

## **ORDINANCE 24 – SERIES 2024**

### **AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, AMENDING SECTION 4-4-40 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR THE IMPLEMENTATION OF PROPOSED TAXING MEASURE REFERRED TO THE TOWN’S ELECTORS.**

**WHEREAS**, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

**WHEREAS**, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

**WHEREAS**, Section 8.2 of the Minturn Municipal Code (the “MMC”) provides for the levy of increased taxes for municipal purposes; and

**WHEREAS**, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

**WHEREAS**, by Ordinance No. 17, Series 2024, the Council authorized the Town to certify to the Town’s electorate a ballot question to levy an increase of the Lodging Tax on short-term rentals of residential property not including hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories, from 1.5% to 6.5%; and

**WHEREAS**, on November 5, 2024, a majority of electors in the Town approved the ballot measure increasing the Lodging Tax on short-term rentals of residential property to 6.5%; and

**WHEREAS**, the ballot measure approved on November 5, 2024 authorized the Lodging Tax revenues to be used for community projects and services addressing visitor impacts in the areas of recreation, public safety, street improvements, parking improvements, and any other capital purposes as determined by the Council;

**WHEREAS**, the Council finds and declares that the amendment of Section 4-4-40 of the MMC set forth below and incorporated herein by this reference, to implement the will of the Town’s electors by providing for the levy of such taxes in the event that the electors approve, is in the best interests of the Town.

### **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, AS FOLLOWS:**

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Amendment of Section 4-4-40. Section 4-4-40 of the MMC is hereby amended as follows:

#### **Sec. 4-4-40. - Imposition and rate of tax.**

(a) There is levied and shall be paid and collected a tax of one and one-half percent (1.5%) on the price paid for the leasing or rental, for less than thirty (30) consecutive days, of ~~any~~ lodging accommodation in the Town including hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories, but excluding short-term rentals.

(b) There is levied and shall be paid and collected a tax of six and one-half percent (6.5%) on the price paid for the leasing or rental, for less than thirty (30) consecutive days, of lodging accommodations at short-term rentals, but excluding hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories. Annual revenues from this tax shall be used for community projects and services addressing visitor impacts in the areas of recreation, public safety, street improvements, parking improvements, and any other capital purposes, as determined by the Town Council.

Section 3. Approval of Ballot Issue. A majority of the votes cast on the ballot issue submitted at the election was in favor of such ballot issue, thereby authorizing the Town acting through the Council to proceed with the necessary actions in accordance with the ballot issue which has been so approved.

Section 4. Effective Date. Upon passage of this Ordinance, the provisions hereof shall become effective on January 1, 2025.

Section 10. The officers of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 11. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 12. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4<sup>th</sup> DAY OF DECEMBER 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18<sup>th</sup> DAY OF DECEMBER, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earle Bidez, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Jay Brunvand, Town Clerk**

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS \_\_<sup>th</sup> DAY OF DECEMBER, 2024.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_  
**Earle Bidez, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Jay Brunvand, Town Clerk**

STATE OF COLORADO )  
 )  
COUNTY OF EAGLE ) SS.  
 )  
TOWN OF MINTURN )

I, Jay Brunvand, the Town Clerk of the Town of Minturn, Colorado (the “Town”), do hereby certify:

1. The foregoing pages are a true and correct copy of an Ordinance (the “Ordinance”) passed and adopted by the Town Council of the Town (the “Council”) at a regular meeting of the Council held on December 18, 2024.

2. The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of December 4, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of December 18, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

1. The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.

2. The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

3. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

4. Notice of the regular meeting of December 4, 2024 and December 18, 2024, are attached hereto as Exhibit A was posted at the Minturn Town Hall, 302 Pine St, Minturn, Colorado, not less than twenty-four hours prior to the meeting in accordance with law.

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Town Clerk

(SEAL)

EXHIBIT A  
(Attach Notice of Meeting)