



Keystone Town Council Work Session Agenda

The Keystone Town Council will have a Work Session on July 9, 2024, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. DISCUSSION OF PUBLICATION OF ORDINANCES
- III. DISCUSSION OF STR LICENSE FEES
- IV. DISCUSSION ON BALLOT QUESTIONS
- V. DISCUSSION OF MODEL TRAFFIC CODE
- VI. DISCUSSION OF LAND USE DEVELOPMENT CODE
- VII. DISCUSSION OF COMPREHENSIVE PLAN PROCESSES
- VIII. DISCUSSION OF NUISANCE ORDINANCES
- IX. DISCUSSION OF MANAGER/COUNCIL ISSUES
- X. ADJOURNMENT

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director
FROM: Jennifer Madsen, Town Attorney
DATE: July 9, 2024
SUBJECT: [Work Session] Discussion of the Draft Publication Ordinance

Executive Summary:

Town Council will be briefed on a draft ordinance related to the means of meeting the publication requirements in the Town Charter for ordinances.

Background:

Article 6 Keystone's Home Rule Charter includes certain notice and publication requirements in conjunction with the enactment of legislation (ordinances) and budgets. The Charter does not specify the means by which this publication is to be accomplished. For statutory municipalities, this publication requirement is accomplished by placing a legal notice in a newspaper of general or limited circulation within the jurisdiction.

With the onset of the internet, as well as other means of electronic media, the newspaper may no longer be the most effective and efficient means to provide notice to the citizens and general public of hearings and potential legislation.

Because the Charter does not address or define the term "publication," Town Council may interpret the Charter and, by legislation, direct the means of publication with respect to the enactment of new ordinances. The proposed ordinance before you would authorize the fulfillment of the publication requirements of the Charter through electronic means,

including without limitation, posting of notices and legislation on the Town's website. The draft ordinance also allows meeting the publication requirement through the traditional means of publishing the information in newspaper of general or limited circulation.

The other reference to "publication" in the Charter is found in Article 10 pertaining to hearings on the proposed budget, notice of an adopted budget, and expenditure records. The proposed ordinance interpreting the Charter would apply to this section of the Charter and allows for publication on the website or in a newspaper

Council may be interested to know that if Council authorizes electronic publication/notification, Keystone would not be alone. State statutes were recently amended to allow posting of notices of public meetings on the internet. Also, a few home-rule municipalities (notably, Denver, Castle Rock, Golden, Montrose and Brighton) have authorized electronic notification and "publication" requirements.

Attachment:

- Draft Ordinance prescribing the means of publication

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-xx**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, PRESCRIBING THE MEANS OF
PUBLICATION FOR ENACTING LOCAL LEGISLATION AND OTHER
MATTERS**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, Article 6 of the Keystone Home Rule Charter establishes the procedure to be followed by the Town Council when enacting ordinances; and

WHEREAS, Sections 6.5 and 6.6 of the Keystone Home Rule Charter require the “publication” of ordinances approved on first reading, as well as the “publication” of ordinances following final passage; and

WHEREAS, Sections 10.6 and 10.12 of the Keystone Home Rule Charter requires the “publication” of hearings on the proposed budget and the adopted budget; and

WHEREAS, Section 10.14 of the Keystone Home Rule Charter permits the “publication” of records of expenditures; and

WHEREAS, the Keystone Home Rule Charter does not currently prescribe or otherwise address the manner by which such “publication” is to occur; and

WHEREAS, the Colorado Courts have ruled that how a home-rule city enacts legislation is a matter of purely local concern; and

WHEREAS, with the advent of the internet and other electronic communication means, Town Council believes and finds that the use of a newspaper is no longer the most effective and efficient means to notify the Keystone community and the public of proposed legislation, or of adopted legislation; and

WHEREAS, the Town Council further finds that publication is the act of giving or serving of notice; when applied to an ordinance, it is the act of serving of notice of the law’s existence and its contents to the public at large for inspection or scrutiny; and

WHEREAS, accordingly, the Town Council interprets the “publication” requirement in the Keystone Home Rule Charter to include such means as may be reasonably calculated to provide notice of the actions of Town Council pertaining to the enactment of legislation and budget matters; and

WHEREAS, Town Council wishes to authorize the use of electronic publication, including posting of notices and ordinances on the Town’s official internet webpage, as a permissible means to publicize the actions of the Town and Town Council, including

without limitation, notices of public hearings on budgets, proposed legislative actions and final legislative enactments.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council adopts the following requirement related to publication of proposed ordinances set forth in Section 6.5 of the Keystone Home Rule Charter:

Method and Timeline of Publication of Proposed Ordinances.

In accordance with the authority granted by Section 6.5 of the Keystone Home Rule Charter, if an ordinance is passed upon first reading, it shall be deemed sufficient publication for any proposed ordinance to be:

1. Posted in full on the Town's website not less than two (2) days prior to the meeting on which the public hearing on such ordinance shall take place; or
2. Published by title only in a newspaper of general or limited circulation within the Town to ensure general coverage within the Town as soon as possible and not less than two (2) days prior to the meeting on which the public hearing on such ordinance shall take place. Such publication shall include a statement that the full text of the ordinance is available for public inspection in the office of the Town Clerk, that the ordinance may be obtained by contacting the Town Clerk.

Section 3. Town Council adopts the following requirement related to publication of emergency ordinances as set forth in Section 6.6 of the Keystone Home Rule Charter.

Method and Timeline of Publication of Emergency Ordinances.

