

1 ***DRAFT August 22, 2018 DRAFT***

2
3 Additions To The Regulations As Reviewed by the Town Council on August 24, 2018
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 ADMINISTRATIVE RULES AND REGULATIONS CONCERNING
7 ACCOMMODATION UNIT LICENSING UNDER THE TOWN OF BRECKENRIDGE
8 BUSINESS AND OCCUPATIONAL LICENSES
9 AND TAX ORDINANCE

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11 **Part A - General**

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- 13 1. **Effective Date.** These regulations are effective January 1, 2019.
- 14 2. **Authority.** These regulations are issued by the Finance Director of the Town of
15 Breckenridge pursuant to the authority granted by Section 4-1-10-A3 of the Breckenridge
16 Town Code. The term “**Finance Director**” when used in these regulations means the
17 Finance Director of the Town of Breckenridge, or his designee acting pursuant to Section
18 1-7-2 of the Breckenridge Town Code.
- 19 3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the
20 Breckenridge Town Code were followed in connection with the issuance of these
21 regulations. Notice of the adoption of these regulations was given in accordance with the
22 requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
- 23 4. **BOLT Ordinance – Defined.** When used in these regulations, the term “**BOLT**
24 **Ordinance**” means the Town of Breckenridge’s Business and Occupational Licenses and
25 Tax Ordinance, codified at Chapter 1 of Title 4 of the Breckenridge Town Code.
- 26 5. **Conflict With BOLT Ordinance.** These regulations are intended to supplement, and not
27 conflict with, the BOLT Ordinance. If there is a conflict between the these regulations
28 and the BOLT Ordinance, the ordinance shall control.
- 29 6. **No Repeal of Other Finance Department Regulations.** These regulations do not repeal
30 or replace any administrative rules or regulations, administrative guidelines, or any
31 policies or procedures previously adopted or issued by the Finance Director pursuant to
32 the BOLT Ordinance.
- 33 7. **Definitions.**
 - 34 7.1 All of the definitions in Section 4-1-2 of the BOLT Ordinance are incorporated
35 into and made a part of these regulations.

1 7.2 As used in these regulations “**accommodation unit license**” or “**license**” means a
2 license for an accommodation unit issued by the Finance Director under the
3 BOLT Ordinance.

4 7.3 As used in these regulations “**licensee**” means the person to whom an
5 accommodation unit license has been issued by the Finance Director under the
6 BOLT Ordinance.

7 7.4 As used in these regulations a “**local responsible agent**” is a management
8 company, rental agent, or individual who has been identified by the licensee as
9 the licensee’s ~~local~~**responsible** agent for purposes of the BOLT Ordinance. See
10 the definition of “~~local~~**responsible agent**” in Section 4-1-2 of the BOLT Ordinance. See
11 **An “alternate responsible agent” is a management**
12 **company, rental agent, or individual who has been identified by the licensee**
13 **as the licensee’s alternate responsible agent to act for the licensee if the**
14 **responsible agent, for any reason, is not successfully contacted (spoken to in**
15 **person by phone) by the Town in response to a complaint. See the definition**
of “responsible agent” in Section 4-1-2 of the BOLT Ordinance.

16 8. **Terminology.**

17 8.1 The pronouns in these regulations apply equally to all genders.

18 8.2 Wherever applicable within this Agreement, the singular includes the plural, and
19 the plural includes the singular.

20 **Part B – Self-Compliance Affidavit**

21 9. **Self-Compliance Affidavit.**

22 9.1 At the time of the application for an initial accommodation unit license the record
23 owner of the accommodation unit that is the subject of the application shall
24 complete and deliver to the Finance Director, along with the application, a Self-
25 Compliance Affidavit. The initial form of Self-Compliance Affidavit shall be that
26 which is attached to these regulations as **Exhibit “A”**. The Finance Director may
27 revise or replace the form of required Self-Compliance Affidavit by posting a new
28 form of Self-Compliance Affidavit on the Town’s website. No formal amendment
29 of these regulations shall be required for the Finance Director to revise or replace
30 the required form of Self-Compliance Affidavit.

