NO. 4

Series 2021

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"; DEFINING THE TERM "ECONOMIC NEXUS"; EXCEPTING RETAILERS HAVING ONLY AN ECONOMIC NEXUS WITH THE TOWN FROM THE REQUIREMENT TO OBTAIN A LICENSE UNDER CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE; AND REQUIRING THE EXCEPTED RETAILERS TO PROVIDE CERTAIN INFORMATION TO THE FINANCE DIRECTOR

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 definitions:

ECONOMIC NEXUS:	Has the meaning provided in Section 3-1-2 of this Code.
RETAILER:	Has the meaning provided in Section 3-1-2 of this Code.

Section 2. Section 4-1-3 of the Breckenridge Town Code is amended to read as follows:

4-1-3: LICENSE REQUIRED; EXCEPTION FOR RETAILER HAVING ONLY AN ECONOMIC NEXUS TO THE TOWN; OBLIGATION TO PROVIDE INFORMATION:

A. Except as provided in section B, below, and in Section 4-1-9, 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 an 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.

B. Any retailer having only an economic nexus with the Town that has not established a physical presence in the Town shall be exempt from the licensing requirements of this chapter; provided, however, that: (i) within 30 days of notice from the finance director such retailer shall furnish to the finance director the name, address, email address, and telephone number of the retailer; and (ii) the retailer shall notify the finance director in writing within 30 days of any change to the name, address, email address, or telephone number of the retailer previously provided to the finance director.

Section 3. 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 4. 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 5. 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 8th day of December, 2020.


This ordinance was published in full on the Town of Breckenridge website on December 9, December 10, December 11, December 12 and December 13, 2020.

A public hearing on this ordinance was held on January 12, 2021.

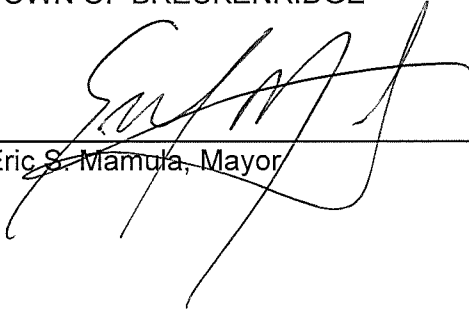
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of January, 2021. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

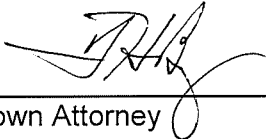


Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

 1/12/21

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on January 13, January 14, January 15, January 16 and January 17, 2021. This ordinance shall become effective on February 17, 2021.