

TITLE 5
REVENUE AND FINANCE

Chapters:

- 5.01 Fiscal Year
- 5.02 Annual Audit
- 5.03 (Reserved)
- 5.04 (Reserved)
- 5.05 Business and Occupation Tax on Telephone Utility Companies
- 5.06 Emergency Telephone Service Fee
- 5.07 Sales Tax

CHAPTER 5.01

FISCAL YEAR

Sections:

5.01.010 Fiscal Year Same as Calendar Year

5.01.010 Fiscal Year Same as Calendar Year. The fiscal year of the Town of Collbran shall commence on the first day of January and end on the last day of December of each year. (*Source: Ord. No. 53, Section 1*)

CHAPTER 5.02
ANNUAL AUDIT

Sections:

5.02.010 Audit Required

5.02.010 Audit Required. The Board of Trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of the State law. (*Source: Ord. No. 53, Section 6*)

CHAPTER 5.03

Purchasing
(Ord. 04, Series 2009)

Sections

5.03.010 Purpose
5.03.020 Definitions
5.03.030 General powers and duties of Purchasing Agent
5.03.040 Methods and procedures for source selection
5.03.050 Purchasing authority and process
5.03.060 Division of contracts prohibited
5.03.070 Recurring purchases
5.03.080 Waiver of procedures
5.03.090 Cooperative purchasing
5.03.100 Ethical relationships with vendors and suppliers
5.03.110 Local preference

5.03.120 Sale of real and personal property

5.03.010. Purpose. The purpose of this Chapter is to prescribe a fair and equitable purchasing procedure that the Town will follow in contracting for or constructing public works, purchasing tangible property and insurance policies, and obtaining consulting services.

5.03.020. Definitions. The following words and phrases, as used in this Chapter, shall have the meanings set forth below.

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Local goods means supplies and materials produced, manufactured, sold, distributed or grown in the Town, or for purposes of secondary preference, within the County.

Local vendors means contractors, vendors, suppliers or materialmen with offices or a place of business located within the Town, for the purposes of the primary preference, or within County, for purposes of secondary preference.

Lowest responsive and responsible bidder means the bidder with the lowest price and the highest qualifications, based on the following criteria: (1) The ability, capacity and skill of the bidder to perform the contract or furnish the supplies required; (2) whether the bidder can perform the contract or furnish the supplies promptly or within the time specified, without delay or interference; (3) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (4) the quality of performance on previous contracts; (5) previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; (6) sufficiency of financial resources and ability of the bidder to perform the contract or furnish the supplies; (7) the ability of the bidder to provide future maintenance and service; and (8) the response to the invitation for bids.

Purchasing Agent means the Town Administrator, or, in the absence of a Town Administrator, the Town Treasurer.

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

Responsive bidder means a person who has submitted a bid which conforms in all material respects to the invitation for bids.

5.03.030. General powers and duties of Purchasing Agent.

(a) The Board of Trustees hereby delegates the purchasing authority conferred for the Town to the Purchasing Agent. The Purchasing Agent may further delegate such purchasing duties to members of Town staff.

- (b) The Purchasing Agent's general duties and powers are as follows:
- (1) Procure for the Town the highest quality in supplies and contractual services at the least expense to the Town.
 - (2) Consolidate purchases in bulk quantities when possible to maximize economic benefit to the Town. Quantities purchased should represent a reasonable balance based on transportation costs, quantity discount, price, budget and cost.
 - (3) Endeavor to obtain as full and open competition as is practical for all purchases and sales.
 - (4) Establish, and amend when required, all rules and regulations necessary for the proper function of the purchasing procedures established herein.
 - (5) Enforce the terms and conditions of contracts and purchase orders with all vendors and suppliers, and to declare vendors who default on their quotations as nonresponsive bidders and so disqualify them from receiving any business from the Town for a stated period of time.
 - (6) Secure all applicable federal and state tax exemptions for the Town on purchases or contracts.
 - (7) Strive to uphold the local preference policy by purchasing goods and services from local vendors when appropriate.
 - (8) Coordinate with the Finance Department to secure the maximum efficiency in budgeting and accounting.

