

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 13
SERIES OF 2017**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, THE ISSUE OF WHETHER THE CITY OF RIFLE SHOULD IMPOSE A SALES TAX ON THE SALE OF RETAIL MARIJUANA WITHIN THE CITY.

WHEREAS, the City of Rifle, Colorado (the “City”) is a municipal corporation duly organized and operating as a home-rule City under the Rifle Home Rule Charter and the Constitution and laws of the State of Colorado; and

WHEREAS, the Rifle City Council desires, in the event the City permits retail marijuana stores in the City, to impose a municipal sales tax on the sale of retail marijuana and retail marijuana products in an amount not less than 5% nor more than 15%; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the City have voter approval to enact new taxes, and permits the City’s eligible electors to approve the adoption of new taxes and authorize the expenditure of new revenues therefrom; and

WHEREAS, Article XVIII, Section 16 of the Colorado Constitution and the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101 et seq., authorizes a system of state and local licensing of businesses engaged in the cultivation, testing, manufacturing, and retail sale of marijuana and marijuana products; and

WHEREAS, the City Council finds that it is appropriate to propose to the qualified electors of the City at the regular municipal election to be held on September, 12, 2017, the Issue whether to impose a sales tax on the final sale of retail marijuana from a retail store in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RIFLE THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.
2. Submission to Voters. The following Issue stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the regular municipal election which shall be held by mail ballot on Tuesday, September 12, 2017.
3. Publication of Ballot Form. The City Clerk shall cause a notice of election for the following ballot Issue to be published as part of the municipal election publication in substantially the following form and add the Issue to the City’s 2017 Municipal Election Ballot:

SHALL CITY OF RIFLE TAXES BE INCREASED BY \$400,000.00 ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 5% TO 15% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS AND WITH THE RESULTING TAX REVENUES TO BE COLLECTED BY THE CITY AS A VOTER APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY APPLICABLE REVENUE OR EXPENDITURE LIMITATION IMPOSED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES _____

NO _____

4. TABOR Notice. At least thirty (30) days prior to the election, the City Clerk shall mail at the least cost, a titled notice or set of notices addressed to “All Registered Voters” at each address of one or more active registered voters concerning the ballot Issue referenced in this Ordinance No. 13, Series of 2017. The notice shall be entitled “**NOTICE OF ELECTION TO INCREASE TAX BY THE IMPOSITION OF A SALES TAX OF 5% TO 15% ON THE FINAL SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM A RETAIL MARIJAUANA STORE.**” The notice shall also include all information required by Article X, Section 20 (3)(b) (“The Taxpayer’s Bill of Rights”).

5. Challenges to Ballot Title and Content. For the 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 ballot issue shall be the text of the ballot issue itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Garfield County and a copy served on the City Clerk within five days after the date of publication of this Ordinance.

6. Conduct of Election. The officers and employees of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

7. Effect of Election Results. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of the ballot issue, the City Council shall take such action, by ordinance, to amend the Rifle Municipal Code as may be necessary.

8. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

9. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all

other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED on June 7, 2017, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 21, 2017, passed without amendments, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2017.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk