

**ORDINANCE NO. 27  
SERIES OF 2019**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL AMENDING THE CITY OF ASPEN  
LAND USE CODE RELATED TO VACATION RENTALS: LAND USE CODE SECTION  
26.575.220**

**WHEREAS**, in accordance with Chapters 26.208 and 26.310 of the City of Aspen Land Use Code, the City Council of the City of Aspen directed the Community Development Department to draft a Land Use Code amendment to rescind and reinstate language pertaining to Vacation Rental properties and the requirement for each individual property address or unit to obtain a business license; and,

**WHEREAS**, pursuant to Chapter 26.310, a request to amend the text of Title 26 of the Municipal Code shall begin with Public Outreach, then a Policy Resolution reviewed and acted on by City Council, with final action by City Council after reviewing and considering the recommendation from the Community Development; and,

**WHEREAS**, pursuant to Section 26.310.020(B)(1), the Community Development Department conducted Public Outreach publishing information on the Code amendment in the Community Development Monthly Newsletter. The Finance Department has been actively conducting public outreach with property management companies who would be affected by this amendment and has engaged the Communications Department to assist in messaging; and,

**WHEREAS**, pursuant to Section 26.310.020(B)(2), during a duly noticed public hearing on November 12, 2019, the City Council approved Policy Resolution No. 116, Series of 2019, by a \_\_\_\_\_ to \_\_\_\_\_ (\_\_\_\_\_ - \_\_\_\_\_) requesting a Land Use Code amendment to rescind and reinstate new language pertaining to Vacation Rental properties and the requirement for each individual property address or unit to obtain a business license; and,

**WHEREAS**, the City Council has reviewed the proposed Land Use Code amendment at 1<sup>st</sup> Reading on November 12, 2019 and at 2<sup>nd</sup> Reading (public hearing) on November 26, 2019 and finds that the amendments meet or exceed all applicable standards pursuant to Chapter 26.310; and,

**WHEREAS**, the proposed Land Use Code amendment will foster better governance by aiding in Finance Department data tracking and tax remittance review and creates better overall compliance with Business Licenses and Vacation Rental property permitting.

**WHEREAS**, the proposed amendment is also consistent and compatible with the goals and objectives of the City of Aspen and the Aspen Area Community Plan (AACP); and,

**WHEREAS**, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO THAT:**

**Section 1: Code Amendment Objective**

The objective of the proposed Land Use Code amendment is to require each individual Vacation Rental property address or unit obtain a business license.

**Section 2:**

City of Aspen Land Use Code Section 26.575.220.D.2 is hereby amended to read as follows:

Each individual addressed property or unit that proposes to obtain a Vacation Rental permit shall also obtain a City of Aspen business license pursuant to Chapter 14.08, Business Licenses, of the Municipal Code.

**Section 3:**

City of Aspen Land Use Code Section 26.575.220.E.3 is hereby deleted in its entirety.

**Section 4:**

Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

**Section 5: Effect Upon Existing Litigation.**

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

**Section 6: Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

**Section 7: Effective Date.**

In accordance with Section 4.9 of the City of Aspen Home Rule Charter, this ordinance shall become effective thirty (30) days following final passage.

**Section 8:**

A public hearing on this ordinance shall be held on the 26<sup>th</sup> day of November 2019, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, a minimum of fifteen days prior to which hearing a public notice of the same shall be published in a newspaper of general circulation within the City of Aspen.

**INTRODUCED, READ AND ORDERED PUBLISHED** as provided by law, by the City Council of the City of Aspen on the 12<sup>th</sup> day of November 2019.

**Attest:**

**Linda Manning, City Clerk**

**Torre, Mayor**

**FINALLY, adopted, passed and approved \_\_\_\_\_, 2019.**

**Attest:**

**Linda Manning, City Clerk**

**Torre, Mayor**

**Approved as to form:**

**James R. True, City Attorney**