

**ORDINANCE NO. 24
SERIES 2021**

**AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 1 OF THE VAIL
TOWN CODE TO PROVIDE FOR AN ADMINISTRATIVE PENALTY FOR
THE LATE FILING OF EMPLOYEE HOUSING UNIT ANNUAL
VERIFICATION AFFIDAVITS**

WHEREAS, pursuant to C.R.S. § 31-16-101 and its home rule charter, the Town is empowered to impose penalties for violations of ordinances within its jurisdiction;

WHEREAS, pursuant to Vail Town Code § 12-13-3.A.4, no later than February 1 of each year, the owner of each employee housing unit in the Town must file an affidavit to verify that the employee housing unit is being occupied in accordance with the Vail Town Code and the deed restriction affecting the employee housing unit;

WHEREAS, the various deed restrictions affecting employee housing units in the Town contain the same annual verification requirement;

WHEREAS, the Town Council finds and determines that the imposition of an administrative penalty is necessary to ensure continued compliance with the annual verification requirement for employee housing units; and

WHEREAS, ensuring continued compliance with the annual verification requirement for employee housing units in the Town is in the best interest of the public health, safety and welfare.

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

Section 1. Chapter 4 of Title 1 of the Vail Town Code is hereby amended by the addition of a new Section 1-4-5, to read as follows:

**1-4-5: ADMINISTRATIVE PENALTY FOR LATE FILING OF EMPLOYEE
HOUSING UNIT VERIFICATION AFFIDAVITS:**

A. Any person who is required by § 12-13-3.A.4 of this Code or any deed restriction applicable to any real property in the Town to file an annual verification affidavit, and who fails to file such affidavit, along with all required supporting documentation, by February 1 of any given year, shall be liable for an administrative penalty of \$250.

B. Written notice of the administrative penalty shall be provided by first-class United States mail to such person at such person's last known address. The administrative penalty shall be due and payable within fourteen (14) days of the date of the notice.

C. It is unlawful for any person to fail to timely pay the administrative penalty imposed by this Section. Violations of this Section shall be subject to the General Penalty set forth in Section 1-4-1 of this Code.

Section 2. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The amendment of any provision of the Vail Town Code in this Ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 7th day of December, 2021 and a public hearing for second reading of this Ordinance is set for the 21st day of December, 2021, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

_____, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 21st day of December, 2021.

_____, Mayor

ATTEST:

Tammy Nagel, Town Clerk