In accordance with the authority granted by Section 6.6 of the Keystone Home Rule Charter, it shall be deemed sufficient publication for any emergency ordinance to be:

1. Posted in full on the Town's website not less than twenty-four (24) hours prior to the meeting on which the public hearing on such ordinance shall take place; or
2. Published by title only in a newspaper of general or limited circulation within the Town to ensure general coverage within the Town as soon as possible and not less than one (1) day prior to the meeting on which the public hearing on such ordinance shall take place. Such publication shall include a statement that the full text of the ordinance is available for public inspection in the office of the Town Clerk, that the ordinance may be obtained by contacting the Town Clerk.

Section 4. Town Council adopts the following requirement related to publication of adopted ordinances, including emergency ordinances, as set forth in Sections 6.5 of the Keystone Home Rule Charter.

Method and Timeline of Publication of Adopted Ordinances.

In accordance with the authority granted by Sections 6.5 and 6.6 of the Keystone Home Rule Charter, it shall be deemed sufficient publication for any adopted ordinances, including emergency ordinances, to be:

1. Posted in full on the Town’s website within ten (10) business days after the final passage of the ordinance; or
2. Published by title only in a newspaper of general or limited circulation within ten (10) business days after the final passage of the ordinance. Such publication shall include a statement that the full text of the ordinance is available for public inspection in the office of the Town Clerk, that the ordinance may be obtained by contacting the Town Clerk.

The date of publication through the means of either paragraphs 1 or 2 shall mean final publication for purposes of the effective date of the ordinance.

Section 5. Town Council adopts the following requirement related to publication of notices of hearing on the proposed budget, the adopted budget, and expenditures as set forth in Sections 10.6, 10.12, and 10.14 of the Keystone Home Rule Charter.

Method and Timeline of Publication of Budgets and Expenditures.

In accordance with the authority granted by Sections 10.6, 10.12, and 10.14 of the Keystone Home Rule Charter, it shall be deemed sufficient publication for any notices of hearing on the proposed budget, the adopted budget, and expenditures, to be:

1. Posted in on the Town’s website; or
2. Published by in a newspaper of general or limited circulation within the Town.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 8. Effective Date. This ordinance shall take effect thirty (30) days after publication for purposes of processing renewal applications on existing licenses with Summit

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County. This ordinance shall take effect on October 1, 2024, for purposes of issuing new licenses and enforcement.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Madeleine Sielu, Town Clerk
DATE: July 9, 2024 – Work Session
SUBJECT: [Work Session] Short-Term Rental License Fees

Executive Summary:

The Town adopted Ordinance 2024-O-07 regulating Short-Term Rentals on June 25, 2024. The Ordinance indicates that the Town Council will set license fees with the passage of a Resolution.

Recommendation:

Staff recommends implementing the Short-Term Rental license fee currently imposed by Summit County and re-evaluating the fee in one year.

Background:

Summit County currently charges \$285 for a Short-Term Rental License in the Resort-Overlay Zone. They re-evaluate these costs annually based on the costs of administering Short-Term Rental licenses. Since the Town of Keystone has not yet implemented and operated Short-Term Rental licensing program, it makes the most sense to use existing numbers related to regulation and administration provided by Summit County. Staff plans to continue to track and monitor the STR licensing program over the course of the next year to determine what costs are incurred in managing the licensing program.

The Town has entered into agreements with two different vendors. Blue Vector AI is being contracted with for the administration of the Town's licensing. This contract

involves \$15,000 for initial development and \$40,000 in continued support and refinement of the licensing process. Deckard Technologies is being contracted with for compliance monitoring and enforcement. The total cost of this contract is \$62,500.

Staff have spent several hours working with these vendors to configure the software solutions to provide a responsive and operational experience for management companies, property owners, renters, residents, and all members of the Keystone community. Staff will continue to dedicate time to developing and refining these solutions. Staff will also dedicate time to manually reviewing aspects of the license applications that need to be verified, issuing licenses, and providing additional support to applicants. Staff will also dedicate time each week to monitoring compliance and providing appropriate follow-up for any violations or concerns related to licensing.

Financial Considerations:

The cost of administering a Short-Term Rental Licensing program.

Previous Council Actions:

Town Council adopted Ordinance 2024-O-07 on June 25, 2024. Town Council approved a contract with Deckard Technologies on June 25, 2024. Town Council approved a contract with Blue Vector AI on May 28, 2024.

Next Steps:

Direct staff to come forward with a resolution adopting the license fees for Short-Term Rental licenses.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: July 9, 2024
SUBJECT: [Work Session] Discussion on Ballot Questions/deBrucing and Lodging Tax (part 3)

Executive Summary:

This work session item is a continuation of the discussions from June 11 and June 28 related to consideration of ballot questions on the November 2024 ballot. This staff report provides a timeline for the November 2024 election and sample ballot language for consideration.

Background:

As previously discussed, all Taxpayers' Bill of Rights, Section 20 of Article X of the Colorado Constitution (TABOR) questions must be held at the following election: (1) state general election (November of even numbered years); (2) first Tuesday of November in odd-numbered years; or (3) biennial Town regular elections.

If Town Council is considering placing a question on the ballot for the November general election, it may be important for Council to understand key dates and deadlines for placing a question on the November 2024 ballot.