31 9.2 If the holder of an accommodation unit license was not required to or did not for
32 any reason submit a Self-Compliance Affidavit to the Finance Director at the time
33 the license was originally issued, such person shall submit a Self-Compliance
34 Affidavit to the Finance Director at the next annual renewal of such license
35 following the issuance of these regulations.

- 1 9.3 When submitted to the Finance Director the Self-Compliance Affidavit shall be
2 complete and correct, and shall contain all information required by the form. No
3 accommodation unit license will be issued until a properly completed Self-
4 Compliance Affidavit has been received and approved by the Finance Director.
- 5 9.4 A Self-Compliance Affidavit that is submitted to the Finance Director shall be
6 subscribed and sworn to before a notary public by the person signing such
7 affidavit. ~~The notary's signature block in the jurat shall contain all information~~
8 ~~required by applicable law in order to make the notarization valid under the law of~~
9 ~~the state where such notarization occurred.~~ **properly signed by the owner(s) of**
10 **the Accommodation Unit, and shall be submitted at the time of application**
11 **for a new license, or for renewal of the same.**
- 12 9.5 The record owner of the accommodation unit that is the subject of the application
13 may designate an agent to sign the Self-Compliance Affidavit for such owner.
14 Such designation shall be by a proper Power of Attorney or other form of
15 authorization acceptable to the Finance Director. Subject to Rule 9.6, a record
16 owner who has designated an agent to sign the Self-Compliance Affidavit for him
17 is bound by the representations made to the Finance Director by such agent in the
18 Self-Compliance Affidavit.
- 19 9.6 During the term of an accommodation unit license the licensee shall promptly
20 notify the Finance Director in writing of any information in the Self-Compliance
21 Affidavit filed with the Finance Director that the licensee determines is incorrect,
22 incomplete, or misleading in any material respect. The failure of a licensee to
23 correct a Self-Compliance as required by this Rule is a violation of the BOLT
24 Ordinance.
- 25 9.7 At the time a request to renew an accommodation unit license is filed with the
26 Finance Director the license holder shall review the Self-Compliance Affidavit
27 form to make certain that the licensee is aware of all of the requirements for the
28 licensed accommodation unit contained in the affidavit.
- 29 9.8 The Finance Director shall maintain a permanent record of all Self-Compliance
30 Affidavits, Powers of Attorneys, and other documents related to a license or an
31 application for a license submitted to him by an applicant for an accommodation
32 unit license.

33 **Part C – Local Responsible Agent**

- 34 10. **Local Responsible Agent – Purpose.** The purpose of having a ~~local~~**responsible** agent is
35 to have a person who will act as a local contact for the accommodation unit and who will
36 promptly respond to **address** the needs of guests occupying the accommodation unit, and
37 who will also respond to ~~complaints~~**any complaint** concerning the use or occupancy of
38 the accommodation unit as required by these regulations.

- 1 11. **Designation of ~~Local~~Responsible Agent Required.** Each licensee shall designate a
2 ~~local~~**responsible** agent for the licensee's licensed accommodation unit. The form of
3 designation shall be established by the Finance Director. The failure of a licensee to
4 designate a ~~local~~**responsible** agent as required by this Rule is a violation of the BOLT
5 Ordinance. **A licensee may, at the licensee's option, identify an alternate responsible**
6 **agent to act for the licensee if the responsible agent, for any reason, is not**
7 **successfully contacted (spoken to in person by phone) by the Town in response to a**
8 **complaint.**
- 9 12. **LocalResponsible Agent's Acceptance of Designation.** At the time of designation a
10 ~~local~~**responsible** agent shall accept such designation in writing. The form of designation
11 shall be established by the Finance Director; provided, however, the form of acceptance
12 shall contain an acknowledgment that the ~~local~~**responsible** agent has read and is familiar
13 with the ~~local~~**responsible** agent's duties and obligations under these regulations, and the
14 possible consequences of the ~~local~~**responsible** agent not complying with these
15 regulations. **The requirements of this Rule 12 shall apply equally to an alternate**
16 **responsible agent designated by a licensee.**

