

ORDINANCE NO. 2004 - 3

AN ORDINANCE PROVIDING FOR TAX INCENTIVES FOR PROPOSED NEW START-UP RETAIL BUSINESS ESTABLISHMENTS OR ENTERPRISES TO BE LOCATED WITHIN THE INCORPORATED LIMITS OF THE TOWN OF LA JARA, COLORADO, FOR THE PURPOSE OF STIMULATING ECONOMIC DEVELOPMENT, INCREASING JOB EMPLOYMENT OPPORTUNITIES, INCREASING SALES TAX REVENUES, AND IMPROVING THE AESTHETICS OF THE TOWN.

WHEREAS, it is likely that, in the future, persons and legal entities may be desirous of opening, conducting, and maintaining new, start-up commercial retail business establishments and ventures within the incorporated limits to the Town; and

WHEREAS, said new commercial business establishments or enterprises will be required to apply for and be issued by the State of Colorado a retail sales tax license that will require the business establishments or enterprises to collect and remit to the Colorado Department of Revenue the state's and town's sales tax at their then respective rates, and

WHEREAS, in the interest of stimulating the location of new, start-up retail businesses and enterprises within the incorporated limits of the Town while at the same time giving to the owner or owners of the proposed new retail business or businesses a competitive advantage over their or its competitors engaged in a similar business in the larger towns and cities not within the exterior boundaries of the County of Conejos while said fledgling new, start-up retail business or businesses establish a sustainable clientele that will promote and enhance its continued viability and existence within the incorporated limits of the Town, the Board of Trustees finds and determines that efforts and methods should be implemented to promote economic development as aforesaid; and

WHEREAS, the Board of Trustees of the Town of La Jara finds and determines that it is in the best interests of the Town and its citizens to promote and stimulate the location of new, start-up commercial business ventures and enterprises within the incorporated limits of the Town in that such commercial retail ventures and enterprises will stimulate the local economy by way of the potential for increased employment opportunities, increased sales tax revenues to the Town, and the improvement of the aesthetics of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

SECTION ONE - DEFINITIONS: For purposes of this Ordinance, the following terms shall have the meaning set forth below, unless the context otherwise indicates, in the interpretation and implementation of this Ordinance:

1. *Full Calendar Year* shall mean the period of time from the first day of January of any year to the last day of December of the same year, both dates inclusive.
2. *New Business Establishment or Enterprise* shall mean any new, start-up commercial retail business establishment or enterprise to be located within the incorporated limits of the Town that has not theretofore ever maintained a commercial retail sales establishment or enterprise within the incorporated limits of the Town. Successors in interest to an established commercial retail business that has existed within the incorporated limits of the Town before the adoption of this Ordinance shall not be deemed to be a "new business establishment or enterprise" as contemplated by this Ordinance.

SECTION TWO - COLLECTION OF SALES TAX: Upon the issuance of a Retail Sales Tax License by the Colorado Department of Revenue, any new, start-up commercial retail business or enterprise located within the incorporated limits of the Town shall collect the full amount of retail sales tax levied by the state of Colorado and the Town of La Jara at their then respective rates.

SECTION THREE - TAX ABATEMENTS:

- (A) The Board of Trustees may hereafter, by Resolution duly adopted at a regular or special meeting of the Board at which a quorum is present, after due and proper notice as required by law, at its sole and absolute discretion, but being under no obligation to do so, either expressed or implied, grant sales tax incentives to any proposed new, start-up retail commercial business establishment or enterprise expected to have not less than \$50,000.00 in gross retail sales revenue in the first 12 month of its existence, such tax incentive to be

by way of a refund back to the owner or owners of such new retail business establishment or enterprise of all or any part of the Town's allocable share of sales tax collected by and attributed to said new retail business establishment or enterprise on a sliding scale to be determined on a case-by-case basis as the Board of Trustees may, by such Resolution find necessary and advisable.

- (B) For purposes of clarification, the term "sliding scale" shall mean that for the first calendar year, or any portion thereof, the Town Board may refund to the new, start-up retail business owner or owners all or any part of the Town's allocable share of sales tax revenue remitted by the Colorado Department of Revenue to the Town attributed to said new retail business. For the next subsequent full year or years, the Town may withhold so much of its allocable share of sales tax revenue collected by the new business owner or owners and remitted to the Town by the Colorado Department of Revenue as the Board of Trustees by Resolution then duly adopted determines, refunding the balance thereof to the owner or owners of the new business establishment or enterprise.
- (C) After the expiration of a period not to exceed 36 months after the establishment of said new, start-up retail business establishment or enterprise, the Town shall retain all of its allocable share of sales tax revenues collected by said new business establishment and remitted to the Town by the Colorado Department of Revenue with nothing to be refunded back to the owner or owners of said new business establishment or enterprise.

SECTION FOUR - SEVERABILITY: If any section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of the remaining portion of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and every article, section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase thereof irrespective of the fact that any one or more of the other sections, subsections, parts, subpart, paragraphs, subparagraphs, sentences, clauses, words or phrases thereof be declared invalid or unconstitutional.

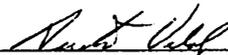
SECTION FIVE - REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH: All Ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION SIX - EFFECTIVE DATE: Whereas, for the reasons set forth in the Preamble of this Ordinance, the Board of Trustees finds, determines, and declares that the adoption of this Ordinance is in the best interests of the Town and its citizen and that the same shall be in full force and effect after its adoption and the publication thereof as by law provided.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULARLY-SCHEDULED MEETING OF THE BOARD AT WHICH A MAJORITY OF THE BOARD WAS PRESENT THIS 9th DAY OF SEPTEMBER, 2004.

THE BOARD OF TRUSTEES OF THE TOWN
OF LA JARA

(Town Seal)

By: 
Austin Valdez, Mayor

Attest:


Helen J. Hutchins, La Jara Town Clerk

Date of Publication Sept. 21, 2004.