

**ORDINANCE NO. 1
SERIES 2015**

AN ORDINANCE AMENDING SECTIONS 4-1-2, 4-1-4, 4-3-1-2 AND 4-3-2 OF THE VAIL TOWN CODE TO CLARIFY THE BUSINESS LICENSE FEES FOR SHORT-TERM RENTALS WITHIN THE TOWN AND REQUIRING THAT PERSONS OFFERING APARTMENT HOTEL, LODGING HOUSE, GUESTHOUSE OR GUEST RANCH LODGING SERVICES WITHIN THE TOWN MUST POST THEIR TOWN OF VAIL SALES TAX ACCOUNT NUMBER IN ALL INTERNET ADVERTISEMENTS

WHEREAS, the Town Code currently requires bed and breakfast and short-term rental establishments to pay different business license fees that are calculated based upon whether the location of business's management in certain zones within Town;

WHEREAS, the Town Council is aware of certain bed and breakfast and short-term rental establishments that are currently exempt from the Town's business license fees because such businesses maintain a management office outside of the Town;

WHEREAS, in an effort to standardize the Town's business license fees, the Town Council desires to amend the Town Code to require the payment of business license fees for all bed and breakfast and short-term rental establishments, regardless of where a business's management office is located;

WHEREAS, the Town Council is also aware that the sale of lodging services within the Town are being advertised and coordinated via the internet, and is concerned that all sales taxes may not be being paid on apartment hotel, lodging house, guesthouse and guest ranch lodging services; and

WHEREAS, the Town Council further desires that effective July 1, 2015, all persons engaged in internet advertising of apartment hotel, lodging house, guesthouse, and guest ranch lodging services, include a Town of Vail sales tax account number in all such advertisements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. The term "Short Term Rental" as defined in Section 4-1-2 of the Vail Town Code is hereby amended to read as follows:

4-1-2: Definitions:

...

SHORT-TERM RENTAL: A rental of an accommodation unit or dwelling unit, *or any room within an accommodation unit or dwelling unit*, for a term not in excess of thirty (30) consecutive days.

Section 2. Subpart (B) of Section 4-1-4 of the Vail Town Code is hereby amended to read as follows:

4-1-4: Fees:

B. Schedule: An annual business license fee shall be paid by every person doing business within the Town in accordance with the following schedule:

1. ~~Bed And Breakfast Short-Term Rentals: Short-term rentals and bed and breakfast operations.~~ Any person who engages in the short term rental of either accommodation units or dwelling units to one who uses, possesses, or has the right to use or possess such accommodation unit or dwelling unit, **or any room within said unit**, and ~~any person who engages in a "bed and breakfast operation" as that term is defined in Section 12-14-18 of this Code shall pay a fee as follows:~~

a. *For persons engaged in the short term rental of more than two (2) accommodation units, dwelling units, or separate rooms within either dwelling units or accommodation units*, ~~if the management office is located in Zone 1, a flat fee of three hundred twenty five dollars (\$325.00) and in addition,~~ **plus** a fee of seventeen dollars (\$17.00) per **unit for** each unit located in Zone 1 and an additional fee of twelve dollars seventy five cents (\$12.75) per unit for each unit located in Zone 2.

b. *For persons engaged in the short term rental of two (2) or fewer accommodation units, dwelling units or separate rooms within dwelling units or accommodation units, for more than fourteen (14) days per license year*, ~~if the management office is located in Zone 2, a flat fee of one hundred fifty dollars for (\$150.00) two hundred forty three dollars seventy five cents (\$243.75)~~ **plus** an additional a fee of seventeen dollars (\$17.00) per unit for each unit located in Zone 1, and twelve dollars seventy five cents (\$12.75) per unit for each unit located in Zone 2.

c. ~~Persons who short term rent no more than two (2) units and people who have bed and breakfast operations which rent no more than two (2) bedrooms shall be exempt from the provisions of this Chapter.~~

Section 3. Section 4-3-1-2 of the Town Code is hereby amended by the addition of the following definitions, which shall be inserted alphabetically to read as follows:

4-3-1-2: Definitions:

As used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

APARTMENT HOTEL: *A building containing apartments that may be rented to paying guests.*

LODGING HOUSE: *A private single-family home, townhome or condominium with individual rooms that may be rented to paying guests.*

GUESTHOUSE: *A private single-family home, townhome or condominium that may be rented in its entirety to paying guests.*

GUEST RANCH: *A resort patterned after a western ranch, where overnight accommodations are offered to paying guests.*

Section 4. Subsection (C) of Section 4-3-2 of the Town Code is hereby amended to read as follows:

4-3-2: Licensing Requirements:

C. Contents; Posting: Each license shall be numbered *with a Town of Vail sales tax account number* and shall show the name of the licensee and the place of business of the licensee and shall be posted in a conspicuous place at the place of business for which it is issued. If the licensee does not have a place of business, then the license shall show the mailing address of such licensee. *Effective July 1, 2015, any licensee that advertises apartment hotels, lodging houses, guesthouses or guest ranch lodging services on the internet shall include the licensee's Town of Vail sales tax account number in all such advertisements.*

Section 5. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

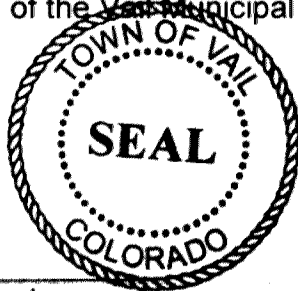
Section 6. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Vail and the inhabitants thereof.

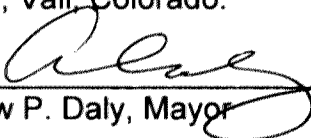
Section 7. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 8. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 9. This ordinance shall become effective in accordance with the Vail Town Code, but the fees established by Section 4-1-4.B.1.b shall become effective on January 1, 2016.

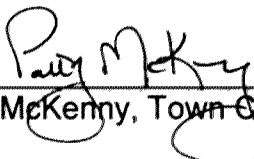
INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 17th day of February, 2015 and a public hearing for second reading of this Ordinance set for the 3rd day of March, 2015, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.





Andrew P. Daly, Mayor

ATTEST:



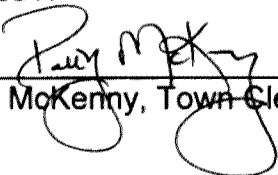
Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 3rd day of March, 2015.



Andrew P. Daly, Mayor

ATTEST:



Patty McKenny, Town Clerk

