

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING CHAPTER 3.18 OF THE FRUITA MUNICIPAL CODE CONCERNING EXCLUSIONS FOR THE SALE OR PURCHASE OF LODGING

WHEREAS, the lodger's tax ordinance was amended in 1998 to exempt federal and state organizations from collecting lodging taxes in order to accommodate the State campground that was in the process of being developed, and

WHEREAS, effective July 1, 2023, Colorado Parks and Wildlife began collecting the lodger's tax pursuant to a ruling from the Department of Revenue clarifying definitions of accommodations, and

WHEREAS, additional terminology has evolved with the growth in the rental of furnished residences for travelers for temporary lodging purposes (short-term rentals) which should be incorporated into the definition of lodging.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1: Section 3.18.020 B of the Fruita Municipal Code and Ordinance 1996-12 are hereby amended as follows: ~~Strike-out~~ indicates language to be deleted, underline indicates language to be added:

3.18.020 DEFINITIONS. When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

- B. Lodging shall mean the providing of the right to use or possess, for consideration, any room or rooms for temporary occupancy such as, but not limited to: a hotel room, motel room, lodging room, motor hotel room, guest house room, bed and breakfast, short-term rental, auto camp, recreational vehicle park space, or other similar accommodations located in the City, but shall not include rentals under a written agreement for occupancy for a period of ~~twenty-eight (28)~~ thirty (30) consecutive days or more.

Section 2: Section 3.18.040, Exclusions, of the Fruita Municipal Code and Ordinances 1996-12 and 1998-25 are hereby amended as follows: ~~Strike-out~~ indicates language to be deleted, underline indicates language to be added:

3.18.040 EXCLUSIONS. Purchases shall include all revenues earned and received for the purchase or sale of lodging excluding the following:

- A. Charges for other services, such as food and/or telephone charges, furnished by a person providing lodging;
- B. Deposits placed by any purchaser with a request to hold a room for such purchaser for a future date until such time as said deposit has been credited against the purchase or sale;
- C. All sales to the United States Government, the State of Colorado, its departments and institutions, the political subdivisions of the State in their governmental capacities only;
- D. All sales to those charitable, religious and eleemosynary organizations have received from the Internal Revenue Service status under Section 501 (c) (3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities.
- ~~E. All sales to any purchaser by the United States Government, the State of Colorado, its departments, divisions and institutions, or the political subdivisions of the State in their governmental capacities only.~~

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
_____ DAY OF DECEMBER, 2023.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk