

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 446**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING CHAPTER 4
OF THE MUNICIPAL CODE OF THE CITY OF CREEDE, COLORADO WITH THE
EXEMPTION OF SALES MADE BY OR TO CHARITABLE ORGANIZATIONS**

WHEREAS, the City of Creede has adopted by ordinance, a sales tax on the sale of tangible personal property or the furnishing of certain taxable services as provided by state law upon every retailer in the City; and

WHEREAS, it is the desire of the Board of Trustees that sales made to, or by charitable organizations operating within the City are not to be charged the City sales tax as provided by §39-26-718, C.R.S.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE CITY OF CREEDE, COLORADO, AS FOLLOWS:**

Section 1. "Section 4-3-50 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

"Sec. 4-3-50. Exemptions from sales tax.

- (1) The following shall be exempt from taxation under the provisions of this Article 3:
- a. All sales made to charitable organizations, in the conduct of their regular charitable functions and activities;
 - b. All sales by a charitable organization of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 if:
 - i. The net proceeds from sales by the charitable organizations of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 do not exceed forty-five thousand dollars during the preceding calendar year; and
 - ii. The funds raised by the charitable organization through the sales are retained by the organization to be used in the course of the organization's charitable service.
 - c. The exemption in this subsection (1)(b) shall not apply to sales made by a charitable organization on or after the date that the net proceeds from sales by the charitable organization of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 exceeds forty-five thousand dollars during the current calendar year.
 - d. On or after September 1, 2008, the sales by an association or organization of parents and teachers of public school students that is a charitable organization, if the association or organization uses the funds raised through the sale for the benefit of a public school or an organized public

school activity or to pay the reasonable expenses of the association or organization.

- (2) The storage, use, or consumption of any item that is exempt from sales tax by operation of subsection (1)(b) or (1)(c) of this section is exempt from taxation under the provisions of this Article 3.
- (3) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax, when such sale meets both the following conditions:
 - a. The purchaser is a nonresident of, or has his or her principal place of business outside of the City limits; and
 - b. Such personal property is registered or required to be registered outside the City limits under state law.”

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.


Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the City of Creede or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
7th DAY OF MARCH 2023.**

ATTEST:


Sarah Eftim-Williamson, Town Clerk

CITY OF CREEDE

By 
Jeffrey Larson, Mayor