17 **Part D - Complaints**

18 13. **Complaint Procedure.**

- 19 13.1 Complaints concerning the use or occupancy of a licensed accommodation unit
20 may be made to the Town by contacting the Town online or through the Town's
21 call center. The subject of the complaint may include, without limitation, such
22 things as parking, trash, noise, or other concerns related to the accommodation
23 unit. The Town's call center will provide the complaining party with a reference
24 number for the complaint; however, no anonymous complaints made through the
25 call center will be processed.
- 26 13.2 ~~The local agent for an accommodation unit will be notified when~~**When a**
27 **complaint concerning an accommodation unit has been received by the Town**
28 **the call center will attempt to contact the responsible agent for an**
29 **accommodation unit using the telephone number on file with the Town for**
30 **the responsible agent. If the responsible agent can be reached by telephone,**
31 **the agent will be notified of the details of the complaint as filed with the call**
32 **center. If the licensee's responsible agent cannot be reached by telephone, the**
33 **call center will attempt to notify a licensee's alternate agent that** a complaint
34 concerning the ~~accommodating~~**accommodation** unit has been received by. **The**
35 **phone number used to attempt to contact an alternate responsible agent shall**
36 **be the phone number for the alternate responsible agent on file with** the
37 Town. The time that the ~~local agent~~**responsible agent (or the alternate**
38 **responsible agent, if applicable)** was notified shall be recorded by the call
39 center.

1 13.3 The local agent responsible agent (or the alternate responsible agent, if
2 applicable) is required to respond to and attempt to resolve address in good faith
3 the issue that was subject of the complaint within sixty (60) minutes of having
4 been notified of the complaint, ~~including visiting the site if necessary. Site visits~~
5 ~~should be made at the discretion of the local agent. The local agent .~~ A
6 responsible agent (or alternate responsible agent, if applicable) may initially
7 respond to a complaint by contacting the renter of the accommodation unit,
8 by telephone, other electronic form of communication, or in person, and
9 requesting the renter to take such action as is required to eliminate the
10 problem that was the subject of the complaint. A proper response to a
11 complaint may also require the responsible agent (or alternate responsible
12 agent, if applicable) to visit the accommodation unit if such action is
13 necessary to attempt in good faith to eliminate the problem that was the
14 subject of the complaint.

15 13.4 A responsible agent (or an alternate responsible agent if applicable), is not
16 required to, and should not, place themselves in a situation that could cause
17 them physical harm in order to attempt to address a complaint.

18 13.5 The responsible agent (or the alternate responsible agent, if applicable) shall
19 promptly notify the Town's call center if the agent believes that complaint has
20 been successfully resolved eliminated by the agent. If the Town's call center
21 does not receive notification from the local responsible agent that the complaint
22 has been successfully resolved eliminated with sixty (60) minutes of the agent
23 having been notified of the complaint, it shall be presumed that the complaint has
24 not been successfully resolved eliminated, and the complaining party may follow
25 up with the call center with the reference number issued for the original
26 complaint.

27 13.6 13.4 If the complaint involves the immediate health and safety of any person or
28 property, the local agent or if, despite good faith efforts, the problem that was
29 the subject of the complaint cannot be eliminated, the responsible agent
30 responsible agent (or the alternate responsible agent, if applicable) shall
31 immediately contact the appropriate local authorities Breckenridge Police
32 Department, and follow any direction(s) given to the agent by such
33 authorities the Police Department.

34 13.7 13.5 If a complaint is not resolved eliminated to the satisfaction of the
35 complaining party, the complaining party may file a formal complaint with the
36 Town. If a complaint is filed, it will be investigated by the staff of the Finance
37 Department. If the staff determines that there are reasonable grounds to believe
38 that a violation of the BOLT Ordinance, or any of these regulations that is
39 described as a violations of the BOLT Ordinance, can be proven by a
40 preponderance of the evidence, then a hearing shall be held by the Finance
41 Director pursuant to Section 4-1-10-1 of the BOLT Ordinance. If at a hearing the

1 Finance Director determines that the licensee violated the BOLT Ordinance, or
2 any of these regulations that is described as a violations of the BOLT Ordinance,
3 the penalty for such a violation may include suspension or revocation of the
4 licensee’s accommodation unit license as provided in Section 4-1-0-10 of the
5 BOLT Ordinance.