Tentative Election Calendar based on November 5, 2024, election date (duties that remain with Town Clerk)

Event	Deadline
Regular Town Council Meeting	July 23
Communicate interest in participating in election to County Clerk	July 26 (100 days before)
Regular Town Council Meeting **must approve IGA and consider discussing and finalizing ballot language	August 13
Deadline to approve election IGA	August 27 (70 days before)
Regular Town Council Meeting **must approve ballot language	August 27
Ballot language provided to County	September 6 (60 days before)
Written Comments submitted (pro and con statement)	September 20 (46 days before)
Town Clerk deliver TABOR notice	September 24 (42 days before)
Notice posted	October 16 (20 days before)
Election date	November 5, 2024

At the June 28 meeting, Town Council discussed holding a Town Hall for consideration of tax questions in the November 2024 election. These Town Hall meetings would need to be held prior to August 27 so that Council can approve ballot language.

It is worth noting that the Town is governed by the Colorado law, Fair Campaign Practices Act (FCPA). Under the FCPA, as a general rule, Town money cannot be used to advocate for or against a ballot issue or candidate in an election. This rule against Town spending is triggered at the time that the Town Council approves ballot language to place on a ballot.

DeBrucing Question:

To start the discussion on the consideration of DeBrucing question, the following is draft language for a DeBrucing ballot question for the November 2024 election.

SHALL THE TOWN OF KEYSTONE, COLORADO, WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES, BE AUTHORIZED TO RETAIN AND SPEND THE FULL AMOUNT OF THE TOWN TAXES, GRANTS, AND ALL OTHER REVENUE COLLECTED FROM ALL SOURCES INCLUDING ALL REVENUE RECEIVED IN 2025 AND EACH SUBSEQUENT YEAR, WITHOUT REGARD TO ANY STATE REVENUE OR EXPENDITURE LIMITATION INCLUDING THE LIMITATION CONTAINED IN THE TAXPAYPAYER’S BILL OF RIGHTS, ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

___ YES

___ NO

Town Council may want to consider the following factors raised in the June 28 memorandum when reviewing this question:

- 1) reference to TABOR – the wording should advise the voter that the question is indeed intended to authorize a “voter-approved revenue change”.
- 2) disclaim that it is not a tax increase – the wording should indicate that the question does not seek to raise any taxes.
- 3) broad form or dollar specific? If Town Council decides to submit a deBrucing question, a decision will need to be made on whether to limit the requested approval to a particular dollar amount or seek a broad approval of any excess revenue. *The proposed language is broad form as to all revenues and not limited to a dollar amount.*

- 4) starting in what year? The ballot question should specify the fiscal year or years to which it applies. If the ballot question is intended to give open-ended approval to retain any excess revenue into the future, it should specify the first fiscal year for which the approval is intended to be given. *The proposed language begins for 2025. There is no need to start in 2024.*
- 5) time-limited or open-ended? Some municipalities have included sunset provisions in both dollar-specific and broad form deBrucing ballot questions. *The proposed language is open-ended.*
- 6) what revenue sources are being deBruced? *The proposed language applies to all revenue sources.*
- 7) earmarking excess revenues? Some municipalities have included in the deBrucing question that if the municipality is authorized to keep excess TABOR revenue, the money will be spent for certain purposes. This “earmarking” is not required. An example of earmarking is “if allowed to retain excess revenue, the money will be used for broad categories of expenditures such as ‘law enforcement’ or ‘park improvements.’” Earmarking can raise some administrative issues such as demonstrating how the excess revenue was earmarked and what if the governing body wants to redirect the excess revenue. *There is no earmarking for these excess revenues. If approved by the voters, the Town will need to comply with this ballot language for many years to come. It is difficult to know now the future needs of the community. Therefore, related to retention of excess revenue, it is recommended that these excess revenues are not earmarked.*

Lodging Tax Question:

A lodging tax question is subject to the requirements of TABOR as it is a new tax. Town Council would need to adopt a resolution or ordinance setting the language for the lodging tax. If Town Council submits a ballot question to the voters for a lodging tax and the voters approve the tax, Town Council would need to adopt an ordinance to implement the tax.

A lodging tax would apply to the rental fee for the rental of a room or accommodation for a short-term period, 29 days or less, and would apply to short-term rentals and to hotel units. If Town Council is considering a lodging tax, Town Council would need to identify the percentage of the tax. In addition, Town Council would need to decide whether to identify a spending source (earmark) of the lodging tax.

To start the discussion on the consideration of a lodging tax question, the following is draft language for a lodging tax ballot question for the November 2024 election.

SHALL THE TOWN OF KEYSTONE'S TAXES BE INCREASED BY \$1,200,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR OF COLLECTION COMMENCING ON JANUARY 1, 2025, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED THEREAFTER , BY THE IMPOSITION OF A LODGING TAX AT THE RATE OF ____ PERCENT (__%) ON THE RENTAL FEE, PRICE, OR OTHER CONSIDERATION PAID OR CHARGED FOR SHORT-TERM RENTAL (LESS THAN 30 CONSECUTIVE DAYS) OF ANY ROOM, RESIDENCE, ACCOMMODATION, OR SPACE IN ANY HOTEL, INN, BED AND BREAKFAST, OR ANY OTHER PLACE THAT PROVIDES SLEEPING ROOMS, SLEEPING FACILITIES, OR ACCOMMODATIONS FOR CONSIDERATION LOCATED WITHIN THE TOWN, WITH THE REVENUES OF SUCH TAX TO BE SPENT ON

- _____
- _____
- _____

AND ANY LAWFUL MUNICIPAL PURPOSE, AND SHALL ALL REVENUES FROM SUCH TAXES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

____ YES

___ NO

Questions for Town Council related to the draft ballot language:

- 1) application to all lodging in the Town? *The proposed language applies to all lodging in the Town, including short-term rentals and hotels.*
- 2) what is the percentage for the lodging tax? *The proposed language is blank. Summit County's lodging tax is 2%.*
- 3) starting in what year? *The proposed language starts on January 1, 2025.*
- 4) earmarking of revenues? Council may choose to earmark the revenues to specific Town services or sources. This "earmarking" is not required. An example of earmarking is "if allowed to retain excess revenue, the money will be used for broad categories of expenditures such as 'law enforcement' or 'park improvements.'" The recommendation is to include the ability to spend the revenue on any other lawful municipal purpose. This language protects the Town should the needs of the Town change in the future.

