

ORDINANCE

AN ORDINANCE INCREASING THE CITY'S SPECIAL TAX ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS

WHEREAS, on November 5, 2013, the voters of the City of Manitou Springs approved the imposition of an additional 5% sales tax on the sale of retail marijuana and retail marijuana products within the City, and gave the City Council the authority to increase or decrease the tax so long as the tax does not exceed 10%;

WHEREAS, the City Council adopted that additional sales tax by Ordinance No. 0514; and

WHEREAS, the City desires to increase the retail marijuana sales tax by 1% effective January 1, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 3.12.120 (B) of the Manitou Springs Municipal Code is hereby amended to read as follows:

B. Effective January 1, 2016, the city's tax on all retail sales of marijuana and marijuana products is six percent of the gross receipts of such sales, and shall be assessed in addition to the sales tax collected pursuant to subsection (A) hereof.

Section 2: 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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on First Reading and Ordered Published this 1st day of December, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the December 15, 2015, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: December 3rd, 2015 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 15th day of December, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: December 17, 2015 (in full)
City's Official Website and City Hall