

**TOWN OF BASALT, COLORADO
ORDINANCE NO. 12
SERIES OF 2013**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING CHAPTER 4, ARTICLE IV OF THE BASALT MUNICIPAL CODE, ENTITLED SALES TAX, TO PERMIT NOT MORE THAN 10% OF THE FUNDS GENERATED BY THE 1% SALES TAX RATE DEDICATED TO CAPITAL IMPROVEMENTS PROJECTS FOR PARKS, OPEN SPACE ACQUISITION AND TRAIL PROJECTS, TO BE USED FOR THE MAINTENANCE OF PARKS, OPEN SPACE, AND TRAILS, AND SUBMITTING THIS ORDINANCE TO A REFERENDUM ELECTION.

RECITALS

1. The Town of Basalt (the "Town") has in place a retail sales tax ordinance at Chapter 4, Article IV, of the Basalt Municipal Code governing the imposition and collection of sales tax in the Town.

2. In 2006, the Town Council, with the approval of the electorate of the Town, amended its retail sales tax ordinance to increase the sales tax rate from two percent (2%) to three percent (3%).

3. In accordance with the 2006 amendment, the revenues generated by the one percent (1%) increase are to be used exclusively to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects.

4. The Town Council desires to amend Section 4-65(a) of the Basalt Municipal Code to permit not more than ten percent (10%) of the one percent (1%) sales tax increase to be used for the maintenance of parks, open space and trails.

5. The Colorado Constitution, state statutes, and the Home Rule Charter of the Town of Basalt, authorize the amendment subject to voter approval in a municipal election.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, that the following amendments to Chapter 4, Article IV of the Basalt Municipal Code entitled "Sales Tax" are hereby approved and adopted:

Section 1. Schedule of Tax. Section 4-65(a), "Schedule of Tax," is hereby amended to read in its entirety as follows:

(a) There is hereby imposed upon all sales of commodities and services specified in Subsection (b) below, a tax at the rate of three percent (3%) of the amount of the sale, to be computed in accordance with schedules or systems approved by the Executive Director of the State Department of Revenue or by separate ordinance of the Town. The funds generated by the one percent (1%) increase in the sales tax rate approved in 2006, shall be used to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects, except that not more than ten percent (10%) of that amount may be used to fund the maintenance of parks, open space, and trails.

Section 2. Collection of Administration. Section 4-66, "Collection, Administration and Enforcement," is hereby amended by adding a new subsection (d) to read in its entirety as follows:

(d) The funds generated by the one percent (1%) increase in the sales tax rate approved in 2006, shall be used to fund capital improvement projects to be approved by the Town Council for parks, open space acquisition, and trail projects, except that not more than ten percent (10%) of that amount (.033% of the total revenues generated) may be used to fund the maintenance of parks, open space, and trails.

Section 3. Referendum. Pursuant to C.R.S. 29-2-102(1), and Section 5.6 of the Home Rule Charter, this ordinance is hereby submitted to an election by the registered electors of the Town Basalt for their approval or rejection at the regular municipal election scheduled for November 5, 2013. The election shall be conducted as a coordinated election in Eagle and Pitkin Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"), and an Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and the Eagle and Pitkin County Clerk and Records (the "County Clerks"). The form of the ballot questions is attached hereto as Exhibit A.

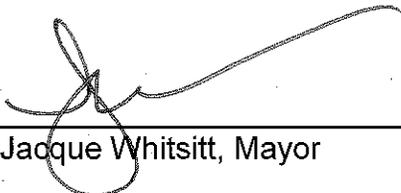
Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON August 27, 2013, by a vote of 4 to 0, on August 13, 2013.

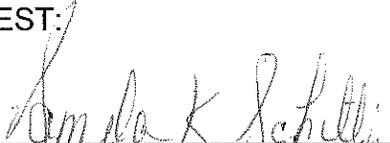
READ ON SECOND READING AND PUBLIC HEARING, AND ADOPTED by a vote of 5 to 1, on August 27, 2013.



TOWN OF BASALT, COLORADO

By 
Jacquie Whitsitt, Mayor

ATTEST:

By 
Pamela K. Schilling, Town Clerk

First Publication: August 22, 2013
Final Publication September 5, 2013
Effective Date: September 19, 2013

EXHIBIT A

FORM OF BALLOT QUESTION

BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, ACTING THROUGH ITS TOWN COUNCIL, BE AUTHORIZED TO AMEND SECTION 4-65(a) AND SECTION 4-66 OF THE BASALT MUNICIPAL CODE TO PERMIT NOT MORE THAN TEN PERCENT (10%) OF THE FUNDS GENERATED BY THE ONE PERCENT (1%) SALES TAX RATE DEDICATED TO CAPITAL IMPROVEMENTS PROJECTS FOR PARKS, OPEN SPACE ACQUISITION, AND TRAIL PROJECTS TO BE USED FOR THE MAINTENANCE OF PARKS, OPEN SPACE, AND TRAILS?