5.03.040. Methods and procedures for source selection.

(a) Sole source. Procurements may be made without competition when the Purchasing Agent reasonably determines, after conducting a good faith review of available sources, that there is only one (1) viable source within the relevant supply area for the required supply, service or construction item. The Purchasing Agent shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole-source procurements shall be maintained for one (1) year from the date of purchase.

(b) Emergency procurements. Notwithstanding any provisions of this Chapter, the Purchasing Agent may make or authorize others to make emergency procurement of supplies, service or construction items in a maximum amount of one hundred thousand dollars (\$100,000.00), when there exists a threat to public health, safety or welfare, and when the purchase cannot reasonably be delayed:

- (1) Until one (1) of the following events occurs:
 - a. A special meeting of the Board of Trustees is convened; or
 - b. A quorum can be reached where a special meeting call has failed to achieve a quorum; and
- (2) Until compliance with this Chapter can be accomplished.

The Purchasing Agent shall attempt, where circumstances permit, to conduct a telephone poll of the Mayor and Board of Trustees prior to emergency purchases. The Purchasing Agent shall determine the procurement process for emergency purchases, provided that competition shall be encouraged to the extent practicable under the circumstances. The Purchasing Agent shall report all emergency purchases to the Board of Trustees at its next regularly scheduled meeting.

(c) Open market. Open market purchases involve an informal evaluation of price, quality, convenience and service from any source, and the exercise of sound decision-making by the Purchasing Agent based on such information.

(d) Comparative pricing. For purchases based on comparative pricing, the Purchasing Agent shall solicit quotes from no less than three (3) vendors/suppliers, unless it is impracticable under the circumstances to obtain three (3) quotes. Quotes may be solicited by telephone, fax or in writing, in the discretion of the Purchasing Agent.

(e) Requests for proposals (RFPs). RFPs must be in writing and shall be distributed to a minimum of three (3) firms or individuals. The Purchasing Agent shall reserve the right to reject any and all proposals.

(f) Competitive sealed bidding. Where competitive sealed bidding is required by Section 5.03.050 below, the following procedures shall apply:

- (1) Notice to bidders. An invitation for bids will be advertised in a newspaper of general circulation in the Town a minimum of two (2) times, at least ten (10) days prior to the date set for the opening of sealed bids. The notice shall state: a

general description of the materials and/or services to be procured; the place where bid blanks and specifications may be obtained; the closing date for acceptance of bids; the time and place for opening bids; the need for bonding, if applicable; and the reservation by the Purchasing Agent of the right to reject any and all bids.

- (2) Bid requirements. Each bid submitted to the Town shall meet the following conditions:
 - a. A signed, written bid, enclosed in a sealed envelope, and filed with the Town by the deadline stated in the invitation for bids.
 - b. Only one (1) bid will be accepted per bidder.
 - c. Where bonded bids are required by Section 5.03.050 below, the bid shall be accompanied by a certified check or bid bond equal to five percent (5%) of the bid, to be forfeited to the Town if a bid is accepted and the bidder fails to sign a contract within fifteen (15) days of acceptance.
- (3) Pre-bid qualification. Competitive sealed bidding may be limited to prequalified bidders if the Purchasing Agent determines in his or her sole discretion, after conducting a good faith review of potential bidders, that it is in the best interests of the Town to allow a limited number of persons to bid on a particular procurement, because special qualifications are needed.
- (4) Withdrawal/correction of bids. Bids may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitting bids. An otherwise low bidder is permitted to correct a material mistake in his or her bid, including price, when the intended bid mistake is obvious from the bid document or is otherwise supported by proof that has evidentiary value. A low bidder is not permitted to correct a bid for mistakes or errors in judgment.
- (5) Waiver of informalities in bids. The Purchasing Agent may waive informalities in a bid if:
 - a. The item is only a matter of form or is an immaterial variation from the exact requirements of the invitation for bids;
 - b. The item being waived has trivial or no effect on price, quality, quantity,

