

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 22-01**

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF FRISCO AT THE REGULAR TOWN ELECTION TO BE HELD ON APRIL 5, 2022, THE FOLLOWING QUESTION, SETTING THE BALLOT TITLE FOR SUCH QUESTION, AND PROVIDING FOR THE CONDUCT OF THE ELECTION:

1. WHETHER, COMMENCING JUNE 1, 2022, THE TOWN OF FRISCO SHOULD IMPOSE AN EXCISE TAX OF FIVE PERCENT (5%) ON THE SHORT TERM RENTAL OF ACCOMODATION UNITS AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

WHEREAS, the Town of Frisco ("Town") is a home rule municipal corporation organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the electors of the Town adopted the Frisco Town Charter on August 1, 1988; and

WHEREAS, Section 9-2 of the Frisco Town Charter provides that the Town Council of the Town ("Town Council") may, by ordinance, levy and collect excise taxes for municipal purposes; and

WHEREAS, Article X, Section 20, of the Colorado Constitution (known as the "TABOR" amendment) provides that the question of the approval of a new tax shall be submitted to the voters of the municipality, and may be submitted at the municipality's biennial local election; and

WHEREAS, the Town Council finds and determines that there should be submitted to the registered electors of the Town, at the regular biennial Town election to be held on April 5, 2022, the question of whether, effective June 1, 2022 the Town should adopt a new five percent (5%) excise tax on the short term rental of accommodations units; and

WHEREAS, Section 31-11-111(2), C.R.S., provides that the Town Council or its designee shall fix ballot titles for the referred measures set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. The Frisco Town Code is amended by the addition of a new Article VII, entitled "Short Term Rental Property Excise Tax," to Chapter 160, entitled "Taxation," which shall read in its entirety as follows:

ARTICLE VII

SHORT-TERM RENTAL PROPERTY EXCISE TAX

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| § 160-62. | Definitions |
| § 160-63. | Tax Imposed |
| § 160-64. | Collection and Enforcement Procedures |
| § 160-65. | Rules and Regulations |
|
§ 160-62. |
Definitions |

As used in this Article, the following words shall have the following meanings and other words used in this Article shall have the meanings that may be set forth in section 160-1.1 of this Chapter:

SHORT-TERM RENTAL PROPERTY – Has the meaning provided in Section 110-37 of this Code.

§ 160-63 Tax Imposed

Effective June 1, 2022, there is hereby levied a tax in the amount of 5.0% of the purchase price paid or charged for use of a short-term rental property within the Town. In all cases, the purchase price paid or charged shall exclude the sale of any goods, services, or commodities other than the use of the short-term rental property and otherwise taxed under Chapter I of this Chapter. The tax imposed by this section is in addition to, and not in lieu of, the lodging tax owed to the Town pursuant to Article IV of this Chapter 160 in connection with the sale of lodging.

§ 160-64. Collection and Enforcement Procedures

Except for those provisions that by their terms cannot apply, the procedures for the collection and enforcement of the Town's lodging tax as provided in Article IV of Chapter 160 of this Code shall apply to the collection and enforcement of the short-term rental property excise tax imposed by this Article VII. The General Government Director shall adopt administrative rules and regulations specifying how the procedures for the collection and enforcement of the Town's lodging tax as provided in Article IV of Chapter 160 of this Code will apply to the collection and enforcement of the short-term rental property tax imposed by this Article VII.

§ 160-65. Rules and Regulations

The General Government Director shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

Section 2. Notice of Election and Ballot Question. A Town election shall be held on Tuesday, April 5, 2022.

At the election, there shall be submitted to the vote of the registered electors of the Town, as a referred measure under Article X, Section 20 of the Colorado Constitution, a ballot issue as follows:

SHALL TOWN OF FRISCO TAXES BE INCREASED BY ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) IN THE FISCAL YEAR COMMENCING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING A NEW EXCISE TAX, EFFECTIVE JUNE 1, 2022, ON THE PURCHASE OF A SHORT TERM RENTAL, AT THE RATE OF FIVE PERCENT (5%) OF THE PRICE PAID BY THE PURCHASER FOR THE RENTAL, ALL IN ACCORDANCE WITH TOWN OF FRISCO ORDINANCE 22-01; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND SOLELY FOR THE PURPOSE OF AFFORDABLE HOUSING PROJECTS AND PROGRAMS?

YES _____

NO _____

Section 3. In connection with the fixing of the ballot title for the ballot issue, the Town Council of the Town of Frisco finds and determines as follows:

A. The Town Council has considered the public confusion that might be caused by misleading ballot titles.

B. The general understanding of the effect of a “yes” or “no” vote on the ballot issue and Charter amendment question will be clear to the electors.

C. The ballot title for the ballot issue will not conflict with the title selected for any other measure that will appear on the municipal ballot at the April 5, 2022 Town election; and

D. The ballot title for the ballot issue correctly and fairly expresses the true intent and meaning of the measure.

Section 4. If a majority of all the votes cast at the election shall be for the excise tax ballot issue set forth in Section 2 of this ordinance, the amendments to the Frisco Town Code set forth in full in Section 1 of this ordinance shall be deemed to have been adopted and shall become effective June 1, 2022 and on such date the Town of Frisco shall be authorized to collect, retain, and expend the full amount of the tax revenues collected by the Town as a result of the new excise tax approved by the ballot issue separate and apart from any other expenditures of the Town which may be limited pursuant to Article X, Section 20 of the Colorado Constitution, or any other state restriction on the Town’s fiscal year spending, and the increased tax revenues authorized for collection, retention and expenditure by the passage of the ballot issue shall not be counted in any such spending limitation. If a majority of all the votes cast at the election shall be against the ballot issue the amendments to the Frisco Town Code set forth in full in Section 1 of this ordinance shall be deemed to have been defeated, and such amendments to the Frisco Town Code shall not become effective.

Section 5. The Town Clerk shall serve as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election on the ballot issue, and shall take such action as may be required to comply with all applicable laws pertaining to the conduct of the election.

Section 6. The Town Council finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Frisco and the inhabitants thereof.

Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Frisco Town Charter.

Section 8. Pursuant to Section 9-2 of the Frisco Town Charter, this ordinance is not subject to the people’s reserved power of referendum.

Section 9. Protest of Ballot Title. Any person who is a registered elector of the Town of Frisco may protest the ballot title fixed by this Ordinance by filing a protest in writing, under oath, setting forth with particularity the grounds of such protest. Such written protest must be filed with the Town Clerk no later than the close of business on February 1, 2022. In the event of such protest, the Town Clerk shall as soon as practicable notify the protestant of the time and place for hearing the protest. Such protest shall be heard as soon as practicable, but no later than February 8, 2022. Such protest shall be heard by the Town Clerk. The decision rendered by the Town Clerk shall be a final decision.

Section 10. Notice. The Town Clerk shall give or cause to be given the notice of election required by Section 1-5-205, C.R.S. Additionally, the Town Clerk shall cause the notice required by Section 20(3)(b) of Article X of the Colorado Constitution to be prepared and delivered in accordance with the requirements of applicable law.

Section 11. Necessary Actions. The officers of the Town are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. All action previously taken by the officers of the Town with respect to the ballot issue is ratified, confirmed, and approved.

Section 12. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THIS 11th DAY OF JANUARY, 2022.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED
THIS 25th DAY OF JANUARY, 2022.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC,
Town Clerk