As discussed at the June 28 work session, some other mountain communities assess both a lodging tax and a short-term rental tax. Avon, Frisco, and Dillon have a short-term rental tax. The lodging tax is typically levied on short-term rentals, hotels, motels, and bed and breakfast establishments. Whereas, the short-term rental tax is only levied against short-term rentals in residential zone districts. The mountain communities that have adopted this short-term rental tax have explained that the purpose of the tax is for affordable or community housing.

Community	Tax Rate
Dillon	
Lodging tax	6%
STR tax	5%
Breckenridge	
Accommodation tax	3.4%
Frisco	

Lodging tax	2.35%
STR tax	5%
Silverthorne	
Lodging tax	8%
Avon	
Accommodations tax	4%
STR tax	2%
Summit County	
Lodging tax	2%

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: July 9, 2024
SUBJECT: [Work Session] Discussion part 2 on 2024 Model Traffic Code

Executive Summary:

The purpose of this work session item is to provide additional information related to traffic and parking regulations.

Background:

Overview:

At the June 28, 2024, work session, Council was provided with information regarding the model traffic code and potential options for the adoption of these regulations in the Town of Keystone. Council asked questions related to noise regulations and photo speed vans. The purpose of this memorandum is to provide additional information on noise regulations, automated vehicle identification systems, and parking regulations. In addition, Staff would like to engage in further discussion related to parking regulations in the Town of Keystone.

Noise Regulations:

The 2024 Model Traffic Code (MTC) includes regulations related to vehicle noise. Specifically, the MTC includes a regulation on mufflers and prevention of noise. The regulation provides that every motor vehicle subject to registration and operated on a highway shall be equipped with “an adequate muffler in constant operation and properly

maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cutoff, bypass, or similar device.”

The Town of Dillon and CDOT regulate “Jake brakes” on Highway 6. A Jake brake, or compression release engine brake, is a diesel engine retarder that uses the engine to aid in slowing and controlling a vehicle. When activated, the brake opens the engine’s exhaust valves, which releases the compressed gas trapped inside and slows the vehicle. Using a Jake brake can prevent the other brakes from over-heating and reduce service brake maintenance. Conversely, Jake brakes cause loud and rapid rumbling. It may be that a Jake brake with a properly equipped muffler does not make the same loud rumbling noise. The regulation of Jake brakes is through Dillon’s noise ordinance. Dillon regulates all noise in commercial and residential noise zones between the hours of 11:00 p.m. and 6:00 a.m. Under the Dillon ordinance, the noise is measured using a sound level meter. As explained in [this Summit Daily article](#), Dillon uses signs on Highway 6 and education on the ordinance and the ability to enforce to reduce the traffic noise.

CDOT has adopted guidelines regarding the installation of signs for engine brakes mufflers and noise ordinances. The municipality is required to complete documentation and submit it to CDOT for the request for the installation of these signs on state highways. CDOT will review the documentation and decide whether to install the signs. The form requires documentation of whether the route is a designated truck route, site description (including speed limit, percent grade, length of hill), residential development near the state highway and traffic information. With the completed form, the municipality is required to submit documentation from the local law enforcement committing to enforce the ordinance. If approved, the signs may be installed in each direction on the state highway at the city limit. CDOT may also install a “Noise Ordinance Enforced” if the municipality has adopted an engine brake noise ordinance. CDOT provides a sample noise ordinance:

CDOT Noise Ordinance Example

Sec. 13.3.4. – Use of engine Brakes Prohibited.

(1) Prohibited use of engine brakes. The use of engine brakes shall be prohibited within the Town boundaries, including along U.S. Highway 160 within Town boundaries. Engine brakes may be used only in emergency or life/safety situations. Such situations include: pedestrians hastily entering crosswalks, cars hastily veering or stopping in front of trucks, oversized loads and other road conditions that may create hazardous driving conditions.

(2) Posted signage. The town shall erect, or cause to be erected, street signage that identifies this Section’s requirement in the Municipal Code.

Automated Vehicle Identification System:

At the discussion on June 28, there were questions asked about Automated Vehicle Identification Systems (AVIS). AVIS includes red light cameras and photo speed vans. AVIS provisions are already included in the Model Traffic Code. There was a 2024 amendment to the requirements related to AVIS which would need to be added to the 2024 Model Traffic Code. What follows is a high-level overview of the AVIS requirements related to the use of photo radar for speeding tickets:

- May only be used on certain streets. Photo radar may only be used within a residential neighborhood, construction zone, school zone, street that borders a Town park, or a street designated by the Town Council. Related to a designated street, the Town Council would need to identify the street as an automated vehicle identification corridor through evidence of data collected within the past five years of incidents of crashes, speeding, reckless driving, or community complaints.
- Issued to registered owner of vehicle. Tickets are issued to the owner of the vehicle.
- Owner of the vehicle must have an opportunity to dispute and argue that someone else was driving.
- No points are assessed against the driver’s license.

