

ORDINANCE NO. 704

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 3% AS OF MAY 1<sup>ST</sup>, 2021

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 3% as of May 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 May 1, 2021, there is levied and shall be paid and collected an excise tax of three percent (3%) 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.