

**ORDINANCE No. 2009-07
(SERIES OF 2009)**

AN ORDINANCE IMPOSING PENALTIES ON AN OWNER OF EMPLOYEE HOUSING SUBJECT TO ORDINANCE NO. 1997-05 THAT FAILS TO COMPLY WITH A REQUEST FOR OCCUPANCY INFORMATION

WHEREAS, the Town Council of the Town of Mountain Village, State of Colorado, has determined that it is necessary for all Owners of Employee Housing subject to the Town of Mountain Village Ordinance No. 1997-05 to comply with information requests from Town Council, or its designees;

WHEREAS, the acquisition of said information is in the Town of Mountain Village' s best interest and will allow for the Town of Mountain Village to enforce Affordable Housing Restrictions on Employee Housing;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE the following:

DEFINITIONS:

- (1) **Property** – Real estate subject to Employee Housing Restriction No. 1997-05.
- (2) **Employee** – As defined under Ordinance No. 1997-05, Section 1(II)(D)(4), a person who is employed or can show intent to be employed within the Telluride R-1 School District and maintains residence in the Town.
- (3) **Owner** – As defined under Ordinance No. 1997-05, Section 1(II)(D)(6), any person, group, organization, agency or other entity holding fee title to Affordable Housing.
- (4) **Tenant** – Any person that has the temporary use and occupation of Property, owned by an Owner, as the terms are defined above.

SECTION 1: REQUESTS FOR INFORMATION

Pursuant to Ordinance No. 1997-05, Section 1(II)(I)(1), Town Council or its designees may require at any time that an Owner verify within five (5) days of such request by the Town Council or its designee that:

- (a) If a Property is Owner occupied, verification from the Owner that the Owner is an Employee; or
- (b) If a Property is Tenant occupied, verification from the Owner that any particular Tenant is an Employee.

SECTION 2: PENALTIES FOR NONCOMPLIANCE

Any Owner that fails to comply with requests for information is subject to a daily penalty in the amount of Ten Dollars \$10.00. Daily penalties on the Property will commence thirty (30) days after an Owner has failed to comply with a request for information from the Town Council. This daily penalty will be assessed by the Town of Mountain Village until the Owner complies by providing Town Council with the requested information. Daily penalties assessed by the Town of Mountain Village will attach as a lien on the Property of a non-complying Owner. Liens will be assessed against any non-complying Owner's Property that is either Owner or Tenant occupied. A lien may be foreclosed in the manner provided for by the foreclosure of real estate mortgages and any other manner provided by law.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect on the 21 day of June, 2009.

SECTION 4: PUBLICATION OF NOTICE

The Town Clerk shall publish notice of this Ordinance within five (5) days after enactment of this Ordinance in compliance with the Home Rule Charter for the Town of Mountain Village.

INTRODUCED ON THE FIRST READING BEFORE THE TOWN COUNCIL ON THE 21st DAY OF APRIL, 2009.

ADOPTED BY THE TOWN COUNCIL ON SECOND READING AFTER PUBLIC HEARING ON THE 21st DAY OF MAY, 2009.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home-rule municipality**

By: 

ROBERT H. DELVES, Mayor

ATTEST:



KIM MONTGOMERY, Town Clerk