- Town could not require the registered owner of the vehicle to disclose the identity of the driver; the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.
- If the registered owner fails to pay, cannot boot the vehicle for failure to pay.
- Cannot give the vendor a portion of the ticket fines received.
- There must be a posted sign not fewer than 300 feet before the area where the radar is located.
- If this system is put in place, only warnings must be issued for 30 days after the installation.
- Cannot send unpaid tickets to collection agency. The Town cannot pursue a collection action against a registered owner for a debt resulting from an unpaid penalty unless the registered owner is personally served the notice of violation.

For 2024, the General Assembly amended the AVIS laws to provide that CDOT and the Colorado state patrol have authority to use AVIS to detect traffic violations on any portion of a state highway; clarify the notification and coordination process between local governments, CDOT, and the CSP with respect to the use of AVIS on a state highway; and authorize CDOT to promulgate rules related to the use of AVIS.

To implement AVIS, the Town would need to contract with a provider for the installation, maintenance, monitoring, and administration of the speed cameras.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director

FROM: Jennifer Madsen, Town Attorney

DATE: July 9, 2024

SUBJECT: [WORK SESSION] Amendments to 2024-O-08, An Ordinance of Town Council of the Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town of Keystone Land Use Code, And Declaring an Emergency

Executive Summary:

Town Council will be briefed on a Version 2 of Ordinance 2024-O-08. The reason for the additional version of this Ordinance is to address all the processes for communicating to Town Council land use decisions on Class 2 and 4 reviews and the process for Town Council appealing those decisions.

Background:

Town Council adopted by reference the Summit County Land Use and Development Code through Ordinance No. 2024-O-05 on April 23, 2024. Since then, it has been identified that Town Council desires to make amendments to the process of review of the planning department decisions on Class 2 land use applications. In particular, Town Council expressed an interest in decisions related to Class 2 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana. At the May 28, 2024, work session, Town Council directed staff to draft an ordinance to amend the process for Class 2 reviews which would allow Town Council to consider a review of Class 2 decisions that

is consistent with Town Council's meeting schedule and consistent with the Home Rule Charter and Town Council's Bylaws and rules of order. In other words, Town Council decisions should occur in an open meeting and the decision should be made by a majority of the quorum present at the meeting.

Based on Town Council's direction, Ordinance 2024-O-08 amends the process for communicating all decisions on Class 2 reviews. In addition, the planning department provides notice of the decision to the applicant, the Town Manager, and Town Council. The planning department will also schedule the notice of action as an agenda item for the next Town Council meeting. A decision to appeal (or call up) that decision must be made within 21 days. Consistent with the Home Rule Charter, Town Council decides to appeal by an affirmative vote of the majority of the Town Council members present at that meeting. This process is changed for all Class 2 reviews. Town Council approved Ordinance 2024-O-08 on first reading at its meeting on June 11.

Since the approval of Ordinance 2024-O-08, a Class 4 Development Review was decided by the Planning and Zoning Commission. The Town Planning Department is required to submit a Notice of Review to Town Council of a decision on a Class 4 Development Review application. Here is background information on Class 4 Development Reviews:

Class 4 (Planning Commission Review/appealable to Council - Public Hearing) development review process requires that an application be reviewed and acted on by the Planning Commission. Types of applications include:

- Site Plans (except those that are specified as Class 1 or Class 2);
- Conditional Use Permits (except for the special exception listed as Class 2 development reviews);
- Temporary Use Permits (except for the special exceptions listed as Class 2 development reviews);
- Location and Extent;
- Sign Programs

Because a Class 4 Development Review has the same process concerns that were raised related to Class 2 reviews, the recommendation is to include amendments to the

Class 4 process as are provided in Ordinance 2024-O-08. A redline version of Ordinance 202-O-08 is included with this Staff Report.

Town Council can approve Ordinance 2024-O-08 Version B on this second reading. Version B is presented to Council for consideration rather than handling this amendment during the meeting. Providing a Version B allows Town Council and the public additional time to consider the amended version. In addition, it may be difficult and cumbersome for Town Council to make this type of amendment during the course of the meeting. Town Staff recommends approval of Ordinance 2024-O-08 Version B.

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-08 [Version B]**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, AMENDING ORDINANCE NO. 2024-O-05,
TOWN OF KEYSTONE LAND USE CODE, AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, on April 23, 2024, through Ordinance No. 2024-O-05, the Town adopted by reference the *Summit County Land Use and Development Code*, subject to such amendments and revisions deemed necessary to properly and appropriately apply the adopted code to property within the Town of Keystone and has labeled it the Town of Keystone Land Use Code; and

WHEREAS, the Town Council has expressed an interest in considering land use applications for Class 2 and 4 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana; and

WHEREAS, the Town Council desires to amend certain sections of the Town of Keystone Land Use Code related to Class 2 and 4 reviews and notice requirements to Homeowners Associations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Section 2 of Ordinance 2024-O-05 adopted by Reference the *Summit County Land Use and Development Code*, as such code existed on May 1, 2024, (the “County Code”) with amendments. The following are additional amendments and requirements:

CHAPTER 12. DEVELOPMENT REVIEW PROCEDURES

- Section 12000.15(B) and (D) regarding Notice of Action for Class 2 and Class 4 Development Review Applications is deleted in its entirety and replaced with the following:

B. Class 2 Development Review Applications: For all Class 2 development review applications, the Planning Department shall send written

notice of its decision to the Town Council and the Town Manager, and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to send written notice within four (4) calendar days shall not invalidate the action taken, but merely shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department.