delivery or performance; and

- c. Such a waiver would not affect the relative standing of bidders or otherwise prejudice other bidders.
- (6) Bid opening procedure. At the time and place specified in the notice for bids, the Purchasing Agent shall open the sealed bids in public. The Purchasing Agent will announce the names of those who have bid and the amounts of the bids, and shall state whether any bids submitted have been withdrawn. As the bids are opened, such details as are appropriate shall be read and copied on the bid tally record, which will be open for public inspection. The person recording bids shall sign the tally sheet.
- (7) Bid evaluation; award. The Purchasing Agent shall perform a review and analysis of all tabulated bids. Evaluation criteria include a combination of price, quantity and/or quality offered, and capacity to fulfill all requirements of the contract. For bonded competitive bids, unless all bids are rejected, the award shall be made to the lowest qualified bidder, as defined in Section 5.03.020 above. All awards shall be made by the awarding authority (Board of Trustees or the Purchasing Agent) by written notice to the bidder. Alternate bids may be awarded whenever it is deemed necessary by the Purchasing Agent. Other than for bonded competitive bids, the Town need not award a bid to the lowest responsive and responsible bidder, but rather the bid shall be awarded to the bidder who, in the sole discretion of the awarding authority, provides the best overall value to the Town based on the evaluation criteria described in this Chapter.
- (8) Rejection of bids. The Purchasing Agent may reject all or any part of a bid (unless the bid expressly excludes the ability to partially accept the bid) when it is determined to be in the best interests of the Town, or if the vendor or contractor is in default on the payment of taxes, license fees or other sums due to the Town.
- (9) Nonresponsive vendor. Any vendor/ bidder who fails to comply with the terms of an awarded contract, quote or purchase order, or the required specifications contained in the bid, may be declared a nonresponsive vendor/bidder by the Purchasing Agent. Any nonresponsive vendor/bidder may be removed by the Purchasing Agent and/or the awarding authority from all vendor and bid lists compiled by the Town for a period not to exceed three (3) years.
- (10) Bonding; conditions. For a contract awarded based on a competitive bid or bonded competitive bid, the individual or company contracting with the Town

shall be required at the time the contract is executed to deliver to the Town a contractor's performance bond or a labor and material payment bond in the amount of one hundred percent (100%) of the contract price, with a good and sufficient surety, for approval by the Purchasing Agent. Such contractor shall properly perform work required by the contract on behalf of the Town, and shall promptly pay all amounts lawfully due to all persons supplying or furnishing labor or materials, used or performed in the prosecution of the work provided for in such contract. Further, the contractor shall indemnify and hold the Town harmless for all payments or liabilities arising from the execution of the terms of the contract. The Purchasing Agent may reduce the amount of performance or payment bonds if he/she makes a determination that such reduction is in the best interest of the Town and the Board of Trustees approves such reduction.

5.03.050. Purchasing authority and process.

(a) The purchasing authority and process required for all types and amounts of procurement shall be as follows, provided that all monetary limits set forth in this Section are maximum ceilings; and nothing shall prohibit the Purchasing Agent from utilizing a higher level process than set forth or from requesting Board of Trustees consideration of a purchase when not required:

(1) Capital construction.

- a. Authority. The Board of Trustees must approve all awards of a contract for capital construction in an amount estimated to exceed one thousand five hundred dollars (\$1,500.00).
- b. Required procedures:

Estimated Contract Amount	Process
Less than \$1,500	Open market
\$1,500 to \$5,000	Comparative pricing
\$5,001 to \$50,000	Competitive bid*
Greater than \$50,000	Bonded competitive bid

* The Town Administrator may require in his or her discretion that contracts awarded based upon competitive bid be bonded.

c. Capital construction – change orders; authority. The Town Administrator or department head may approve all change orders to awarded contracts for capital construction when the total change orders to date are less or equal to ten percent (10%) of the awarded contract. The Board of Trustees must approve all change orders to awarded contracts when total change orders to date are greater than ten percent (10%) of the awarded contract.

