

**ADMINISTRATIVE RULES AND REGULATIONS CONCERNING
ACCOMMODATION UNIT LICENSING UNDER THE TOWN OF
BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSES
AND TAX ORDINANCE**

Part A - General

1. **Effective Date.** These regulations are effective January 1, 2019.
2. **Authority.** These regulations are issued by the Finance Director of the Town of Breckenridge pursuant to the authority granted by Section 4-1-10-A3 of the Breckenridge Town Code. The term “Finance Director” when used in these regulations means the Finance Director of the Town of Breckenridge, or his designee acting pursuant to Section 1-7-2 of the Breckenridge Town Code.
3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these regulations. Notice of the adoption of these regulations was given in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
4. **BOLT Ordinance – Defined.** When used in these regulations, the term “**BOLT Ordinance**” means the Town of Breckenridge’s Business and Occupational Licenses and Tax Ordinance, codified at Chapter 1 of Title 4 of the Breckenridge Town Code.
5. **Conflict With BOLT Ordinance.** These regulations are intended to supplement, and not conflict with, the BOLT Ordinance. If there is a conflict between these regulations and the BOLT Ordinance, the ordinance shall control.
6. **No Repeal of Other Finance Department Regulations.** These regulations do not repeal or replace any administrative rules or regulations, administrative guidelines, or any policies or procedures previously adopted or issued by the Finance Director pursuant to the BOLT Ordinance.
7. **Definitions.**
 - 7.1 All of the definitions in Section 4-1-2 of the BOLT Ordinance are incorporated into and made a part of these regulations.
 - 7.2 As used in these regulations “accommodation unit license” or “license” means a license for an accommodation unit issued by the Finance Director under the BOLT Ordinance.
 - 7.3 As used in these regulations “licensee” means the person to whom an accommodation unit license has been issued by the Finance Director under the BOLT Ordinance.

7.4 As used in these regulations the term “resolve” with respect to a complaint means to take such action as is necessary to eliminate the factual basis for the complaint. Example: If the complaint involves excessive noise allegedly emanating from an Accommodation Unit, “resolve” means that the level of noise emanating from the Accommodation Unit has been brought back to within the applicable legal limit.

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

8. Terminology.

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

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

Part B – Self-Compliance Statement

9. Self-Compliance Statement.

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

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

9.3 When submitted to the Finance Director the Self-Compliance Statement shall be complete and correct, and shall contain all information required by the form. No

accommodation unit license will be issued until a properly completed Self-Compliance Statement has been received and approved by the Finance Director.

- 9.4 A Self-Compliance Statement that is submitted to the Finance Director shall be properly signed by the owner(s) of the Accommodation Unit, and shall be submitted at the time of application for a new license, or for renewal of the same.
- 9.5 The record owner of the accommodation unit that is the subject of the application may designate an agent to sign the Self-Compliance Statement for such owner. Such designation shall be by a proper Power of Attorney or other form of authorization acceptable to the Finance Director. Subject to Rule 9.6, a record owner who has designated an agent to sign the Self-Compliance Statement for him is bound by the representations made to the Finance Director by such agent in the Self-Compliance Statement.
- 9.6 During the term of an accommodation unit license the licensee shall promptly notify the Finance Director in writing of any information in the Self-Compliance Statement filed with the Finance Director that the licensee determines is incorrect, incomplete, or misleading in any material respect. The failure of a licensee to correct a Self-Compliance as required by this Rule is a violation of the BOLT Ordinance.
- 9.7 At the time a request to renew an accommodation unit license is filed with the Finance Director the license holder shall review the Self-Compliance Statement form to make certain that the licensee is aware of all of the requirements for the licensed accommodation unit contained in the affidavit.
- 9.8 The Finance Director shall maintain a permanent record of all Self-Compliance Statements, Powers of Attorneys, and other documents related to a license or an application for a license submitted to him by an applicant for an accommodation unit license.

