CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

HOUSING and TAXES—
Short Term Rentals
BCO Ch. 18 & Sec. 21-31

It is hereby Ordained by the City Council of the City of Burlington as follows:

1. That Chapter 18, Housing, of the Code of Ordinances and Chapter 21, Offenses and Miscellaneous Provisions, Article I. In General, and Section 31, Restaurant, hotel, amusements and admissions taxes, of the City of Burlington be and hereby are amended to read as follows below.

2. That if a dwelling unit operated by a host as a noncompliant short term rental prior to the date in which this ordinance amendment, Housing-Short Term Rentals, BCO chapter 18 & Sec. 21-31, comes into effect, the host may continue to operate their short term rental until no later than May 31, 2023, provided that: 1) the host registers their short term rental and pays any registration fee within thirty (30) days following the effective date of this ordinance amendment; 2) the host demonstrates to the satisfaction of the Department of Permitting and Inspections that future guest reservations were made for the short term rental prior to the date in which the this ordinance amendment comes into effect; and 3) the host may not register more than one (1) noncompliant short term rental.

ARTICLE I. IN GENERAL

18-1 Short title.

As written.

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

***

Guest means a person who, in exchange for compensation, rents a short term rental.
AN ORDINANCE
IN RELATION TO

Introduced by
Councillor ____________________________

Read in City Council first time

Attest,

Rules suspended, and ordinance placed in all stages of passage.

Attest,

Read in City Council second time

Attest,

Passed in City Council at meeting held

Attest,

Approved ____________________________

Mayor.

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Adopted

Published

day,

day,

day,

day,

Effective

City Clerk

City Clerk

City Clerk

City Clerk

Attest:
Host means a person who operates a short term rental (whole or partial unit). The host is the primary contact for guests to make reservations and to contact during their stay. The host oversees compliance of the short term rental with all applicable rules and regulations, receives guests’ payment for short term rental stays, and is responsible for remitting all taxes imposed on a guest’s occupancy. The host may be the property owner or tenant.

Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than 30 days) sleeping accommodations for compensation consideration and is subject to the Vermont rooms and meals tax. Hotel or motel is defined as lodging in the Comprehensive Development Ordinance. Hotel or motel does not include short term rental.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons for thirty (30) consecutive days or more.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30) consecutive days and for more than 14 days during any rolling 12-month period, is subject to the Vermont rooms and meals tax, and is either a:
AN ORDINANCE
IN RELATION TO

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Councillor

Read in City Council first time

Attest,

Rules suspended, and ordinance placed in all stages of passage.

Attest,

Read in City Council second time

Attest,

Passed in City Council at meeting held

Attest,

Approved

Mayor.

I, the Clerk of the City of Burlington, do hereby certify that the Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is here attached.

And the within Ordinance was ordered published for

day,

day of

Published

Adopted

City Clerk

I hereby certify that this Ordinance has been sent to the following department(s) on

Attest:
(a) **Partial Unit**, meaning a room located within a host’s primary residence that is used primarily for sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor area; or

(b) **Whole Unit**, meaning an entire dwelling unit.

***

**Target housing** means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days or less.

***

18-3 – 18-14 Reserved.

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

**DIVISION 1. GENERALLY**

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 and the hosts of all short term rentals shall be required to annually file a registration application and fee with the enforcement agency, which shall be due renewed annually on or before April 1.

1. **The **All owners or hosts must complete a rental property information form to be provided by the enforcement agency which contains the following information:

   (i) The address of the property.

   (ii) The number of dwelling units at that address.

   (iii) The number of rental units at that address.

   (iv) The maximum number of residents or guests in each rental unit.

   (v) The number of sleeping rooms in each rental unit.
AN ORDINANCE
IN RELATION TO

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Councillor ____________________________

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Attest,

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Passed in City Council at meeting held

Attest,

Approved ____________________________

Mayor.

City Clerk of the City of Burlington and Clerk of the City Council of said City do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached. And the within Ordinance was ordered published for the day of ________ day of ________

day, 20 __________

Effective __________, City Clerk

Adopted ____________________________

Published ____________________________

Attest:

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

* * * * * * * * * *
(6) The number of families living in each rental unit.

(7) The number of unrelated adults in each rental unit.

(8vi) The number of vehicles owned or used by residents for guests at the premises and the number of parking spaces that are dedicated for the rental units at the property.

