

ORDINANCE NO. 701

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO AMENDING SECTION 3.16.030 OF THE HAYDEN MUNICIPAL CODE TO CHANGE THE MARIJUANA EXCISE TAX RATE FROM 7.5% TO 5% AS OF JANUARY 1, 2021

*Motion failed
no second*

RECITALS

1. The Town of Hayden, Colorado (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado; and
2. The members of the Town Council (“Council”) have been duly elected and qualified; and
3. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local excise taxes, with voter approval; and
4. In November of 2015, in accordance with Article X, Section 20, of the Colorado Constitution (“TABOR”), the Council referred to Town electors a proposed excise tax on the wholesale transfer and sale of marijuana (the “2015 Ballot Question”); and
5. The 2015 Ballot question was approved by Town electors and expressly authorized the Town to increase and decrease the excise tax rate without further voter approval in the future so long as the rate does not exceed fifteen percent (15%); and
6. Given the current economic conditions of the Town, the State of Colorado and the nation, the Council finds that it is appropriate and desirable to lower the current excise tax rate of 7.5% to 5% as of January 1, 2021, and to amend the Hayden Municipal Code (“Code”) to reflect such change.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado:

Section 1. Amendment of Tax Rate. Section 3.16.030 of the Hayden Municipal Code is hereby amended as follows:

Section 3.16.030 Imposition and Rate of Tax

On and after January 1, ~~2016-2021~~, there is levied and shall be paid and collected an excise tax of ~~seven and one-half percent (7.5%) in 2016~~ five percent (5%) and up to fifteen percent (15%) thereafter on the average market rate of unprocessed marijuana that is sold by or transferred from a Vendor.


Section 2. Affirmation of Continuing Authority to Amend. Nothing herein shall operate to diminish or surrender the continuing authority of the Town to again lower or to raise the excise tax rate set forth in Code Section 3.16.030 without further voter approval, as expressly authorized by Town voters in November of 2015, without limitation as to time or number of permissible future rate amendments.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective Date. This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect immediately after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter, and the tax provided for herein shall be effective January 1, 2021.

Section 5. Public hearing. A public hearing on this Ordinance shall be held on the 3rd day of December, 2020, beginning at 7:00 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 19TH DAY OF NOVEMBER, 2020.



Zachary Wuestewald, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 3RD DAY OF DECEMBER, 2020.

Zachary Wuestewald, Mayor

ATTEST

Sharon Johnson, Town Clerk