Part C – Accommodation Unit Administrative Fee Property Exemptions

10. Accommodation Unit Administrative Fee Property Exemption Statement.

- 10.1 All units within the condominiums, condominium/hotels, and hotels/lodgings/inns as defined in Section 9-1-5 of Town Code must meet the following criteria to qualify for an Accommodation Unit Administrative Fee Property Exemption:
 - (i) Twenty four (24) hour front desk;
 - (ii) Twenty four (24) hour telephone system; and
 - (iii) Twenty four (24) hour on site private security.

- 10.2 If a property qualifies for the exemption from the Accommodation Unit Administrative Fee, a representative of the property shall complete and submit an Administrative Fee Property Exemption Statement and deliver to the Finance Director. The initial form of Administrative Fee Property Exemption Statement **Exhibit “B”** is attached to these regulations. The Finance Director may revise or replace the form of Administrative Fee Property Exemption Statement by posting a new form of Administrative Fee Property Exemption Statement on the Town’s website.

Part D – Responsible Agent

11. **Responsible Agent – Purpose.** The purpose of having a responsible agent is to have a person who will act as a local contact for the accommodation unit and who will promptly address the needs of guests occupying the accommodation unit, and who will also respond to any complaint concerning the use or occupancy of the accommodation unit as required by these regulations.
12. **Designation of Responsible Agent Required.** Each licensee shall designate a responsible agent for the licensee’s licensed accommodation unit. The form of designation shall be established by the Finance Director. If a licensee fails to designate a Responsible Agent, the first listed owner of the property will be designated as the Responsible Agent. A licensee may, at the licensee’s option, identify an alternate responsible agent to act for the licensee if the responsible agent, for any reason, does not, for any reason, comply with the requirements of these regulations or the BOLT Ordinance.
13. **Responsible Agent’s Acceptance of Designation.** At the time of designation a responsible agent shall accept such designation in writing. The form of designation shall be established by the Finance Director; provided, however, the form of acceptance shall contain an acknowledgment that the responsible agent has read and is familiar with the responsible agent’s duties and obligations under these regulations, and the possible consequences of the responsible agent not complying with these regulations. The requirements of this Rule 13 shall apply equally to an alternate responsible agent designated by a licensee.

Part E - Complaints

14. **Complaint Procedure.**
- 14.1 Complaints concerning the use or occupancy of a licensed accommodation unit may be made to the Town by contacting the Town online or through the Town’s call center. The subject of the complaint may include, without limitation, such things as parking, trash, noise, or other concerns related to the accommodation unit. The Town’s call center will provide the complaining party with a reference

number for the complaint; however, no anonymous complaints made through the call center will be processed.

- 14.2 When a complaint concerning an accommodation unit has been received by the Town the call center will attempt to contact the responsible agent for an accommodation unit using the telephone number on file with the Town for the responsible agent. If the responsible agent can be reached by telephone, the agent will be notified of the details of the complaint as filed with the call center. If the licensee's responsible agent cannot be reached by telephone, the call center will attempt to notify a licensee's alternate agent that a complaint concerning the accommodation unit has been received. The phone number used to attempt to contact an alternate responsible agent shall be the phone number for the alternate responsible agent on file with the Town. The time that the responsible agent (or the alternate responsible agent, if applicable) was notified shall be recorded by the call center.
- 14.3 The responsible agent (or the alternate responsible agent, if applicable) is required to respond to and attempt to resolve the issue that was subject of the complaint within sixty (60) minutes of having been notified of the complaint. A responsible agent (or alternate responsible agent, if applicable) may initially respond to a complaint by contacting the renter of the accommodation unit, by telephone, other electronic form of communication, or in person, and requesting the renter to take such action as is required to resolve the complaint. A proper response to a complaint may also require the responsible agent (or alternate responsible agent, if applicable) to visit the accommodation unit if such action is necessary to attempt in good faith to eliminate the problem that was the subject of the complaint.
- 14.4 A responsible agent (or an alternate responsible agent if applicable), is not required to, and should not, place themselves in a situation that could cause them physical harm in order to attempt to address a complaint.
- 14.5 The responsible agent (or the alternate responsible agent, if applicable) shall promptly notify the Town's call center if the agent believes that complaint has been successfully resolved by the agent. If the Town's call center does not receive notification from the responsible agent that the complaint has been successfully resolved within sixty (60) minutes of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully resolved, and the complaining party may follow up with the call center with the reference number issued for the original complaint.
- 14.6 If the complaint involves the immediate health and safety of any person or property, or if, despite good faith efforts, the problem that was the subject of the complaint cannot be resolved, the responsible agent (or the alternate responsible agent, if applicable) shall immediately contact the Breckenridge Police

Department, and follow any direction(s) given to the agent by the Police Department.