(9vii) The name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.

(10viii) The name, address and phone number, and email address, of:

a. any local (within Chittenden County) managing agent. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner or host in matters concerning compliance with this chapter.

(11) b. The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

(12)c. A designated person within the state for service of process for this property. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

d. If any of the individuals designated pursuant to this subsection move out of Chittenden County or leave Chittenden County for more than thirty (30) days during the rental unit’s annual registration period, the owner or host shall submit updated contact information to the enforcement agency.

(2) All owners of rental units rented for thirty (30) days or more (i.e. other than short term rentals) must also provide the following information:

(i) The number of families living in each rental unit.
AN ORDINANCE
IN RELATION TO

Introduced by
Councilor

Read in City Council first time

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Attest,

Read in City Council second time

Attest,

Passed in City Council at meeting held

Attest,

Approved

City Clerk of the City of Burlington
and Clerk of the City Council of said City do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for

day,

Effective

Published

Adopted

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Attest:

* * * * * * * * *
(ii) The number of unrelated adults in each rental unit.

(+3+i) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(3) All hosts of short term rentals must also provide the following information:

(i) The number of whole unit or partial unit short term rentals within the building, or in the case of multiple buildings on a parcel of land, on the entire lot.

(ii) For hosts who are tenants, the name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the host, and written permission from the owner of the rental unit that the tenant may register it as a short term rental.

(iii) Written proof of the host's primary residence. For hosts who are owners of the short term rental, this shall be proven by a declaration of homestead pursuant to 32 V.S.A. § 5410. For hosts who are tenants, the enforcement agency may accept other written proof of permanent residency at its discretion, relying on criteria such as the address listed on the host's drivers license, a car or voter registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

(b) Upon purchase or transfer of property containing a rental unit, or upon a change in the host of a short term rental, the purchasers, transferees, or new host shall file a new registration application and a fifty dollars ($50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner or host on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner or host shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner or host of any rental unit within the city to fail to register a rental unit as required by this section.
AN ORDINANCE
IN RELATION TO

Introduced by
Councilor

Read in City Council first time
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Attest,
, Clerk.

Rules suspended, and ordinance placed in all stages of passage.
, 20 .

Attest,
, Clerk.

Read in City Council second time
, 20 .

Attest,
, Clerk.

Passed in City Council at meeting held
, 20 .

Attest,
, Clerk.

Approved
, 20

, Mayor.

I, City Clerk of the City of Burlington and Clerk of the Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is here to attached.

And the within Ordinance was ordered published for the day, day
, 20 effective
, City Clerk

Adopted

Published

Distribution

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Attest:
(e) Property owners and hosts shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals shall be subject to the following standards:

1. A host may register their primary residence as one (1) whole unit short term rental or the host may register up to three (3) rooms within their primary residence as a partial unit short term rental.

2. In buildings or lots with less than five (5) dwelling units, a host may register a dwelling unit within the same building or lot as their primary residence as one (1) whole unit short term rental.

3. A host may register a dwelling unit that is not within the same building or lot as their primary residence as one (1) whole unit short term rental only if either:

   i. the dwelling unit is indicated as a seasonal home by the Burlington Assessor; or

   ii. the dwelling unit is within a building with two (2) or more dwelling units and the host rents another dwelling unit within the same building or lot, in excess of any applicable required Inclusionary Units, that meets the affordability criteria of Article 9, Inclusionary Zoning, of the Comprehensive Development Ordinance or is rented to a tenant receiving Federal or State rental assistance.

4. A host may not register more than one (1) whole unit short term rental. If a host registers one (1) whole unit short term rental that is not their primary residence, they may still rent a partial short term rental in their primary residence. A host who is a tenant may only register a short term rental in their primary residence. A host may not use multiple corporations or other entities to register more than one (1) whole unit short term rental.

(g) The enforcement agency shall create and maintain a registry of all rental units that includes the registration data required by Sec. 18-15(a). Upon request and at least annually, the enforcement agency shall
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Councillor

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provide to the city council a summary of the registry, including the number of registered rental units, the
number of registered short term rental units, and any other requested data collected by the registry.

