

ORDINANCE NO. 299

AN ORDINANCE ADOPTING AN EXCISE TAX OF 5% ON THE PRICE RECEIVED FOR THE WHOLESALE SALE OF UNPROCESSED MARIJUANA BY A "MARIJUANA CULTIVATION FACILITY" AS SUCH TERM IS DEFINED BY ORDINANCE NUMBER 2016-295 WHEN UNPROCESSED MARIJUANA IS SOLD OR TRANSFERRED FROM WITHIN THE CORPORATE LIMITS OF THE TOWN OF NUNN BY A MARIJUANA CULTIVATION FACILITY FOR RESALE

WHEREAS the Town of Nunn, Colorado, is a statutory town;

WHEREAS the Board of Trustees for the Town of Nunn, Colorado, at its meeting on August 20, 2016, determined by resolution number 2016-11 to refer to the voters the question whether to adopt an excise tax of 5% on the price received for the wholesale sale of unprocessed marijuana by a "Marijuana Cultivation Facility" as such term is defined by Ordinance Number 2016-295 when unprocessed marijuana is sold or transferred from within the corporate limits of the Town of Nunn by a Marijuana Cultivation Facility for resale ("Proposed Tax");

WHEREAS acting pursuant to Article X, Section 20, of the Colorado Constitution, which requires voter approval of any new tax, the Town Board authorized the submission of a ballot issue on the Proposed Tax ("Ballot Issue") to the electors at the general election on November 8, 2016; and

WHEREAS the Ballot Issue was approved by the qualified electors of the Town of Nunn voting at the general election that was held on November 8, 2016;

NOW, THEREFORE, THE FOLLOWING IS ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF NUNN, COLORADO:

Section 1. Commencing January 1, 2017, a five percent (5%) excise tax shall be paid on the price received for the wholesale sale of unprocessed marijuana by a "Marijuana Cultivation Facility" as defined by Town of Nunn Ordinance number 2016-295 when unprocessed marijuana is sold or transferred from within the corporate limits of the Town of Nunn by a marijuana cultivation facility for resale.

Section 2. The tax revenues resulting from the excise tax imposed in Section 1 shall be used for the purpose of funding additional costs incurred by the Town of Nunn, including additional facilities, equipment, and personnel needed, due to operations of marijuana cultivation facilities within the Town of Nunn and for the purpose of funding the Town of Nunn's general operations, including public safety, municipal services, transportation and other public improvements, park and recreational facilities, police services, and any other lawful public purpose of the Town of Nunn.

Section 3. This ordinance shall be so interpreted and construed as to effectuate its general purpose.

Section 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 ordained these provisions and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. If any reason is indicated below, this ordinance shall take effect immediately upon its adoption because such immediate effectiveness is necessary to the immediate preservation of the public peace, health, or safety for such reasons:

a. _____

b. _____

Passed and approved this 21st day of January, 2017.

TOWN OF NUNN

By: *Tom D. Bender*
Tom Bender, Mayor

ATTEST:

By: *Cathy Payne*
Cathy Payne, Town Clerk