D. Class 4 Development Review Applications: The Planning Department shall send written notice of the Planning & Zoning Commission's decision to either approve or deny an application to the Town Council and Town Manager and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to give notice within four (4) calendar days shall not invalidate the action taken, but shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days.

- Section 12000.16(B), (C), and (E) regarding Effective Date and Appeal are deleted in their entirety and replaced with the following:

B. Class 2 Development Review Applications that Require Posted Notice Per Section 12000.10: Action on a Class 2 development review application that is required to have a posted notice in accordance with Section 12000.10 et seq. shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of Section 13202. If the action on a Class 2 application is properly appealed, the Town shall not issue any permits associated with the project until the appeal is heard by the Review Authority per the provisions of Section 13200 et seq. and the Review Authority takes action to uphold or modify the approval. Appeals on Class 2 and 4 development review applications (except for Class 2 development review applications for townhouse plats, condo maps and duplex subdivision exemptions as provided for in Section 12000.16.B) may only be filed by: 1) the affirmative vote of a majority of the Town Council present at the meeting, 2) the applicant, or 3) other persons as provided for in Section 13202. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

C. Class 2 Development Review Applications that Do Not Require Posted Notice Per Section 12000.10: Action on a Class 2 application that does not require a posted notice per Section 12000.10 et seq. shall become effective on the date a decision is rendered unless a decision is appealed within twenty-one (21) calendar days in accordance with the requirements of Section 13202. After an administrative decision is rendered on a Class 2 application by the Planning Department, an appeal may be filed only by 1) the affirmative vote of a majority of the Town Council present at the meeting; or 2) the applicant. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

E. Class 4 Development Review Applications: Action on a Class 4 application shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of this section. If the action on a Class 4 application is so appealed, the Town, or the Town's designee, shall not issue any permits associated with the project until the appeal is heard by the Town Council and the Town Council takes action to uphold or modify the approval. If the Town Council action on the appeal results in denial of the application, no permits may be issued by the Town, or the Town's designee, unless a new application is approved in accordance with the applicable requirements and criteria for decision of this Code. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq. Notwithstanding the foregoing, all BOA decisions shall be considered final and no Town Council review is available.

CHAPTER 13. PUBLIC HEARINGS AND APPEALS

- Section 13103(B) regarding Noticing of Public Hearings is deleted in its entirety and replaced with the following:

B. Public Noticing Requirements: Applications shall be noticed in substantial compliance with the following provisions:

1. Class 1 Applications: No legal notice of this administrative application process is required.

2. Class 2 Applications: Certain Class 2 development review applications per the provisions of Section 12000.10.B require a posting notice in accordance with Section 13103.01.E. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be

submitted to the Planning Department. If the property is located in a Homeowners Association, notice will be provided to the Homeowners Association. Not all Class 2 development review applications require noticing.

3. Class 3 Applications: Notice of the work session shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D.

4. Class 4 and 5 Applications: Notice of the public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and 3) published as a legal advertisement in accordance with Section 13103.01.D. Notwithstanding the foregoing, a quasi-legislative amendment to the Official Zoning Maps only has to comply with the noticing provisions contained in Section 13103.01.C.6.

5. Class 6 Applications: No legal notice of these applications is required except for: 1) final plats and final rezonings to PUD not concurrently heard and noticed with the required Class 5 application; 2) minor PUD modifications; and, 3) Class 6 development review process for the alterations or elimination of plat notes. For final plats and final zonings not being concurrently heard with the Class 5 preliminary review applications, notice of the Town Council's public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D. The Class 6 development review process for the alterations or elimination of plat notes shall be 1) noticed to all property owners within the affected subdivision, as well as any other direct beneficiaries or other parties directly affected by such notes, both in accordance with Section 13103.01.F, and 2) posted in accordance with Section 13103.01.E.

6. Extension of Noticing Area: The Community Development Director may extend the radius used for noticing as required by this section up to 2,000 feet based on the nature of the proposal, its potential impacts and the general character of the area.

7. Code Administrator Decisions on Code Interpretations and Use

Determinations: Notice of the Code Administrator decisions on Code interpretations and use determinations may, at the discretion of the Code Administrator, be posted on the property impacted by such a decision in accordance with Section 13103.01.E.

8. Mineral Estate Notification: An applicant shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100 et seq. as currently affected or hereinafter amended. Where an applicant provides any notice as may be required by C.R.S. § 24-65.5-100 et seq. and a mineral estate owner is notified, the Town shall provide notice of subsequent hearings.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for land use matters and other regulations without a land development code in place and there is no mechanism to process any land use applications without a land development code in place. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately upon adoption.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JULY 9, 2024, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by title only in The Summit Daily newspaper on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE WITH A ROLL CALL VOTE OF _____ IN FAVOR AND _____ OPPOSED, ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Jennifer Madsen, Town Attorney
FROM: Lindsay Hirsh, Community Development Director
DATE: July 9, 2024 – Work Session
SUBJECT: [Work Session] Comprehensive Master Plan Process

Executive Summary:

Now that the Town's Community Development Department is open for business processing building permits and development applications and has formulated a Planning Commission, the next task is to initiate the Master Plan process. The first step in the process is to develop a Request for Proposals ("RFP") to retain a third-party consultant to develop a plan.

Recommendation:

Review the information provided below and direct Staff to proceed with the RFP.

