

ORDINANCE 236

AN ORDINANCE INCREASING THE SALES TAX FOR THE CITY OF CREEDE, COLORADO, A TOWN, FROM 1% TO 2% BY AMENDMENT OF ORDINANCE #201, CREATING THE SALES TAX CAPITAL IMPROVMENTS FUND AND APPROPRIATING THE REVENUES DERIVED FROM SUCH 1% SALES TAX INCREASE TO SUCH FUND

WHEREAS, the electors of the City of Creede, Colorado, a Town, approved Ordinance 202 by majority vote at an election held the 6th day of April, 1976 titled, "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 PERCENT (3%) IN ACCORDANCE HEREWITH", and

WHEREAS, the Board of Trustees of the City of Creede, Colorado, a Town, held a public hearing at the County Court House, 7:30 P.M., October 24th, 1983, notice of such public hearing being advertised in the Mineral County Miner on the 13th and 20th of October, 1983, and

WHEREAS, as a result of such hearing, the Board of Trustees hereby determines, in its best discretion, that this Ordinance is in the best interests of the City of Creede, Colorado;

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

Section 1. Authority: The authority for this Ordinance is found in Ordinance #202 of the City of Creede, Colorado, a Town, and in the following Statutes of the State of Colorado: CRS 1973, Article 26 of Title 39 and Article 2 of Title 29, as amended.

Section 2. Creation of a Capital Improvments Fund: As provided in CRS 1973, 29-2-111, as amended, there is hereby created a special fund to be known as the "Sales Tax Capital Improvments Fund". All revenue received by the City of Creede, Colorado, a Town as a result of the 1% increase in local sales tax implemented by this Ordinance shall be deposited in such Sales Tax Capital Improvments Fund and the resulting revenue shall be appropriated solely

for capital improvements.

Section 3. Increase Sales Tax: The Board of Trustees of the City of Creede, Colorado, a Town is exercising the right to increase the local sales tax from 1% to 2% as provided in Section 4, Subsection 1 of Ordinance 202. Furthermore, the Board of Trustees specifically finds in its best discretion, that it is in the best interests of the City of Creede, Colorado, a Town, to increase the local sales tax from 1% to 2%.

Section 4. Effect of Ordinance: From and after the 1st day of January, 1984, there shall be imposed a total local sales tax of 2% on the sale of tangible personal property at retail or the furnishing of certain taxable services as provided by law, upon every retailer in the City of Creede, Colorado, a Town. The City Clerk is directed to forthwith give notice to the executive director of the Colorado Department of Revenue that the City has, by this Ordinance, increased the total local sales tax from 1% to 2% effective January 1, 1984.

Section 5. Amendment of Ordinance #201: All provisions of Ordinance #201 shall remain in full force and effect except:

A. "Section 6. Schedule of Sales Tax:" be and is hereby repealed and re-enacted to read as follows:

Section 6. Schedule of Sales Tax:

(1) There is hereby imposed on all sales of tangible personal property at retail and the furnishing of certain tangible services, as previously defined, a tax equal to 2 per cent (2%) of the gross receipts of said sales.

Section 6. Severability of Parts of Ordinance: If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance or Ordinances number 201 and 202 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 these Ordinances and each section, sub-section, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one

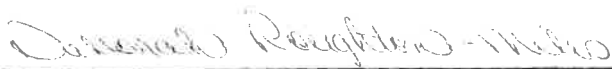
or more of the sections, sub-sections, clauses, phrases, parts or portions maybe declared invalid or unconstitutional.

Section 7. Emergency: The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, because the revenue generated by this sales tax increase is necessary to match state grant funds for the paving of the Back Street in the City. Without the timely implementation of this Ordinance the City would not have sufficient funds, estimated to be approximately \$94,000, to meet the City's obligation to receive State of Colorado grant assistance for approximately \$94,000 and thus successfully eliminate a serious threat to the public health, welfare and safety by paving the Back Street, and making other necessary capital improvements. The Board of Trustees hereby declares that an emergency exists and this Ordinance shall take effect and be in force upon the expiration of five (5) days after publication.

INTRODUCED, read in full, adopted, approved, and signed this 7th day of November, A.D., 1983.


James Basham, Mayor

ATTEST:


Deborah Roughton-Miles, City Clerk