(2) Capital equipment.

a. Authority. The Board of Trustees must approve all awards of contract for capital equipment in excess of five thousand dollars (\$5,000.00).

b. Required procedures:

Estimated Contract Amount	Process
Less than \$5,000	Open market
\$5,000 to \$20,000	Comparative pricing
Greater than \$20,000	Competitive bid

(3) Materials, supplies, nonprofessional, and technical services (including hardware and software maintenance services) not budgeted.

a. Authority. The Board of Trustees must approve all purchases in excess of one thousand five hundred dollars (\$1,500.00).

b. Required procedures:

Estimated Contract Amount	Process
Less than or equal to \$1,500	Open market
Greater than \$1,500	Comparative pricing

(4) Professional services.

- a. Authority. The Board of Trustees must approve all professional services anticipated to exceed fifteen thousand dollars (\$15,000.00) per year to a single vendor
- b. Required procedures. For nonappointed professional service positions, the following procedures shall be used:

Estimated Contract Amount	Process*
Less than or equal to \$15,000	Open market
Greater than \$15,000	Request for proposal (written)**

*The process for appointed positions (auditor, attorney, engineer, municipal judge) shall be determined by the Board of Trustees pursuant to applicable law and not subject to the provisions of this Chapter.

** When it is determined by the Purchasing Agent that one professional service vendor clearly has exceptional expertise in the required service area, the Purchasing Agent may waive the request for proposal requirement and conduct contract negotiations as appropriate.

- (5) Utilities including installation of equipment. Purchases to secure utility services (natural gas, electricity, local telephone, water, sewer) shall be authorized by the Purchasing Agent on a sole-source procedure.
- (6) Real property interests (including easements and rights-of-way). The Purchasing Agent shall have discretion for real property purchases under a sole-source procedure, provided that Board of Trustees must approve all such purchases.

- (b) The purchasing authority for all purchases, awards of contracts and sales not requiring Board of Trustees approval shall be vested in the Purchasing Agent.

5.03.060. Division of contracts prohibited. No contracts or purchases shall be divided to avoid the procedural requirements in this Chapter.

5.03.070. Recurring purchases. Quotes obtained for routine purchases of supplies, equipment or materials under either the open market, comparative pricing, or RFP procedures may be deemed valid for a period of two (2) years from the date of the quote. The Purchasing Agent is not required to obtain revised quotes for such items during the two-year period,

provided that the vendor is informed of the Town's intention to make repeated purchases at the time of the initial purchase.

5.03.080. Waiver of procedures. Except for the provisions of Paragraphs 5.03.050(a)(1) above, upon a majority vote, Board of Trustees may approve a waiver of any of the provisions of this Chapter, after consideration of the particular facts and circumstances necessitating the request for waiver. All of the procedures herein may be modified to prevent the loss of any gift or grant to the Town.

5.03.090. Cooperative purchasing. The Purchasing Agent is authorized to participate in joint bidding with other public agencies or entities when deemed to be in the Town's best interests. The Purchasing Agent, in his or her sole discretion, may use pricing schedules of higher governmental entities to purchase materials and services based on bids established for that purpose.

5.03.100. Ethical relationships with vendors and suppliers

(a) All Town personnel are obligated to establish and maintain ethical relationships with all vendors or suppliers of Town goods and services. The following are examples of prohibited relationships or activities between Town employees and vendors/suppliers:

- (1) Soliciting or accepting, directly from any person or his or her agent doing business, or seeking to do business with the Town, any services, cash, loans, vacations, pleasure trips, gifts exceeding fifteen dollars (\$15.00) in value or any special consideration.
- (2) Knowingly overestimating or underestimating the requirements or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
- (3) Misrepresenting competitors' prices, quality or services in order to obtain concessions from vendors or suppliers.
- (4) If involved in the purchasing process or decision, being employed by any bidder unless such employment relationship is fully disclosed to the awarding authority in writing, prior to engaging in the purchasing process.
- (5) Accepting any gratuity greater than fifteen dollars (\$15.00), or a kickback of any kind from a vendor or supplier.

