

ORDINANCE NO. 696

AN EMERGENCY ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD APRIL 7, 2020 A QUESTION RELATING TO THE IMPOSITION OF A SPECIAL SALES TAX ON RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS

WHEREAS, the Town of Kremmling, Colorado (the “Town “) is a statutory town existing under and by virtue of laws of the State of Colorado; and

WHEREAS, C.R.S. § 29-2-115 authorizes statutory municipalities to impose, after voter approval, a special sales tax on retail marijuana and retail marijuana products; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer’s Bill of Rights (“TABOR”), requires voter approval for any new tax, tax rate increase, or tax policy change directly causing a net revenue gain; and

WHEREAS, the Town will hold a regular election on April 7, 2020; and

WHEREAS, April 7, 2020, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the Town pursuant to TABOR; and

WHEREAS, the Board of Trustees is of the opinion that it should refer to the voters at the April 7, 2020 election a TABOR ballot issue concerning the imposition of a special sales tax on retail marijuana and retail marijuana products.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KREMMLING, COLORADO:

Section 1. A regular municipal election will be held in the Town of Kremmling on Tuesday, April 7, 2020, between the hours of 7:00 a.m. and 7:00 p.m. (the “Election”).

Section 2. Pursuant to the applicable provisions of the laws of the State of Colorado, the Board of Trustees hereby submits to the registered electors of the Town at the Election the ballot question specified in Section 3 of this Ordinance.

Section 3. The following ballot question, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Election:

BALLOT ISSUE NO. _____

SHALL TOWN OF KREMMLING TAXES BE INCREASED BY \$100,000 (FIRST FULL FISCAL YEAR INCREASE) AND ANNUALLY THEREAFTER IN SUCH AMOUNTS AS ARE RECEIVED EACH YEAR BY IMPOSING AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WITH THE RATE OF THE TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 10%, AND WITH ALL REVENUES DERIVED FROM SUCH TAX TO BE COLLECTED, RETAINED AND SPENT FOR ANY LAWFUL MUNICIPAL PURPOSE; AND SHALL THE TOWN BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH SALES TAX AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. If a majority of the registered electors voting at the Election vote “yes” in response to the ballot issue specified in Section 3 of this Ordinance, the issue shall be deemed to have passed and the Board shall enact an implementing ordinance consistent with the ballot issue. In the event a majority of the registered electors voting thereon do not approve the ballot issue set forth in Section 3 of this Ordinance, no such implementing ordinance shall be enacted.

Section 5. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. The Board of Trustees herewith finds, determines, and declares that this Ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety because the Board of Trustees desires to submit the foregoing ballot question to the registered electors of the Town at the regular election on April 7, 2020 and there are several immediate deadlines related to the conduct of said election that must be met. Therefore, pursuant to C.R.S. § 31-16-105, the Board of Trustees herewith further finds, determines and declares that it is necessary for this Ordinance to take effect immediately upon adoption.

INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED
this 5 day of February, 2020.

TOWN OF KREMMLING, COLORADO



Grover Pryor, Mayor

ATTEST:



Joanna Eaton, Town Clerk