

**TOWN OF BERTHOUD**

**ORDINANCE NO. 1218**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, ADOPTING A NEW SECTION 9 OF CHAPTER 23, LODGING TAX, FOR THE BERTHOUD MUNICIPAL CODE ESTABLISHING A THREE PERCENT (3%) EXCISE TAX COMMENCING JANUARY 1, 2017 TO BE PAID BY LODGERS WITHIN THE TOWN OF BERTHOUD ON THE PURCHASE PRICE PAID OR CHARGED FOR THE FURNISHING OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS; ALL REVENUES DERIVED FROM SUCH EXCISE TAX SHALL BE COLLECTED AND SPENT ON ANY LAWFUL USE, INCLUDING BUT NOT LIMITED TO STREETS, TRAFFIC, WATER, WASTEWATER, UTILITIES, ECONOMIC DEVELOPMENT AND TOURISM.**

**WHEREAS**, the Town of Berthoud, Colorado ("Town"), is a statutory town; and

**WHEREAS**, the Town Board, after careful consideration and by unanimous consent determined that revenue generated from a lodging tax would benefit the community and citizens by contributing to lawful uses, including but not limited to streets, traffic, water, wastewater, utilities, economic development and tourism to be in the best interests of the citizens of Berthoud; and

**WHEREAS**, the Town Board, at its meeting on January 26, 2016, determined to refer the question of imposing a 3% lodging tax commencing January 1, 2017 to be paid by lodgers within the Town of Berthoud on the price paid or charged for the furnishing of any hotel room, motel room, lodging room, motor hotel room, guest house, or other similar short term temporary accommodation of less than thirty (30) consecutive days; and

**WHEREAS**, acting pursuant to Article X, Section 20, of the Colorado Constitution ("TABOR Amendment"), which requires voter approval of any new tax, the Town Board authorized the submission a ballot issue on the proposed lodging tax to the electors at the Berthoud Municipal Election on April 5th, 2016; and

**WHEREAS**, the Ballot Issue was approved by the qualified electors of the Town voting at the Berthoud Municipal Election that was held on April 5th, 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE BERTHOUD MUNICIPAL CODE SHALL BE AMENDED BY THE ADDITION OF A NEW SECTION 9 TO CHAPTER 23 AND IS ENACTED AND ADOPTED AS SET FORTH BELOW:**

1. A THREE PERCENT (3%) EXCISE TAX COMMENCING JANUARY 1, 2017 SHALL BE PAID BY LODGERS WITHIN THE TOWN OF BERTHOUD ON THE PURCHASE PRICE PAID OR CHARGED FOR THE FURNISHING OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS
2. THE PURPOSE OF THE TAX IMPOSED IS FOR THE RAISING OF FUNDS FOR LAWFUL USES, INCLUDING BUT NOT LIMITED TO STREETS, TRAFFIC, WATER, WASTEWATER, UTILITIES, ECONOMIC DEVELOPMENT AND TOURISM
3. THIS ORDINANCE SHALL BE SO INTERPRETED AND CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE.
4. IF ANY PART OR PARTS OF THIS ORDINANCE IS/ARE, FOR ANY REASON, HELD TO BE INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE TOWN BOARD HEREBY DECLARES THAT IT WOULD HAVE CODIFIED THESE PROVISIONS AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID.
5. THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT THIS ORDINANCE IS NECESSARY AND PROPER FOR THE HEALTH, SAFETY AND WELFARE OF THE TOWN OF BERTHOUD AND THE INHABITANTS THEREOF, AND SHALL THEREFORE TAKE EFFECT IMMEDIATELY UPON PASSAGE. PASSED, ADOPTED, SIGNED AND APPROVED this the 10<sup>th</sup> day of May, 2016.

TOWN OF BERTHOUD

By:



David Gregg, Mayor

ATTEST:

By:



Tamiko Brewster, Acting Town Clerk