ORDINANCE No. 25

Series 2008

AN ORDINANCE AMENDING ARTICLE 5-2 OF THE TOWN CODE PROVIDING FOR A TEMPORARY REDUCTION TO CERTAIN PORTIONS OF THE BUSINESS AND OCCUPATION LICENSING TAX FOR FISCAL AND CALENDAR YEAR OF 2009; AND PROVIDING THE AUTOMATIC REPEAL THEREOF EFFECTIVE ON THE FIRST DAY OF JANUARY, 2010.

WHEREAS, the Town of Crested Butte, Colorado (the Town) is a Home Rule Municipality, duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and,

WHEREAS, by reason of a petition and election conducted pursuant to Title 29, Article 25, Colorado Revised Statutes, a local marketing district known as the "Gunnison Valley Local Marketing District" has been formed for Gunnison County including the incorporated limits of the Town of Crested Butte, Colorado; and,

WHEREAS, the combined Chamber of Commerce of the towns of Crested Butte and Mt. Crested Butte participates in the Gunnison Valley Local Marketing District and Tourism Association to which businesses pay additional dues and membership fees; and,

WHEREAS, the Town Council of the Town of Crested Butte wishes to encourage businesses subject to the various provisions of the Town Code pertaining to the licensing of businesses within the Town, and, specifically, Article 5-2 of the Town Code pertaining to the required payments of the Business and Occupation Licensing Tax, to participate both in the Chamber of Commerce and Local Marketing District in order to more effectively market and promote Gunnison County and the Town of Crested Butte as a year-around resort and tourist destination, and promote activities and events beneficial to the business community; and,

WHEREAS, the Town Council finds that temporarily amending the Business Occupation and Licensing Tax for the calendar and fiscal year 2009 stabilizes and frees up funds that will allow, and encourage, membership in the Chamber of Commerce and participation with marketing opportunities for the local marketing district;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

Section 1. Amending the Ordinance. Article 5-2, Section 4, of the Town Code of Crested Butte, Colorado is temporarily amended to read as follows: "A Business Occupation Licensing Tax is hereby levied and there shall be collected and paid on any person doing business in the Town of Crested Butte, Colorado in the amount of one-hundred ($100.00) dollars in the calendar

and fiscal year 2009."

Section 2. Effective Date. The provisions of this Ordinance amending Article 5-2, Section 4 of the Town Code shall take effect at 12:01 A.M. on January 1, 2009, and shall expire at 12:00 Midnight on December, 31, 2009 without further action by the Town Council of the Town of Crested Butte, Colorado. Upon expiration of the terms of this Ordinance, the provisions of Article 5-2, Section 4, of the Town Code of the town of Crested Butte, Colorado as enacted prior to the effective date hereof shall be in full force and effect.

Section 3. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this Ordinance is hereby repealed as of the enforcement date thereof.

Section 4. Severability. If any Section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining Sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any Section, sentence clause, phrase, word or other provision. If any Section, provision, clause, phrase, word or other provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 17th DAY OF NOVEMBER, 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 1st DAY OF DECEMBER, 2008.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

_____
Eileen Hughes, Town Clerk

(SEAL)