- 14.7 If a complaint is not resolved to the satisfaction of the complaining party, the complaining party may file a formal complaint with the Town. If a complaint is filed, it will be investigated by the staff of the Finance Department. If the staff determines that there are reasonable grounds to believe that a violation of the BOLT Ordinance, or any of these regulations that is described as a violation of the BOLT Ordinance, can be proven by a preponderance of the evidence, then a hearing shall be held by the Finance Director pursuant to Section 4-1-10-1 of the BOLT Ordinance. If at a hearing the Finance Director determines that the licensee violated the BOLT Ordinance, or any of these regulations that is described as a violation of the BOLT Ordinance, the penalty for such a violation may include suspension or revocation of the licensee's accommodation unit license as provided in Section 4-1-10-1 of the BOLT Ordinance.
- 14.8 If a responsible agent (or the alternate responsible agent, if applicable) fails to respond to a complaint within sixty (60) minutes as required by Rule 13.3, the staff of the Finance Department shall investigate the matter and if the staff determines that there are reasonable grounds to believe that a violation of Rule 13.3 by the responsible agent (or the alternate responsible agent, if applicable) can be proved by a preponderance of the evidence, then a hearing may be held by the Finance Director pursuant to Section 4-1-10-1 of the BOLT Ordinance.
- 14.9 A licensee is bound by the actions (and inactions) of the licensee's responsible agent and any alternate responsible agent. The failure of the licensee's responsible agent (or an alternate responsible agent, if applicable) to respond to a complaint as required by Rule 14.3 may properly be treated by the Finance Director as a violation of these regulations by the licensee, and may result in the Finance Director setting a formal hearing on the licensee's accommodation unit license pursuant to Section 4-1-10-1 of the BOLT Ordinance. If such a hearing is held and the licensee is found to have violated the BOLT Ordinance, the penalty for such a violation could include suspension or revocation of the licensee's accommodation unit license as provided in Section 4-1-10-1 of the BOLT Ordinance.
- 14.10 If a responsible agent fails two or more times within a period of twelve (12) consecutive months to respond to a complaint about the accommodation unit for which the agent has been designated within the sixty (60) minute time period described in Rule 14.3 the Finance Director may set a formal hearing on the possible suspension or revocation of the licensee's accommodation unit license for which the responsible agent (or the alternate responsible agent, if applicable) is the designated agent. In addition to other penalties provided in the BOLT Ordinance, if it demonstrated to the Finance Director that the responsible agent (or the alternate responsible agent, if applicable) has failed to timely respond to a

complaint as required by these regulations two or more times within a period of twelve (12) consecutive months, the Finance Director may disqualify the responsible agent or the alternate responsible agent, if applicable, from being a responsible agent for any accommodation unit within the Town for a fixed period of time, not to exceed one (1) year.

Part F – Unlawful Acts

15. **Unlawful Act – Acting As Responsible Agent When Disqualified.** It is a misdemeanor municipal offense for any person to act as a responsible agent for an accommodation unit pursuant to the BOLT Ordinance at any time when such person has been disqualified from acting as a responsible agent by the Finance Director pursuant to Section 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 G – Questions

16. **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: December ____, 2018

Brian Waldes, Finance Director
Town of Breckenridge, Colorado

EXHIBIT A
Town of Breckenridge Accommodation Unit
Self-Compliance Statement

This Statement applies to the real property located at:

[street address of accommodation unit]
in the Town of Breckenridge, Colorado. Such real property is referred to in this Statement as “**My Accommodation Unit.**” I am authorized to complete this Statement because I am:

- An owner of My Accommodation Unit
- The owner of a majority interest in a business entity that owns My Accommodation Unit
- Other (explain): _____.