6 **13.8** ~~13.6~~ If a ~~local~~responsible agent (**or the alternate responsible agent, if**
7 **applicable**) fails to respond to a complaint within sixty (60) minutes as required
8 by Rule 13.3, the staff of the Finance Department shall investigate the matter and
9 if the staff determines that there are reasonable grounds to believe that a violation
10 of Rule 13.3 by the ~~local agent~~responsible agent (or the alternate responsible
11 **agent, if applicable)** can be proved by a preponderance of the evidence, then a
12 hearing may be held by the Finance Director pursuant to Section 4-1-10-1 of the
13 BOLT Ordinance.

14 **13.9** ~~13.7~~ **Licensee Bound By Acts of ~~Local~~Responsible Agent.** A licensee is bound
15 by the actions (and inactions) of the licensee’s ~~local~~responsible agent and any
16 **alternate responsible** agent. The failure of the licensee’s ~~local agent~~responsible
17 **agent (or an alternate responsible agent, if applicable)** to respond to a
18 complaint as required by Rule 13.3 may properly be treated by the Finance
19 Director as a violation of these regulations by the licensee, and may result in the
20 Finance Director setting a formal hearing on the licensee’s accommodation unit
21 license pursuant to Section 4-1-10-1 of the BOLT Ordinance. If such a hearing is
22 held and the licensee is found to have violated the BOLT Ordinance, the penalty
23 for such a violation could include suspension or revocation of the licensee’s
24 accommodation unit license as provided in Section 4-1-0-10 of the BOLT
25 Ordinance.

26 **13.10** ~~13.8~~ **Failure of ~~Local~~Responsible Agent to Timely Respond to Complaints.** If
27 a ~~local~~responsible agent fails two or more times within a period of twelve (12)
28 consecutive months to respond to a complaint about the accommodation unit for
29 which the agent has been designated within the sixty (60) minute time period
30 described in Rule 13.3 the Finance Director may set a formal hearing on the
31 possible suspension or revocation of the licensee’s accommodation unit license
32 for which the ~~local agent~~responsible agent (or the alternate responsible agent,
33 **if applicable)** is the designated agent. In addition to other penalties provided in
34 the BOLT Ordinance, if it demonstrated to the Finance Director that the ~~local~~
35 agentresponsible agent (or the alternate responsible agent, if applicable) has
36 failed to timely respond to a complaint as required by these regulations two or
37 more times within a period of twelve (12) consecutive months, the Finance
38 Director may disqualify the ~~local agent~~responsible agent or the alternate
39 **responsible agent, if applicable,** from being a ~~local~~responsible agent for any
40 accommodation unit within the Town for a fixed period of time, not to exceed one
41 (1) year.

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Part E – Unlawful Acts

- 14. **Unlawful Act – Acting As ~~Local~~Responsible Agent When Disqualified.** It is a misdemeanor municipal offense for any person to act as a ~~local~~responsible agent for an accommodation unit pursuant to the BOLT Ordinance at any time when such person has been disqualified from acting as a ~~local~~responsible agent by the Finance Director pursuant to Section ~~43.9~~13.10 of these regulations. Such violation may be enforced in the Town’s Municipal Court pursuant to Section 4-1-10A3 of the BOLT Ordinance.

Part F – Questions

- 15. **Questions.** Questions concerning the Town’s Business and Occupational Licenses and Tax Ordinance or these regulations should be directed to the Finance Director of the Town of Breckenridge, 150 Ski Hill Road, PO Box 8629, Breckenridge, CO 80424, 970-547-3193.

Dated: _____, 2018

Brian Waldes, Finance Director
Town of Breckenridge, Colorado

400-3-9\Accommodation Units Administrative Regulations_4 (08-22-18)(blacklined vs. draft reviewed by TC on 08-14-18)