

**Town of Basalt, Colorado
Ordinance No. 24
Series of 2014**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, CALLING AN ELECTION ON NOVEMBER 4, 2014, TO AUTHORIZE THE IMPOSITION OF A MUNICIPAL SALES TAX OF UP TO 5% UPON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR THE ELECTION; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE

RECITALS

1. Pursuant to Article V, Chapter 6, Business Licenses and Regulations, the Town of Basalt Municipal Code has been amended to allow retail marijuana sales in accordance with the licensing requirements specified therein and the zoning requirements specified in Chapter 16, Zoning, of the Town of Basalt Municipal Code.
2. C.R.S. 39-28.8-203 (1)(a)(VI) authorizes local governments to impose, levy, and collect a tax upon the sale of retail marijuana and retail marijuana products, the proceeds to be used for local municipal purposes.
3. Costs of administration and enforcement of retail marijuana regulations are not covered by the license and application fees paid by retail marijuana store owners.
4. The Town Council has determined that the public interest and the needs of the Town require that provision be made for the imposition of an additional sales tax.
5. It is appropriate for the voters to consider whether or not to approve the collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.
6. The Town Council has determined to set the title and content of the ballot issue to be submitted at the election called by this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:

1. An election shall be held on Tuesday, November 4, 2014, at which there shall be submitted to the qualified electors of the Town a question regarding the imposition of a five percent (5%) sales tax upon the retail sale of marijuana and

marijuana products, which question shall be in substantially the form attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Ordinance as if set forth in full herein.

2. The election shall be conducted as a coordinated election in Pitkin and Eagle Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"), and Intergovernmental Agreements (the "Intergovernmental Agreements") between the Town and the Pitkin and Eagle County Clerk and Recorders (the "County Clerks").
3. No later than September 5, 2014, the Designated Election Official shall certify the order of the ballot and ballot text to the County Clerks. The "Designated Election Official" is the person designated as such in the Intergovernmental Agreements or, if no person is designated in the Intergovernmental Agreements, the Town Clerk.
4. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots, which are to be performed by the designated election official, shall be performed by the County Clerks.
5. No later than September 23, 2014, the Town Clerk shall deliver the full text of any required ballot issue notices (pro/con statements) to the County Clerks in order to be included in the issue mailing.
6. No later than October 3, 2014, the Town Clerk shall submit to the County Clerks, in the form, if any, specified by the County Clerks, the Notice of Election required by Article X, Section 20(3)(b) of the Colorado Constitution.
7. The Designated Election Official, or if so provided in the Intergovernmental Agreements the County Clerks, shall cause a Notice of Election to be published in accordance with C.R.S. § 1-5-205 on or before October 24, 2014.
8. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such question, the Town acting through the Council shall be authorized to proceed with the necessary action to impose a sales tax in accordance with such question. Any authority to impose a sales tax, if conferred by the results of the election, shall be deemed and considered a continuing authority to impose such tax so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.
9. For purposes of C.R.S. § 1-11-203.5, this Ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself.

10. The 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.
11. All actions not inconsistent with the provisions of this Ordinance, heretofore taken by the members of the Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
12. All prior ordinances, orders or resolutions, or parts thereof, by the Town in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.
13. If any section, paragraph, clause or provision of this Ordinance shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance, it being the intention that the various parts hereof are severable.
14. This Ordinance shall take effect and apply to all sales of retail marijuana and retail marijuana products occurring on and after January 1, 2015.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON August 26, 2014, by a vote of 5 to 0 on August 12, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on August 26, 2014.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt

ATTEST:

By _____
Pamela K. Schilling, Town Clerk

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First Publication: Thursday, August 21, 2014
Final Publication: Thursday, September 4, 2014
Effective date: Thursday, January 1, 2015

EXHIBIT A

FORM OF BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, ACTING THROUGH ITS TOWN COUNCIL, BEGINNING JANUARY 1, 2015, BE AUTHORIZED TO IMPOSE AN ADDITIONAL MUNICIPAL SALES TAX OF 5% ON THE SALES OF RETAIL MARIJUANA AND MARIJUANA PRODUCTS WITH THE RESULTING SALES TAX RATE CAPABLE OF BEING LOWERED OR REVOKED IN THE SOLE DISCRETION OF THE BASALT TOWN COUNCIL, WITH THE RESULTING TAX REVENUES TO BE COLLECTED AND SPENT TO PAY DIRECT AND INDIRECT EXPENSES RELATED TO THE LICENSING AND REGULATION OF THE RETAIL MARIJUANA INDUSTRY, ENFORCEMENT OF MARIJUANA LAWS IN GENERAL, EDUCATION AND PUBLIC HEALTH PROGRAMS TO MITIGATE ANY NEGATIVE CONSEQUENCES ASSOCIATED WITH THE CONSUMPTION OF MARIJUANA AND MARIJUANA PRODUCTS, PROGRAMS TO PREVENT THE ILLEGAL DIVERSION OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21); AND TO OTHERWISE PAY THE EXPENSES OF OPERATING AND IMPROVING THE TOWN AND ITS FACILITIES.

PUBLIC NOTICE

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Copies of the Ordinance are available for public inspection at Basalt Town Hall, 101 Midland Avenue and if feasible on-line at www.basalt.net.

This ordinance has an effective date of Thursday, January 1, 2015.

/s/ Pamela K. Schilling
Town Clerk

Billing Code: # 45-540