(b) The above-listed examples are merely illustrative, and do not constitute an exhaustive list of potential ethical violations. Town employees must also consider the appearance of unfairness and impropriety in their treatment of Town vendors and suppliers.

5.03.110. Local preference.

(a) Notwithstanding other provisions of this Chapter, in the awarding of contracts for goods or services, the Board of Trustees and Purchasing Agent shall provide the following primary and secondary percentage preferences for local goods and services provided by local vendors when quality, delivery time and service are judged by the Purchasing Agent to be essentially equal:

Contract Amount	Primary Preference for Town Goods/Vendors	Secondary Preference for County Goods/Vendors
Up to \$1,000	10% discount	5% discount
\$1,000 to \$5,000	6% discount	3% discount
Greater than \$5,000	3% discount	1.5% discount

(b) The local percentage preference shall be calculated based on the price of the lowest responsive and responsible bidder. Qualifying primary preference bids shall be first considered before any qualifying secondary preference bid is considered. No local preference will apply in the bonded competitive bid process, nor where grant funds are used which expressly prohibit the use of such local preference.

5.03.120. Sale of real and personal property. All sales of real property and personal property (materials, supplies, equipment) must be approved by the Board of Trustees. Items with an estimated value over one thousand dollars (\$1,000.00) must be sold by sealed bid, unless otherwise approved by Board of Trustees. Bids for the sale of property valued over twenty thousand dollars (\$20,000.00) must be accompanied by a five-percent bid bond, which will be forfeited if the buyer fails to perform the contract for sale. Property impounded or seized through forfeiture by the Marshall's Department shall be excluded from this Section.

CHAPTER 5.04
(Reserved)

CHAPTER 5.05
BUSINESS AND OCCUPATION TAX ON TELEPHONE UTILITY COMPANIES

Sections:

5.05.010	Levy of Tax
5.05.020	Effective Date
5.05.030	Filing Statement
5.05.040	Failure to Pay
5.05.050	Penalty Clause
5.05.060	Inspection of Records
5.05.070	Local Purpose
5.05.080	Tax in Lieu of Other Taxes, Etc.

5.05.010 Levy of Tax. There is hereby levied on and against each telephone utility company operating within the Town of Collbran, (hereinafter called the "Town") a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the Town of Collbran and of supplying local exchange telephone service to the inhabitants of the Town. The annual amount of tax levied hereby shall be equal to \$3.00 per telephone account for which local exchange telephone service is provided within the corporate limits of the Town of Collbran on the effective date as provided in Section 5.05.020 and upon each anniversary of the effective date. (*Source: Ord. No. 71*)

5.05.020 Effective Date. The tax levied by this Section shall commence on November 1, 1976, and shall be due and payable with the first such installment due thirty (30) days after the effective date.

5.05.030 Filing Statement. Within thirty (30) days after the effective date as provided in Section 5.05.020, each telephone utility company subject to this Section shall file with the Town Clerk, in such form as the Clerk may require, a statement showing the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the Town on the effective date. Such statement shall be filed within thirty (30) days after each anniversary of the effective date showing such accounts on the anniversary date.

5.05.040 Failure to Pay. If any telephone utility company subject to the provisions of this Chapter shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company, and the same together with an addition of ten percent (10%) of the amount of taxes due shall be and hereby is declared to be a debt due and owing from such company to the Town. The Town Attorney of the Town upon direction of the Board of Trustees shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the said debt in the name of the Town of Collbran.

5.05.050 Penalty Clause. If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Section shall fail, neglect, or refuse to make or file the annual statement of accounts provided in Section 5.05.030, the said officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided, that each day after said statement shall become delinquent during which the said officer, agent, manager or person shall so fail, neglect, or refuse to make and file such statement shall be considered a separate and distinct offense.

5.05.060 Inspection of Records. The Town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone utility company which are subject to the provisions of this Chapter and to make copies of the entries or contents thereof.

5.05.070 Local Purpose. The tax herein provided is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this Section be construed to mean that any telephone utility company is issued a franchise by the Town.