I am 18 years of age or older, and have personal knowledge of the facts set forth in this Statement. By checking the box by each of the following statement categories I represent to the Town of Breckenridge that each statement is true and correct to the best of my knowledge:

 Health & Life Safety Standards

No portion of My Accommodation Unit is used for any purpose other than a purpose for which the Accommodation Unit was designed or intended.

The: (i) street address of My Accommodation Unit; (ii) my Town Accommodation Unit (BOLT) License number; (iii) the name and contact information for the local agent; and (iv) special conditions of license for the Accommodation Unit is posted within 5 feet of the front door inside My Accommodation Unit.

The operation of My Accommodation Unit will comply with all Town ordinances that apply to a residential dwelling.

Working smoke detectors are installed in all of the following locations in My Accommodation Unit: (i) outside of each sleeping area; (ii) in each room that will be used for sleeping purposes; and (iii) on each level of a living area, including any basement.

Working carbon monoxide detectors are installed within 15 feet of all rooms in My Accommodation Unit where people will sleep. I know that if there is a fireplace located in a sleeping room, carbon monoxide detector must also be installed in that the room.

Wood burning fireplaces, stoves, and flues in My Accommodation Unit are properly maintained and cleaned on an annual basis.

Electrical panels within My Accommodation Unit: (i) are accessible at all times; (ii) have at least 36 inches of clearance maintained in front of the panels; and (iii) the panels are clearly labeled.

Portable electric space heaters within My Accommodation Unit will not be operated within 3 feet of combustible materials.

The street number of My Accommodation Unit is permanently affixed to the outside of My Accommodation Unit in numbers that are at least 5 inches in height.

There are properly functioning egress windows in all potential sleeping rooms of My Accommodation Unit.

I have checked with my insurance agent and confirmed that My Accommodation Unit is insured for use as a short-term rental.

_____Advertising

All advertisements for the rental of My Accommodation Unit will include the most current Town Accommodation Unit (BOLT) License number for My Accommodation Unit.

_____Community Impacts

All persons who rent My Accommodation Unit are informed that on-street parking is not allowed.

An adequate number of parking spaces for all occupants of My Accommodation Unit will be provided.

Renters of my Accommodation Unit will be informed of the Town's Noise Ordinance, and that excessive or unreasonable noise coming from My Accommodation Unit is not permitted at any time.

Renters of My Accommodation Unit will be informed of trash/recycling regulations and scheduled trash pickup times for My Accommodation Unit.

There are a sufficient number of trash and recycling receptacles to accommodate all trash generated by those persons who will occupy My Accommodation Unit, and all receptacles comply with Town Code.

If pets are allowed in My Accommodation Unit, renters will be informed of applicable leash laws, proper pet waste disposal requirements, and barking/noise regulations.

I am aware of the applicable rules of any homeowners' association that apply to My Accommodation Unit.

Date: _____, 20____

Owner Signature

Print Name



TOWN OF BRECKENRIDGE FINANCE

NOTIFICATION

Dear Property Management Company or Homeowners Association,

The Business and Occupational License (BOLT) Ordinance for the Town of Breckenridge was amended by Town Council at the August 28, 2018 meeting to include an annual Accommodation Unit Administrative fee. The Town of Breckenridge listened to concerns regarding a potential exemption for properties that would not utilize the call center and appreciated all feedback.

As a result, the Town of Breckenridge has adopted a set of requirements to qualify properties for exemption from the annual Accommodation Unit Administrative fee. In order for a property to be exempt, all units within a complex of a condominiums, condominium/hotels, or hotels/lodgings/inns must meet the criteria to qualify for an Accommodation Unit Administrative Fee Property Exemption.

If you believe all the units within your complex meet all three requirements, please complete the form below and return it to Town of Breckenridge Finance Department. The Finance Director will review your request for exemption. **If the complex changes any of the three criteria, you are required to notify the Town of Breckenridge Finance Division within thirty (30) days.**

I, _____, representative of _____, certify the property has (please initial each requirement)

- Twenty four (24) hour front desk;
- Twenty four (24) hour telephone system; and
- Twenty four (24) hour on site private security.

Signature

Date

Printed Name

Organization