

ORDINANCE NO. ~~ONE SERIES~~ 1969

AN ORDINANCE CONCERNING CERTAIN REVENUE AND IMPOSING A BUSINESS AND OCCUPATION TAX ON UTILITY COMPANY OPERATING WITHIN THE TOWN OF BRECKENRIDGE: PROVIDING FOR THE COLLECTION OF SAID TAXES AND FOR PENALTIES WITH RESPECT THERETO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BRECKENRIDGE:

SECTION 1. LEVY OF TAX

There is hereby levied on and against utility company operating within the Town of Breckenridge a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the Town of Breckenridge and of supplying local exchange telephone service to the inhabitants of the Town. The amount of tax levied hereby shall be equal to three per cent of the gross revenues received by such utility company arising from the supplying, furnishing, distributing, and selling of local exchange telephone service within the corporate limits of the Town of Breckenridge, as now or hereafter established.

SECTION 2. EFFECTIVE DATE

The tax levied by this ordinance shall commence on April 1, 1969, and shall be due and payable quarterly to the Town Clerk.

SECTION 3. FILING STATEMENT AND PAYMENT OF TAX

Within 45 days after the end of each calendar quarter after the effective date of the tax herein levied, the utility company subject to this ordinance shall file with the Town Clerk, in such form as the Clerk may require, a statement showing the total gross receipts as prescribed in Section 1 of this ordinance during the preceding calendar quarter. Such statement shall be accompanied by payment to the Clerk of the tax due for the period covered by the statement.

SECTION 4. FAILURE TO PAY

If the utility company subject to the provisions of this ordinance shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company, and the same together with an addition of ten per cent of the amount of taxes due shall be and hereby is declared to be a debt due and owing from such company to the Town of Breckenridge. The Town Attorney of the Town of Breckenridge upon the direction of the Board of Trustees shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the said debt in the name of the people of the state of Colorado.

SECTION 5. PENALTY CLAUSE

If any officer, agent or manager of the utility company which is subject to the provisions of this ordinance shall fail, neglect, or refuse to make or file any quarterly statement in the manner herein prescribed, the said officer, agent, manager, or person shall, on conviction thereof, be punished by a fine of not less than twenty-five (\$25.00) nor more than three hundred dollars (\$300.00); provided, that each day after said quarterly statement shall become delinquent during which the said officer, agent, manager, or person shall so fail, neglect, or refuse to make and file such statement shall be considered a separate and distinct offense.

SECTION 6. INSPECTION OF RECORDS

The Town of Breckenridge, its officers, agents, or representatives shall have the right at all reasonable hours and times to examine the books and records of the utility company which are subject to the provisions of this ordinance and to make copies of the entries or contents thereof.

SECTION 7. LOCAL PURPOSE

The tax herein provided is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this ordinance be construed to mean that any utility company is issued a franchise by the Town of Breckenridge.

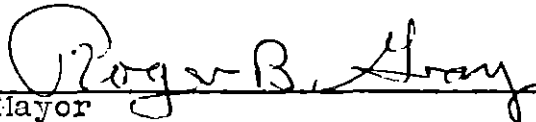
SECTION 8. CREDIT AGAINST TAX

Any utility company now or hereafter maintaining facilities within the Town of Breckenridge pursuant to a franchise granted by the Town of Breckenridge may claim as a credit against the tax levied by this ordinance the amount of any franchise payments made in accordance with the terms of such franchise.

SECTION 9. EXCLUSIONS

The provisions of this ordinance shall not apply to any utility owned and operated by the Town of Breckenridge or to any utility maintaining facilities within the Town pursuant to a franchise granted by the Town.

PASSED, ADOPTED AND ORDERED PUBLISHED This 13th day
of May, A.D., 1969.



Mayor

ATTEST:



Town Clerk