5.05.080 Tax in Lieu of Other Taxes, Etc. The tax herein provided shall be in lieu of all other payments by or fees and taxes on any telephone utility subject to the provisions of this Chapter, other than ad valorem taxes, and in addition shall be in lieu of any free service furnished the Town by any said telephone utility.

CHAPTER 5.06
EMERGENCY TELEPHONE SERVICE FEE

Sections:

5.06.010	Intergovernmental Agreement
5.06.020	Emergency Telephone Charge
5.06.030	Collection
5.06.040	Effective Date

5.06.010 Intergovernmental Agreement. The Mayor is authorized to sign an Intergovernmental Agreement creating the Mesa County Emergency Telephone Service in order to establish and maintain an emergency telephone service system in the County of Mesa, Colorado. (*Source: Ord. No. 119*)

5.06.020 Emergency Telephone Charge. There is hereby imposed, pursuant to Sections 29-11-101, *et seq.*, C.R.S., as amended, upon all telephone exchange access facilities within the Town of Collbran an emergency telephone charge in an amount not to exceed two percent (2%) of the tariff rates as approved by the Public Utilities Commission.

5.06.030 Collection. Telephone service suppliers providing telephone service in the Town of Collbran are hereby authorized to collect the emergency telephone charge imposed by this Section in accordance with Sections 29-11-101, *et seq.*, C.R.S., as amended.

5.06.040 Effective Date. This Chapter shall not be effective until the Intergovernmental Agreement creating the "Mesa County Emergency Telephone Service" and concerning the implementation of an emergency telephone service system is signed by representatives of all parties to the Agreement.

CHAPTER 5.07
SALES TAX

Sections:

5.07.010	Purpose
5.07.020	Definitions
5.07.030	Licenses
5.07.040	General Provisions and Exemptions from Taxation
5.07.050	Schedule of Sales Tax
5.07.060	Vendor's Fee
5.07.070	Election and Amendments
5.07.080	Repeal
5.07.090	Penalty

5.07.010 Purpose. The purpose of this Chapter is to impose a sales tax on the privilege of selling tangible personal property at retail or the furnishing of services upon every provider in the Town of Collbran. (*Source: Ord. No. 82*)

5.07.020 Definitions. For the purposes of this Section, the definitions of words herein contained shall be as defined in Article 26, Title 39, C.R.S., and said definitions are incorporated herein by this reference.

5.07.030 Licenses. (a) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail without first having obtained a license therefor. Such license shall be granted and issued by the Town Clerk and shall be in force and effect until the 31st day of December of the year in which it is issued, unless sooner revoked.

(b) For each license issued under this Section, a fee of two dollars (\$2.00) shall be paid, which fee shall accompany the application. A further fee of two dollars (\$2.00) shall be paid for each year or fraction thereof, for which said license is renewed; provided that only one-half (½) of the said two dollar (\$2.00) fee shall be charged on licenses issued after July 1 of any year. No license shall be transferable.

(c) Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the name of such business, and the location and such other facts as the Town Clerk may require.

(d) It shall be the duty of each licensee on or before January 1 of each year during which this Chapter remains in effect to obtain a renewal thereof if the licensee remains in the retail business or liable to account for the tax herein provided, but nothing

herein contained shall be construed to empower the Town Clerk to refuse such renewal except revocation for cause of licensee's prior license.

(e) In case business is transacted at one (1) or more separate premises by one (1) person, a separate license for each place of business shall be required.

(f) Any person engaged in the business of selling tangible personal property at retail or the furnishing of services in the Town without having secured a license therefor, except as specifically provided herein, shall be guilty of a violation of this Section.

(g) Each license shall be numbered and shall show the name, residence, place and character of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued.

(h) No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Chapter.

5.07.040 General Provisions and Exemptions From Taxation. (a) For the purpose of collection, administration and enforcement of this Chapter by the Director of Revenue, the provisions of Article 26 of Title 39, C.R.S., shall be deemed applicable and incorporated into this Chapter.

