

**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. \_\_\_\_\_  
(Series 2006)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS,  
COLORADO, SUBMITTING TO THE REGISTERED  
ELECTORS VOTING IN THE REGULAR ELECTION TO BE  
HELD TUESDAY, APRIL 4, 2006, A BALLOT ISSUE  
CONCERNING THE IMPOSITION OF AN ADDITIONAL  
LODGERS' TAX, AND CONTINGENT UPON ELECTOR  
APPROVAL, AMENDING THE PAGOSA SPRINGS  
MUNICIPAL CODE TO PROVIDE FOR THE SAME.**

WHEREAS, the Town of Pagosa Springs, Colorado ("Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Members of the Town Council ("Council") have been duly elected and qualified; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2003 Pagosa Springs Home Rule Charter and has the full right of self-government in both local and municipal matters, including the imposition of a lodgers' tax; and

WHEREAS, Article X, Section 20, of the Colorado Constitution ("TABOR") authorizes the Town to submit ballot issues proposing new taxes to its eligible electors at a regular election to be held on the first Tuesday following the first Monday of April of even-numbered years, which next occurs on April 4, 2006; and

WHEREAS, the Council previously adopted and the voters approved Ordinance No. 647 (Series 2005) providing for a 3% tax on lodging, and now wishes to adopt a separate and additional tax on lodging, at the rate, for the purposes and to be administered as further provided herein; and

WHEREAS, the Council hereby determines that both the Town's interest and the public interest and necessity require that the Town impose an additional lodgers' tax at the rate of one and nine tenths percent (1.9%) of the purchase price for lodging within the Town or which is managed, contracted or leased by a person engaged in lodging business within the Town; and

WHEREAS, the Council has determined and hereby determines and declares that the interest of the Town and the public interest and necessity require that the Town be allowed to collect, retain and spend all revenues generated from such lodgers' tax,

regardless of the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution (“TABOR”);

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

Section 1. Lodgers’ Tax Imposed. Subject to voter approval as provided in Section 4 of this Ordinance, there is hereby imposed an additional lodgers’ tax at the rate of one and nine tenths percent (1.9%) of the purchase price for lodging:

- (a) within the Town; or
- (b) that is managed, contracted or leased by a person engaged in lodging business within the Town.

Section 2. Use of Revenues. The revenues derived from the lodgers’ tax shall be used for:

- (a) Tourism and tourism-related marketing and capital improvements;
- (b) Special events sponsored, funded or assisted by the Town; and
- (c) Such other uses determined reasonable and necessary by the Town Council.

Section 3. Duration. The lodgers’ tax shall commence for collection purposes beginning \_\_\_\_\_, 2006, and continue until repealed by ordinance.

Section 4. Election. Before the tax provided in this Ordinance shall become effective, it shall be submitted to and receive the approval of a majority of the eligible electors of the Town voting thereon at the regular election to be held on Tuesday, April 4, 2006.

(a) Conduct of Election. The election shall be held and conducted in accordance with the Town’s Resolution No. \_\_\_\_\_ (Series 2006) and Article X, Section 20 of the Colorado Constitution. The Designated Election Official for the conduct of the election on behalf of the Town is hereby authorized to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this election.

(b) Ballot Title. The ballot title for the lodgers’ tax shall be in substantially the following form:

**BALLOT ISSUE NO. A:**

SHALL TOWN OF PAGOSA SPRINGS TAXES BE INCREASED BY \$ \_\_\_\_\_ ANNUALLY, THROUGH THE ADOPTION OF AN ADDITIONAL LODGERS' TAX IN THE AMOUNT OF ONE AND NINE TENTHS PERCENT (1.9%) OF THE PURCHASE PRICE FOR LODGING: (A) WITHIN THE TOWN; OR (B) THAT IS MANAGED, CONTRACTED OR LEASED BY A PERSON ENGAGED IN LODGING BUSINESS WITHIN THE TOWN; AND SHALL SUCH LODGERS' TAX COMMENCE \_\_\_\_\_, 2006 AND CONTINUE IN EFFECT UNTIL REPEALED BY ORDINANCE, IN CONFORMANCE WITH ORDINANCE NO. \_\_\_\_\_ (SERIES 2006); SUCH REVENUES TO BE COLLECTED, RETAINED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE, OFFSET AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER TABOR (ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION) OR ANY OTHER LAW?

YES \_\_\_\_\_

NO \_\_\_\_\_

Section 5. Codification. The lodgers' tax provided herein shall be implemented and administered pursuant to Article IV, Chapter 16 of the Pagosa Springs Municipal Code. Subsections 16.4.2(2) and Section 16.4.3 of the Municipal Code are hereby repealed and readopted, contingent upon approval as provided in Section 4 of this Ordinance, to read as follows:

**Sec. 16.4.2 Definitions**

(2) "Lodgers' tax" means the taxes on lodging authorized by this article, and levied pursuant to Section 16.4.3.

**Sec. 16.4.3 Tax Levied**

(1) On and after January 1, 2006, the Town hereby levies a lodgers' tax of three percent (3%).

(2) On and after \_\_\_\_\_, 2006, the Town hereby levies an additional lodgers' tax of one and nine tenths percent (1.9%).

(3) The lodgers' tax shall be levied at the specified rates on the purchase price for lodging:

(a) Within the Town; or

(b) That is managed, contracted or leased by a person engaged in lodging business within the Town.

Section 6. Authorization. The officers of the Town are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 7. Severability. If any portion of this Ordinance or the ballot title 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 8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading, and the tax provided for herein shall be effective \_\_\_\_\_, 2006, upon approval by the eligible electors at the April 4, 2006 regular election.

Section 9. Public hearing. A public hearing on this Ordinance shall be held on the \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Ross Aragón, Mayor

ATTEST

By: \_\_\_\_\_  
Deanne Jaramillo, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED  
PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE  
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,  
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS  
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By: \_\_\_\_\_  
Ross Aragón, Mayor

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