

**TOWN OF SUPERIOR
ORDINANCE NO. O-17
SERIES 2023**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR AMENDING ARTICLE VIII OF CHAPTER 6 OF THE
SUPERIOR MUNICIPAL CODE CONCERNING THE ENHANCED SALES
TAX INCENTIVE PROGRAM**

WHEREAS, on June 26, 2023, the Board of Trustees passed Ordinance No. O-12, Series 2023, establishing the Enhanced Sales Tax Incentive Program ("ESTIP"); and

WHEREAS, the Board of Trustees desires to amend the ESTIP concerning the minimum amount of sales tax anticipated to be generated and the amount of enhanced sales tax an applicant is allowed to share.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 6-8-40 of the Superior Municipal Code is hereby amended to read as follows:

6-8-40 – Application.

Participation in ESTIP shall be based upon approval by the Town, exercising its administrative discretion in good faith. Any owner or proprietor of a newly established or proposed retail sales tax generating business location, or the owner or proprietor of an existing retail sales tax generating business or location which wishes to expand substantially, may apply to the Town for inclusion within the ESTIP, provided that the new or expanded business is reasonably likely to generate enhanced sales tax of at least \$10,000.00 in the first year of operation.

Section 2. Section 6-8-50 of the Superior Municipal Code is hereby amended to read as follows:

6-8-50 – Sharing of Sales Tax.

(a) Approval by the Town of an agreement implementing the ESTIP shall entitle the successful applicant to share in enhanced sales tax derived from the applicant's property or business in an amount which shall not, in any event, exceed the enhanced sales taxes; provided, however, that the applicant may use said amounts only for public or public-related purposes, such as those specified herein, and which are expressly approved by the Town at the time of consideration of the application. The time period in which said enhanced sales taxes may be shared shall not commence until all public or public-related improvements are completed,

and shall be limited by the Town, at its discretion, to a specified time, or until a specified amount is reached.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14th day of August 2023.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk

