

ORDINANCE NO. 202

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN, TO INCREASE THE SALES TAX FOR THE CITY OF CREEDE, COLORADO, A TOWN, TO A MAXIMUM OF THREE PER CENT (3%) IN ACCORDANCE HEREWITH:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section 1. Short Title: This Ordinance shall be commonly and legally known as the Authorization For Increased Sales Tax Ordinance.

Section 2. Purposes: The purpose of this Ordinance is to authorize the Board of Trustees of the City of Creede, Colorado, A Town, to increase the sales tax set forth in Ordinance No. 201 of the City of Creede, Colorado, A Town to two per cent (2%) but not sooner than 1976 or to three per cent (3%) but not sooner than 1976, without future submission of such increase to a vote of the qualified electors of the City of Creede, Colorado, A Town; Such determination by the Board of Trustees of the City of Creede, Colorado, A Town, to be in their best discretion and in the best interests of the City of Creede, Colorado, A Town.

Section 3. Adoption by Reference: Pursuant to the authority conferred by Article 31, Chapter 12, Colorado Revised Statutes of 1975, there is hereby adopted, by reference, the following portions of Ordinance No. 201 of the City of Creede, Colorado, A Town, which Ordinance was introduced, read in full and passed first reading on the 5th day of January, 1976, read in full and passed upon second and final reading on the 2<sup>nd</sup> day of February, 1976, published by posting in three conspicuous places for a period of thirty (30) days thereafter and which Ordinance has been or is being submitted to the qualified electors of the City of Creede, Colorado, A Town, at the Regular Municipal Election held on the 6th day of April, 1976:

Section 1;

Section 2;

Section 3;

Section 4;

Section 5;

Section 7; and

Section 8.

Section 4. Schedule of Sales Tax:

(1) The Board of Trustees of the City of Creede, Colorado, A Town, be and is hereby authorized, without further submission of such question to the qualified electors of the City of Creede, Colorado, A Town, to raise the schedule of Sales Tax as set forth in Section 6 of Ordinance No. 201 from one per cent (1%) to two per cent (2%), provided however that

the Board of Trustees of the City of Creede, Colorado, A Town, is not authorized to so increase such tax without a vote of the qualified electors of the City of Creede, Colorado, A Town, prior to the year 1976.

(2). The Board of Trustees of the City of Creede, Colorado, A Town, be and is hereby authorized, without further submission of such question to the qualified electors of the City of Creede, Colorado, A Town, to raise the schedule of Sales Tax as set forth in Section 6 of Ordinance 201 from one per cent (1%) to three per cent (3%), provided however, that the Board of Trustees of the City of Creede, Colorado, A Town, is not authorized to so increase such tax without a vote of the qualified electors of the City of Creede, Colorado, A Town, prior to the year 1976.

Section 5. This Ordinance is intended to supersede only Section 6 of Ordinance No. 201 as set forth above as to the amount of Sales Tax which may lawfully be imposed on sales of tangible personal property at retail and the furnishing of certain taxable services as defined in said Ordinance. In the event that said Ordinance No. 201 fails to be approved by the qualified electors of the City of Creede, Colorado, a Town at the regular Municipal Election to be held on the 6th day of April, 1976, then in such event, this Ordinance shall be null and void and of no effect whatever even in the event that it is passed and approved by the qualified electors at the same election. In the event that said Ordinance No. 201 is approved by the qualified electors of the City of Creede, Colorado, A Town, at the regular municipal election to be held on 6th day of April, 1976, then the passage of that Ordinance shall not be effected by the failure of this Ordinance to pass and such Ordinance No. 201 shall remain in full force and effect.

Section 6. This Ordinance shall take effect on the 1st day of July, 1976, subject only to the following:

(1) Subject to the limitations contained in this Ordinance;

(2) That this Ordinance is passed on first and second reading in accordance with the City Charter of the City of Creede, Colorado, A Town.

(3) That this Ordinance is duly published by posting for a period of at least thirty (30) days.

(4) The majority of the qualified electors of the City of Creede, Colorado, A Town, approves this Ordinance, this Ordinance to be submitted to the qualified electors of the City of Creede, Colorado, A Town, at the regular Municipal election to be held on the 6th day of April, 1976. Such proposals shall be submitted to the voters on the regular ballot of such election as aforesaid, in the following form:

Subject to the approval of the qualified electors of the City of Creede, Colorado, A Town of

Ordinance designated Ordinance No. 201, shall the Board of Trustees of the City of Creede, Colorado, A Town, without further submission of said question to the qualified electors of said City in the future, be authorized to increase the Sales Tax as set forth in Ordinance No. 201 of the City of Creede, Colorado, A Town, from one per cent (1%) of the gross receipts of said sales to two per cent (2%) of the gross receipts of said sales, but not prior to 1976, and from two per cent (2%) of the gross receipts of said sales to three per cent (3%) of the gross receipts of said sales, but not prior to 1976?

YES 175 NO 76

Such election shall be conducted in the manner provided in the "Colorado Municipal Election Code of 1965".

Section 7. Severability of Parts of Ordinance:

(1) If any Section, Sub Section, Sentence, Clause, Phrase or Portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining portions hereof. The Board of Trustees hereby declares that it would have adopted this Ordinance, and each Section, Sub Section, Sentence, Clause, Phrase, Part or Portion thereof irrespective of the fact that any one or more of the Sections, Sub Sections, Sentences, Clauses, Phrases, Parts or Portions may be declared invalid or unconstitutional.

INTRODUCED, read in full, adopted, approved and signed this 1st day of March, A.D. 1976.

James Baker  
Mayor

Attest:

Emma Luwickhart  
City Clerk  
Seal

Passed First Reading this 2<sup>nd</sup> day of February, 1976

Emma Luwickhart  
City Clerk

Passed upon second and final reading this 1st day of March, 1976.

Emma Luwickhart  
City Clerk