(b) The amount subject to tax under this Chapter shall not include the State Sales and Use Tax imposed by Article 26, Title 39, C.R.S.

(c) For the purpose of this Chapter, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town of Collbran or to a common carrier for delivery to a destination outside the limits Town.

(d) The gross receipts from sales shall include delivery charges, when such charges are subject to the State Sales and Use Tax imposed by Article 26, Title 39, C.R.S., regardless of the places to which delivery is made.

(e) In the event a retailer has no permanent place of business in the Town of Collbran, or more than one (1) place of business, the place or places at which the retail sales are

consummated for the purpose of this sales tax shall be determined by the provisions of Article 26, Title 39, C.R.S., and the rules and regulations promulgated by the Department of Revenue.

(f) The tangible personal property and services taxable pursuant to this Chapter shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104 C.R.S., and subject to the same exemptions as those specified in Section 39-26-114, C.R.S., except as provided in subsections (h) and (i).

(g) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from said Town sales tax when such sales meet both of the following conditions:

- (1) The purchaser is a nonresident of or has his principal place of business outside of the local taxing entity; and
- (2) Such personal property is registered or required to be registered outside the limits of the local taxing entity under the laws of this State.

(h) The sales of food, as defined in Section 39-26-102 (4.5), C.R.S., shall be exempted from the sales tax imposed by this Chapter. *(Source: Ord. No. 86)*

(i) All sales and purchases of electricity, coal, wood, gas, fuel oil, or coke sold, but not for resale, to occupants of residences, whether owned, leased, or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat, and power for such residences shall be exempted from the sales tax imposed by this Chapter. For the purpose of this subsection, "gas" includes natural, manufactured and liquified petroleum gas. The items enumerated in this subsection (i) shall only be exempted from said sales tax so long as said items are exempt from the Colorado State Sales Tax pursuant to Section 39-26-114, C.R.S. *(Source: Ord. No. 87)*

5.07.050 Schedule of Sales Tax. (a) There is hereby imposed on all sales of tangible personal property at retail, and the furnishing of services, a tax equal to two percent (2%) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the Town. Until changed by such rules and regulations, or by ordinance, a tax imposed by this Chapter shall be in accordance with the following schedule:

<u>Amount of Sale:</u>	<u>Tax</u>
\$.00 to \$.17	No tax

\$.18 to \$.49	\$.01
\$.50 to \$.83	\$.01
\$.84 to \$1.00	\$.02

On sales in excess of one dollar (\$1.00), the tax shall be two cents (\$.02) on each full dollar of the sales price, plus the tax shown in the above schedule for the applicable fractional part of a dollar of each such sales price.

(b) The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue of the State of Colorado in the same manner as the collection, administration and enforcement of the State Sales Tax. The provisions of Article 26, Title 39, C.R.S., and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration and enforcement of the sales tax imposed by this Chapter. *(Source: Ord. No. 82)*

5.07.060 Vendor's Fee. The vendor (retailer) shall be entitled, as collecting agent of the Town, to withhold a collection fee in the amount of three and one-third percent (3-1/3%) on the total amount due by vendor to the Town each month.

5.07.070 Election and Amendments. (a) Before this sales tax Chapter shall become effective it shall receive the approval of the majority of the qualified electors of the Town of Collbran, at an election to be held on April 1, 1980.

(b) The Board of Trustees may amend, alter or change this Chapter except as to the two percent (2%) rate of tax herein imposed, subsequent to adoption by the majority of the Board of Trustees. Such amendment, alteration or change need not be submitted to the electors of the Town for their approval.

5.07.080 Repeal. If the electors of the Town of Collbran approve a two percent (2%) sales tax as herein proposed, and upon the effective date of this Chapter, and the right to collect tax hereunder on January 1, 1981, Ordinance No. 70 and Ordinance No. 72 of the Town of Collbran shall thereupon be repealed, such repeal to be effective on January 1, 1981.

5.07.090 Penalty. Any person violating any of the provisions of this Chapter commits a Class B Municipal Offense. *(Source: Ord. No. 167)*