

TOWN OF TIMNATH

ORDINANCE NO. 3-2006

**AN EMERGENCY ORDINANCE TO BE REFERRED
TO THE VOTERS OF TIMNATH AUTHORIZING
THE COLLECTION OF SALES TAX, INCLUDING
THE COLLECTION OF SALES TAX ON FOOD,
RECONSIDERED AND AMENDED**

WHEREAS, §31-11-111(2), C.R.S. provides that the legislative body of any municipality may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality. The legislative body of the municipality or its designee shall fix a ballot title for the referred measure; and

WHEREAS, the Town of Timnath (the "Town") adopted a Sales Tax Ordinance in 2002 as Ordinance 8-2002 (the "Sales Tax Ordinance"); and

WHEREAS, the Sales Tax Ordinance exempted from sales tax any charges for sales of food; and

WHEREAS, no business selling food is currently operating within the Town of Timnath; and

WHEREAS, the Board of Trustees of the Town of Timnath (the "Board") believes it to be in the best interests of the Town to collect sales tax on food sales in the event business or businesses selling food commence operations within the Town; and

WHEREAS, §29-2-105, C.R.S., provides that any such amendment of the Town's Sales Tax Ordinance shall be adopted in the same manner as the Town's originally adopted Sales Tax Ordinance; and

WHEREAS, the Board of Trustees of the Town adopted amendments to the Sales Tax Ordinance in 2006 providing for imposing sales tax on food sales and submission of such amendments to the voters of the Town as required by §29-2-102(1) and §29-2-105(d), C.R.S., and

WHEREAS, the Town Board of Trustees has authorized election of a Home Rule Commission and the Commission is charged with the preparation of a Home Rule Charter for submission to the voters of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES OF THE
TOWN OF TIMNATH, COLORADO, THAT:**

Section 1. Ballot Question. The following question shall be placed on the April 4, 2006 General Election ballot, for voter consideration:

SHALL TIMNATH, COLORADO'S TAXES BE INCREASED (WITH NO DOLLARS TO BE COLLECTED IN THE FIRST YEAR OF IMPOSITION BECAUSE THERE WILL BE NO SALES TAX GENERATORS ON FOOD) ANNUALLY, AND EACH YEAR THEREAFTER, SUCH THAT THE TOWN IS AUTHORIZED, COMMENCING JUNE 30, 2006, TO CHARGE SALES TAX ON FOOD BY ADOPTING ORDINANCE 3-2006, WITH THE SALES TAX RATE CHARGED ON FOOD ITEMS SOLD BEING SET AT A RATE OF UP TO 3.0% WHICH IS THE SAME RATE CHARGED BY THE TOWN FOR OTHER SALES OF TANGIBLE PERSONAL PROPERTY IF THE TOWN REMAINS A STATUTORY MUNICIPALITY OR AT THE RATE OF 2.25% IF THE VOTERS APPROVE A HOME RULE CHARTER FOR THE TOWN AUTHORIZING THE TOWN AS A HOME RULE MUNICIPALITY, AND SHALL SUCH REVENUES BE COLLECTED AND SPENT BY THE TOWN WITHOUT REGARD TO ANY SPENDING, REVENUE RAISING, OR OTHER LIMITATION, INCLUDING ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

FOR THE MEASURE _____
AGAINST THE MEASURE _____

Section 2. Submission to Election. The Town Clerk shall place the referred question on the ballot and take all other steps as may be necessary and required by applicable law to present the matter to the voters of the Town. The Town Clerk, as well as appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. Among other matters, the Town Clerk shall certify the order of the ballot and ballot content, arrange for the required notices of election, and direct that all other appropriate actions be accomplished.

Section 3. Ballot Title. For purposes of C.R.S. § 1-11-203.5 and C.R.S. § 31-11-111, this ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot itself. Any protest to the ballot title shall be filed in writing with the Town Clerk within five (5)

business days following the date of adoption of this ordinance and shall be resolved thereafter by the Board following a hearing with published notice.

Section 4. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portions thereof are hereby repealed to the extent of such inconsistency or conflict.

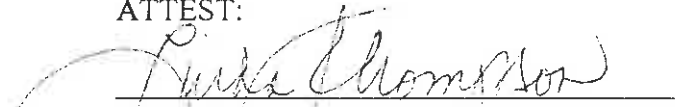
Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby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

Section 6. Safety. This ordinance is adopted by a vote of deemed necessary for the immediate preservation of the public peace, health or safety of the community.

INTRODUCED, READ, PASSED AND ADOPTED BY A VOTE OF THREE FOURTHS OF ALL THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AS AN EMERGENCY ORDINANCE PURSUANT TO CRS §31-11-105(1) AND ORDERED PUBLISHED THIS 15TH DAY OF FEBRUARY, 2006.


Donna Benson, Mayor

ATTEST:


Linda Thompson, Town Clerk