18-16 Inspection required.
The enforcement officer or his/her delegate shall make inspections of rental units within the city,
including hotel and motel rooms which are regularly let to the same tenant(s) for a period in excess of thirty
(30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2)
rooms which are rented out for compensation and partial unit short term rentals. Also excluded from
inspection are university and college dormitories that conduct regular, comprehensive inspection programs
and annually certify compliance with the minimum housing standards ordinance to the enforcement agency.
Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of
hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in
this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for
inspections of rental units, shall be available for public inspection.

18-17 – 18-29 As written.

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) - (c) As written.

(d) The provisions of this subsection do not apply to short term rentals, except that if a host terminates an
existing tenancy in a rental unit or refuses to renew a written rental agreement for the purpose of converting a
rental unit to a short term rental, the host shall be responsible for paying the costs of relocation for the
affected tenant, as defined by Sec. 18-28(c), within ten (10) days after the tenant vacates the rental unit, as
long as all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated.

18-30 Fees.

(a) Registration fee. Pursuant to Section 18-15, a registration fee shall be charged to the owner of every
rental unit in the city that is subject to periodic inspections and to the host of every short term rental. This fee
shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection
services, clerical, administrative and mediation support services for the housing board of review and
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Mayor.

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day, namely the
day of

Effective

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Adopted

Attest:

* * * * * * * * * * *

Distribution

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* * * * * * * * * * *
landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars ($110.00) per unit per year except for owner occupied dwellings with two (2) or less units and partial unit short term rentals, in which case the fee shall be eighty dollars ($80.00). For whole unit short term rentals, an additional registration fee shall be charged in the amount of one hundred ten dollars ($110.00) per unit per year.

***Remainder of Sec. 18-30 as written.

18-31 – 18-69 As written.

ARTICLE III. MINIMUM STANDARDS

DIVISION 1. GENERALLY

18-70 - 18-112 As written.

18-113 Short Term Rentals

The following additional minimum standards shall apply to short term rentals only:

(a) Hosts shall comply with all applicable State law and regulations regarding short term rentals.

(b) Short term rentals must be serviced and cleaned before each new guest.

(c) A host shall include the rental registration number clearly visible on all advertising for the short term rental.

(d) Hosts shall provide guests written documentation with the following information:

i. the name, phone number, and email of the host and, if not the host individually, an emergency contact within Chittenden County who is available at all times during a guest’s rental.
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Attest:
ii. contact information for the enforcement agency, the State Department of Health, and the State Department of Public Safety’s Division of Fire Safety.

iii. written instructions on the location and use of fire extinguishers;

iv. written instructions on emergency shut-off of heating systems and fuel burnings appliances.

v. a diagram identifying emergency egress routes.

vi. a copy of Burlington's Noise Control Ordinance.

18-114—18-129 Reserved.

DIVISION 7. MINIMUM ENERGY EFFICIENCY STANDARDS

18-130 – 18-199 As written.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 – 18-299 As written.

ARTICLE V. REGULATION OF CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR COOPERATIVES

18-300 Statement of Purpose.

As written.

18-301 Authority and applicability.

As written.

18-302 Exemptions.

(a) - (b) As written.
AN ORDINANCE
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Councillor

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Mayor.
An Ordinance in Relation to HOUSING and TAXES--Short Term Rentals, Ch. 18 & Sec. 21-31

(c) This article shall not be applicable to short term rentals.

18-303 – 18-399 As written.

Article VI. Housing Trust Fund

18-400 – 18-499 As written.

Article VII. RESERVED

18-500 – 18-512 Reserved.

***

21-31 Restaurant, hotel, amusements and admissions taxes.

(l) GENERAL PROVISIONS:

(A) Title: This section may be cited as the "Restaurant, Hotels, Amusements and Admissions Taxes Ordinance."

(B) Purpose and Authority: This section is enacted to raise revenue for municipal purposes pursuant to the Charter of the City of Burlington, Act No. 298, Acts of 1949, Sections 48III and 48XXIV.

The city council originally adopted this tax on January 30, 1986. Included in that ordinance was subsection "XVI Sunset." Subsequent to the adoption of the ordinance, the voters recommended and the Legislature adopted a change to the City Charter (Acts of 1986, M-21) which established a system of tax classification in Burlington.

That city council and each successor city council has construed the 1986 tax ordinance not to have sunset, to have been in continuous effect, and each has adopted a city budget which collected and expended funds raised by that 1986 ordinance.

