

ORDINANCE NO. 1991

INTRODUCED BY: AMADOR, BENSON, BULLOCK, DOUGLAS, ELLIOTT, FORD, MCELDFOWNEY, TETER

AN ORDINANCE AMENDING CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE BY SUBSTITUTING A SALES AND USE TAX RATE OF 4.5% IN LIEU OF 3.5% ON ALL SALES AND USE TAX TRANSACTIONS TAXABLE UNDER THE COMMERCE CITY SALES AND USE TAX CODE AND REGULATIONS WITH THE PROCEEDS FROM SUCH SALES AND USE TAX INCREASE TO BE USED FOR RESTRICTED PURPOSES AS AUTHORIZED BY THE ELECTORS OF THE CITY OF COMMERCE CITY IN THE COMMERCE CITY ELECTION HELD ON NOVEMBER 5, 2013 AND PROVIDING FOR THE COLLECTION OF SAID TAX AND RELATED PROVISIONS.

WHEREAS, on November 5, 2013, the electors of the City of Commerce City approved a sales and use tax rate increase of 1% to be imposed on all taxable transactions pursuant to the Commerce City Sales and Use Tax Code and Regulations in addition to the existing 3.5% sales and use tax rate on taxable transactions under the Commerce City Sales and Use Tax Code and Regulations with the proceeds from such 1% tax increase to be used for the construction, installation, operation and maintenance of parks, recreation and roadway improvements including, but not limited to the following projects:

1. A new recreation center with indoor leisure pool in the northern area of the City;
2. Major improvements to Tower Road from 80th to 103rd Avenues, including widening to four lanes;
3. A new seasonal outdoor pool in the southern area of the City;
4. Three new neighborhood parks located in the subdivisions of Turnberry, Fronterra and the Villages of Buffalo Run East;
5. Additions to the existing southern recreation center, including a new indoor therapy pool;

and;

WHEREAS, pursuant to the vote of the electors of the City of Commerce City, this City Council is required to adopt a voter-approved ordinance regarding the imposition, collection and other matters relating to the additional 1% sales and use tax rate imposed on taxable transactions pursuant to the Commerce City Sales and Use Tax Code and Regulations.

WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Chapter 20 of the Commerce City Revised Municipal Code is amended by substituting a sales and use tax rate of 4.5% for the existing 3.5% Commerce City sales and use tax rate imposed on taxable transactions as provided in the Commerce City Sales and Use Tax Code and Regulations.

SECTION 2. The purpose of the 1% increase in the sales and use tax rate on taxable transactions imposed pursuant to the Commerce City Sales and Use Tax Code and Regulations

is to fund the construction, installation, operation and maintenance of parks, recreation and roadway improvements including, but not limited to the following projects:

1. A new recreation center with indoor leisure pool in the northern area of the City;
2. Major improvements to Tower Road from 80th to 103rd avenues, including widening to four lanes;
3. A new seasonal outdoor pool in the southern area of the City;
4. Three new neighborhood parks located in the subdivisions of Turnberry, Fronterra and the Villages of Buffalo Run East;
5. Additions to the existing southern recreation center, including a new indoor therapy pool;

SECTION 3. Tax Levy. On and after 12:00:01 A.M. on the first day of January, 2014, there is levied a sales and use tax of 4.5% in lieu of the existing 3.5% sales and use tax on taxable transactions as provided in the Commerce City Sales and Use Tax Code and Regulations.

SECTION 4. Account Established.

- (a) There is hereby created an account to be administered by the Finance Department of the City of Commerce City for the deposit of funds collected pursuant to this ordinance and to be used as authorized in the November 5, 2013 election in the City of Commerce City and as codified in this ordinance.
- (b) All revenues derived from the imposition and assessment of the sales and use tax authorized by the November 5, 2013 election and as codified in this ordinance plus all interest and penalties paid on funds collected from taxpayers pursuant thereto shall be placed in the restricted account herein authorized and used by the City for the purposes herein authorized. No part of such revenue and accrued interest and penalties shall be allocated for any purposes other than for the purposes herein authorized.

SECTION 5. The effective date of this ordinance shall be 12:00:01 A.M., January 1, 2014.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2nd DAY OF DECEMBER, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 16th DAY OF DECEMBER, 2013.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk