

ORDINANCE NO. 26

SERIES 1992

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, CONCERNING THE TOWN OF BRECKENRIDGE SALES TAX, SO AS TO REPEAL THOSE PROVISIONS OF SUCH CHAPTER WHICH ALLOW A VENDOR'S FEE FOR THE COLLECTION OF THE TOWN OF BRECKENRIDGE SALES TAX

WHEREAS, the Town of Breckenridge has heretofore adopted Chapter 1 of Title 3 of the Breckenridge Town Code in order to impose a tax on the sale, lease or purchase of tangible personal property ("Sales Tax Ordinance"); and

WHEREAS, Sections 3-1-7 and 3-1-8 of the Breckenridge Town Code currently provide that any vendor or retailer may deduct and retain three and one third percent (3-1/3%) of the amount of the sales tax collected to cover the expense of collection and remittance of the tax; and

WHEREAS, Section 3-1-38 of the Breckenridge Town Code provides that the Town Council may amend, alter or change any provision of the Sales Tax Ordinance, except the rate of tax set forth therein, without such amendment, alteration or change being approved by the electors of the Town; and

WHEREAS, the Town Council of the Town of Breckenridge finds and determines that the provisions of the Sales Tax Ordinance which authorize the deduction of a vendor's fee from the amount of the Town's sales tax collected by vendors and retailers should be repealed such that one-hundred percent (100%) of the Town's sales tax collected by vendors and retailers will be paid to the Town to be used as the Town Council shall direct; and

WHEREAS, it is the intent of the Town Council that the additional revenues generated by the elimination of the Town's sales tax vendor's fee as provided in this Ordinance be used for: (i) the payment of the reasonable costs incurred by the Town in connection with the collection and administration of the Town's Sales Tax Ordinance; (ii) the payment of expenses incurred in connection with the marketing and promotion of the Town as a year-round resort in order to expand and strengthen the Town's tourism industry; (iii) the payment of expenses incurred in connection with the promotion and marketing of activities and events which are of general benefit to the economic vitality of the community; and (iv) the payment of expenses incurred in connection with improving and maintaining guest services; and

WHEREAS, the Town Council acknowledges that the Town's excise taxes, including the Town's sales tax, have been pledged to secure the payment of the Town's excise tax revenue bonds; and that the expenditure of any additional sales tax generated by the elimination of the Town's sales tax vendor's fee as provided in this Ordinance would be subject to the Town's legal obligation to pay current and future excise tax revenue bonds and similar obligations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Subparagraph A of Section 3-1-7 of the Breckenridge Town Code, entitled "Retailer Responsible For Payment Of Tax", is hereby amended so as to read in its entirety as follows:

A. Every retailer or vendor engaged in business and selling at retail as defined in this Chapter shall be liable and responsible for the payment of an amount equivalent to two percent (2%) of all sales made by him of commodities or services as specified in Section 3-1-3 of this Chapter, and shall file a return each month with the Finance Director on or before the twentieth (20th) day of each month for the preceding month and remit an amount equivalent to said two percent (2%) of such sales to the Finance Director.

Section 2. Section 3-1-8 of the Breckenridge Town Code, entitled "Retailer To Collect Tax", is hereby amended so as to read in its entirety as follows:

3-1-8: **RETAILER TO COLLECT TAX:** Retailers shall add the tax imposed to the sale price or charge, showing such tax as a separate and distinct item, and when added, such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts; provided, however, that the retailer shall be entitled, as collection agent of the Town, to apply and credit the amount of this collection against the two percent (2%) rate to be paid by him under the provisions of Section 3-1-5 remitting any excess collected over said two percent (2%) to the Finance Director in the retailer's next monthly sales tax returns.

Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

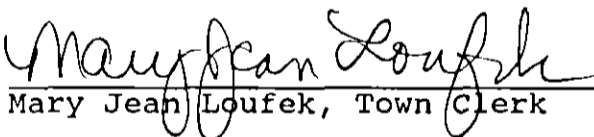
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

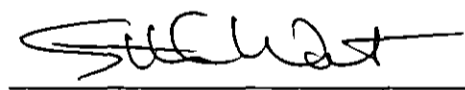
Section 5. This Ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter, shall become effective November 1, 1992, and shall apply to all sales tax collected on and after such date.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of September, 1992. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of October, 1992, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Town Clerk

  
Stephen C. West, Mayor

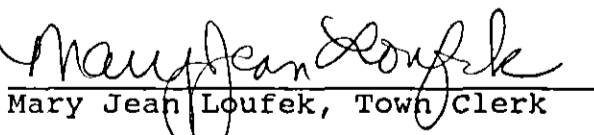
This Ordinance was published in full in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on October 1, 1992.


READ, ADOPTED ON SECOND READING, AND ORDERED PUBLISHED BY TITLE, WITH AMENDMENTS, THIS 13th day of October, 1992.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

10/13/92  
Date

This Ordinance was published by title in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on October 22, 1992.