Background:

A master plan provides the policy framework and goals and objectives for the future planning for a community. Master plans are advisory documents against which certain development proposals should be evaluated to ensure such proposals are in general conformance with respective goals and policies/actions. This policy framework is used to develop regulatory tools such as zoning, subdivision, annexation, and other policies. It is a key guiding document for a community. As the Town Council is aware, the Town needs a master plan to chart its future. Staff anticipates that once a consultant is selected, the process will likely take approximately 9 months to complete.

Anticipated Steps:

The initial steps will involve a thorough review of all relevant historic and current documents and data pertaining to the Town of Keystone. These documents will likely include portions of existing and previous Snake River Master Plans pertinent to Keystone, applicable land use regulations, existing demographics, and a comprehensive inventory of existing conditions.

In addition, the initial steps of the process will involve a lot of Community/public outreach that will include numerous stakeholder meetings, surveys, public meetings, website and online engagement, and other creative ways to engage all members of the community in an equitable manner. Stakeholders may include but are not limited to: both permanent and 2nd home residents, United States Forest Service (USFS), Vail Resorts, the Kindred Development, Keystone Owners Association (KOA), Keystone Neighbourhood Corporation (KNC), Lakeside Village Council, and other various HOAs, commercial business owners, and any other parties that the Planning Commission and Council think should be represented. Community outreach will be paramount in formulating a useful master plan. The next steps will likely involve:

- visioning and values outreach,
- defining a vision,
- priority analysis,
- policy and strategy development,
- goal setting,
- Public review, and
- Adoption.

The final product will represent an inclusive public engagement process, and will contain clear direction, illustrate concepts with supporting maps, renderings, graphics, charts and photos. Staff anticipates that the major elements of the Master Plan will likely be:

- Land Use,
- Highway 6 study/analysis,
- Housing,
- Traffic,
- Design and Architecture,

- Parking,
- Transportation,
- Open Space & Trails,
- Infrastructure,
- STR's,
- Environment,
- Community and Economic interests.

Staff believes that the Planning and Zoning Commission and staff will be responsible for the development and guidance of the project with regular check-ins and updates provided to the Town Council.

Financial Considerations:

The need for a Master Plan has been known since early on in the incorporation process. Many of the topics that will be addressed in the Master Plan process were initially vetted during the incorporation process. Knowing the need for the document early on, afforded the Town Council the ability to allocate the funds anticipated to develop the document. In addition, the Town intends on applying for a Department of Local Affairs (DOLA) Grant to match funds for the master planning effort.

Previous Council Actions:

None

Next Steps:

Direct Staff to initiate the RFP process and apply for the DOLA grant by the end of July.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: June 25, 2024
SUBJECT: [Work Session] Discussion on Nuisance Ordinance

Executive Summary:

The purpose of this work session item is to provide an overview of the components of a nuisance ordinance and to get Council input on the types of items that it desires in the Town's nuisance ordinance.

Background:

Nuisance ordinances are adopted to protect the Town from actions that may not always rise to a criminal level but are made illegal because they create a health or safety risk, are serious detriment to people's quiet enjoyment of their own property, or create a situation that is an antithesis to the Town's stated goals and objections. A nuisance ordinance will codify the Town's positions and are often enforced through either the police department or the town's code enforcement procedures.

The Town of Dillon defined *nuisance* as meaning any person doing an unlawful act or omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- a. Injures or endangers the comfort, repose, health or safety of others;
- b. Offends decency;
- c. Is offensive to the senses;

- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- e. In any way renders other persons insecure in life or the use of property; or
- f. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

Nuisance ordinance usually allow for town abatement of the problem (along with a charge for staff time and equipment, and a fine). If the situation is dangerous to health or safety, towns will reserve the right to conduct emergency abatement without notice or hearing. In most other cases, the town will set-up a legal notice and hearing system that will allow the offender the ability to remediate the problem themselves.

Types of Nuisances

Common law - Generally, nuisances must be called out specifically in the Town's ordinance. However, common law nuisances can be recognized in the ordinance without specifying what the infraction may be. Common law nuisances are usually recognized as any nuisance which has been declared to be such by state courts or statutes or known as such at common law. Towns include a common law nuisance provision as a general catch-all for those specific items that may have been overlooked in the ordinance. That being said, enforcement of common law nuisances tends to be limited to obvious infractions.

General descriptions – Most ordinances began with a non-limited list of items or actions that have been generally accepted as nuisances. Dillon begins their code with the following:

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the items, conditions or actions contained in this Article, including the items listed below, are hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation;

- (2) Any condition which provides harborage for rats, mice, snakes and other
Many towns have created entire articles over items that started in nuisance codes.vermin;
- (3) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (4) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities;
- (5) Accumulation of dead trees, limbs, branches, bushes, needles, debris, paper, trash and other flammable materials.

After adopting a section like the above, towns' nuisance codes tend to grow as issues come up that can't quite be addressed by the existing codes. Many towns have created entire articles over items that started in nuisance codes.

Other Identified Nuisances

The various Summit County towns have identified many nuisances that the Council may wish to include in our own ordinance. These include:

- 1) Noise – Noise ordinance will often address both levels of acceptable noise and quiet hours. Language limiting levels of noise often make it illegal “to make and/or amplify sound in an excessive manner which can or does annoy, injure, or endanger the comfort, repose, health, or safety of others and emits sounds or vibrations that can be felt or heard outside of the property boundary.”