On April 2, 1990, the Superior Court construed the intention of the 1986 enactment of this ordinance to trigger a sunset of it effective June 30, 1987, and declared it no longer effective.

The city council hereby enacts this ordinance as both a prospective and retroactive curative adoption. The city council views the Superior Court’s construction of the intention of our predecessor 1986 city council to be
AN ORDINANCE
IN RELATION TO

Introduced by
Councillor

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Attest,

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Mayor.

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Attest:
An Ordinance in Relation to HOUSING and TAXES--Short Term Rentals, Ch. 18 & Sec. 21-31

erroneous. Despite the fact that an appeal of that decision is pending at the time of this enactment, the city council finds that prudence further necessitates that this curative action also be taken by us as the local legislative body of the city.

It is therefore the express legislative purpose of this 1990 enactment of this ordinance to:

(1) Adopt the "Restaurant, Hotel, Amusements, and Admissions Taxes Ordinance," Code of Ordinances, Section 21-31, without the sunset clause which appeared at subsection XVI of the 1986 enactment, and which gave rise to the Superior Court declaration of defect in the ordinance's continued effectiveness after June 30, 1987; and

(2) Make this enactment, which has eliminated the former sunset clause altogether, retroactive to the effective date of the original tax ordinance adopted January 30, 1986.

(II) TAXES IMPOSED:

(A) Restaurant Tax: There is hereby imposed a business occupation tax upon all persons engaged in the restaurant business of whatever name or character in the City of Burlington. The tax imposed shall be at the rate of two (2) percent of the gross receipts from taxable business, as defined herein, done per monthly period in accordance with the provisions of this section.

(B) Hotel and Motel Tax: There is hereby imposed a business occupation tax upon all persons engaged in the hotel or motel business of whatever name or character within the City of Burlington. The tax imposed shall be at a rate of two (2) percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section.

(C) Short Term Rental Tax: There is hereby imposed a business occupation tax upon all persons engaged in operating short term rentals within the City of Burlington. The tax imposed shall be at a rate of nine (9) percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section and dedicated to the Housing Trust Fund.

(CD) Amusements Tax: There is hereby imposed a business occupation tax upon all persons engaged in the business of operating places of amusement, including, but not limited to, pool halls, arcades, bowling alleys, or operating any establishment making available use of amusement devices of whatever name or character within
AN ORDINANCE
IN RELATION TO

Introduced by
Counselor

Read in City Council first time

Attest,

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Attest,

Read in City Council second time

Attest,

Passed in City Council at meeting held

Attest,

Approved

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day, namely the

don the day of

Effective

Published

Adopted

Attest:

Distribution

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* * * * * *
the City of Burlington. The tax imposed shall be at the rate of two (2) percent of taxable business, as defined herein, done per monthly period in accordance with the provisions of this section.

(DEF) Admissions Tax: There is hereby imposed a tax on admissions to circuses, menageries, carnivals, cinemas, shows of every kind, plays, athletic contests, exhibitions or entertainments for money of whatever name or character except those of educational or nonprofit institutions or organizations or wholly for charitable purposes. The tax imposed shall be at the rate of two (2) percent of the gross receipts from such admissions, as defined herein, done per monthly period in accordance with the provisions of this section.

(DEF) Compliance Required: It shall be unlawful for any person to transact or carry on any business, occupation or activity subject to the provisions of this section without complying with all applicable provisions herein.

(III) — (XV) As written.

* Material stricken out deleted.

** Material underlined added.
AN ORDINANCE
IN RELATION TO
HOUSING and TAXES--Short Term Rentals
BCO Ch. 18 & Sec. 21-31

Introduced by

Ordinance Committee

Read in City Council first time

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Attest,

, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

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Attest,

, Clerk.

Read in City Council second time

June 27 , 2022

Attest,

, Clerk.

Passed in City Council at meeting held

June 27 , 2022

Attest,

, Clerk.

Approved

, 2022

Mayor.

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Meagan Tuttle, Planning Director

I, Katherine Schad

City Clerk

of the City of Burlington

and Clerk of the City Council of said City, do hereby certify that the within Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereeto attached.

And the within Ordinance was ordered published for Wednesday, July 13, 2022.

Adopted ___________________________ Published ___________________________

06/27/22 07/13/22

Lori Olberg

Licensing, Voting & records Coordinator

Attest:

Signed ___________________________

08/03/22

Meagan Tuttle, Planning Director