Noise ordinances will often also set “quiet hours.” The County has quiet hours of 11:00 pm. Many of our HOAs have quiet hours of either 10:00 pm or 11:00 pm.

- 2) Fires / Fire Bans – Living in the middle of a national forest, Keystone has to be very aware of our fire danger. At a minimum, the Town should dictate what is acceptable for outdoor fires (e.g. contained in a firepit, 20 feet from flammable

materials, limits on size and height of fire, etc.). The Town could even go so far as to license outdoor firepits or ban them all together.

Although there are numerous jurisdictions regulating activities during fire bans, it may be in the Town's interest to allow for our own enforcement during fire bans.

- 3) Fireworks – Similar to the enforcement of fire bans, there are state and county laws that control fireworks. However, it would likely be in the Town's interest to mirror some of the state restrictions in our own code. This would allow for more enforcement options.
- 4) Abandoned Vehicles – Some communities address abandoned vehicles on public right-of-ways in their nuisance codes. Other communities address them in parking regulations.
- 5) Storage of Vehicles – This is separate from vehicles abandoned on public roads. This section usually addresses storage of RVs, inoperable vehicles, trailers, and boats on private property. Often communities require such vehicles to be screened from view.
- 6) Noxious Fumes or Smokes – This prohibition is common in most towns' ordinances. It is important to include a section addressing noxious fumes in order to allow for emergency abatement, if necessary.
- 7) Garbage – This section can often deal with not only the accumulation of garbage (a public health hazard), but also with the storage of garbage in wildlife safe containers or buildings. The Keystone Development Code already contains language banning the accumulation of refuse on a property
- 8) Dangerous Buildings – Similar to garbage, the Keystone Town Development Code already identifies unsafe buildings as a nuisance that the Town can take

steps to remedy. In drafting a nuisance ordinance, this category could probably be addressed through a reference to all other nuisances identified in other sections of the code.

9) Animals – This section can contain a lot of items from dangerous animals and dog bites to backyard chickens. Towns even need to address the disposal of dead animals

10) Camping – Many Towns outlaw camping on private property unless in a designated campground. This is intended to keep people from setting up in RVs or campers in someone's driveway

11) Noxious and Dangerous Liquids – This will allow the Town to regulate the storage of chemicals on private property.

12) Truck Air Brakes (Jake Brakes) – The Town of Dillon drafted the following in declaring Jake brakes to be a nuisance: Any noise created from the operation of any motor vehicle with an engine brake engaged. An *engine brake* is defined as an engine retarder or dynamic braking device used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

13) Noxious Weeds and Rank Vegetation – This is the standard code enforcement nuisance item. Adopting noxious weeds and rank vegetation as identified nuisances will allow the Town to step in and compel people to maintain their properties.

14) Panhandling – Adding panhandling would allow the Town to control where panhandling can take place. The Town cannot completely ban panhandling due to First Amendment issues; however, it can be limited in certain places (i.e. medians on Hwy 6).

15) Firearms – So long as certain exceptions are permitted, the Town could ban the discharge of certain weapons within all or part of the Town's limits.

16) Discharge into Waterways – It may be possible to expand the prohibition against discharging pollutants into waterways. The Town may also expand its local definition of what constitutes a waterway.

Supplemental Information on Lodging Tax:

This is the total tax rate for each of the jurisdictions identified in the ballot language memorandum.

Dillon—Total Tax on Lodging

-State Tax	2.9%
-Summit County Sales Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	0.725%
-Dillon Sales Tax	2.5%
-Dillon Lodging Tax	6.0%
-Dillon STR Excise Tax	<u>5.0% (only on STRs)</u>
Total Tax on Lodging: 14.875%	Total Tax on STRs: 19.875%

Breckenridge—Total Tax on Lodging

-State Tax	2.9%
-Summit County Sales Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	0.725%
-Breckenridge Sales Tax	2.5%
-Breckenridge Accommodation	<u>3.4%</u>
Total Tax on Lodging: 12.275%	Total Tax on STRs: 12.275%

Frisco—Total Tax on Lodging

-State Tax	2.9%
-Summit County Sales Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	0.725%
-Frisco Sales Tax	2.0%
-Frisco Lodging Tax	2.0%
-Frisco STR Excise Tax	<u>5.0% (only on STRs)</u>
Total Tax on Lodging: 10.725%	Total Tax on STRs: 15.725%

Silverthorne—Total Tax on Lodging

-Metro District PIF**	2.5%
-State Tax	2.9%
-Summit County Sales Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	0.725%
-Silverthorne Sales Tax	2.0%
-Silverthorne Lodging Tax	<u>8.0%</u>
Total Tax on Lodging: 16.375%	Total on Lodging in Metro District: 18.875%

Avon (only providing because it has an STR type tax) —Total Tax on Lodging

-State Tax	2.9%	
-Avon Sales Tax	4.0%	
-Avon Lodging Tax	4.0%	
-Avon STR Excise Tax	<u>2.0% (only on STRs)</u>	
Total Tax on Lodging: 8.9%		Total Tax on STRs: 11.9%

Unincorporated Summit County—Total Tax on Lodging

-State Tax	2.9%
-Summit County Sales Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	0.725%
-Summit County Lodging Tax	<u>2.0%</u>
Total Tax on Lodging: 8.375%	

Keystone --Total Tax on Lodging

-State Tax	2.9%
-Summit County Tax	2.0%
-Summit County Transit Tax	0.75%
-Summit County Workforce Tax	<u>0.725%</u>
Total Tax on Lodging: 6.375%	Total Tax on STRs: 6.375%