

AN ORDINANCE CONCERNING REVENUE AND IMPOSING AN OCCUPATION TAX ON COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, TO SECURE A PROPER DISTRIBUTION OF THE BURDEN OF TAXES, AND TO PROVIDE PENALTIES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO:

Section 1. Declaration of policy and purpose. The Board of Trustees of the Town of Hudson, Colorado, hereby finds, determines, and declares that, considering the nature of the electric utility business and the relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town, and a proper, just, and equitable distribution of tax burdens within the Town and all other matters properly to be considered thereto, the classification of said business as a separate occupation is reasonable, proper, uniform and nondiscriminatory, and the amount of tax hereby imposed by this ordinance is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town of Hudson, Colorado.

Section 2. Dates payable. The said tax shall commence on the effective date hereof and shall be payable to the Town Treasurer on the first days of January and July of each year for the period of six months next preceding the said dates. The said tax shall become delinquent 60 days after the said tax becomes due.

Section 3. Levy and schedule. There is hereby levied on ^{and} ~~the~~ against the Colorado Central Power Company, its successors and assigns, an occupation tax according to the following:

An annual tax upon the gross revenues thereof arising from the sale of electrical energy within the corporate limits of the Town, as now or hereafter fixed, to the consumers therein, as follows:

For the 3-year period beginning January 1, 1959, 2%;

For the 3-year period beginning January 1, 1962, 2 $\frac{1}{2}$ %;

Thereafter for the 19-year period beginning January 1, 1965, 3%.

The term "gross revenues" as used herein shall be construed to mean any revenue earned within the corporate limits of the Town as now or hereafter fixed, from the sale of electrical energy, after adjustment of the net write-off of the uncollectible accounts and corrections of bills theretofore rendered; provided, however, there shall be excluded from such gross revenue all amounts paid to the Company by the Town for street lighting; and provided, further, there shall also be excluded from such gross revenue all revenue in excess of \$2,500.00 derived per annum from the sale of electrical service rendered to each customer at any one location, all as billed by the Company under rates, rules and regulations then effective and on file with the Town.

Section 4. Filing of gross figure. For the purpose of ascertaining the amount of the tax to be paid as required by this ordinance, it shall be the duty of such corporation and of the president, secretary, and the treasurer thereof, or such of them as shall reside in this State, or if none of said officers reside in this State, then of the manager or other officer or agent of such corporation having general control or supervision of the business within this Town or State, to transmit a statement under oath to the Town Clerk of the gross figure as prescribed in Section 3 of this ordinance for the company during the preceding six months as hereinafter set forth, and such statement shall become delinquent 60 days after the end of said period of six months.

Said statement shall include in a separate section thereof any revenues earned by the Company that are specifically excepted under Section 3 hereof.

Section 5. Failure to pay. If said corporation shall fail to pay the said taxes as herein provided, the full amount thereof, with an addition of 10% thereof, shall be due and collected from such corporation, and the same shall be and hereby is declared to be due debt and owing from said corporation to the Town of Hudson, Colorado. The Town Attorney of the Town of Hudson, Colorado, shall commence and prosecute to final judgement and determination in any court of competent jurisdiction an action at law to collect the said debt in the name of the Town of Hudson, Colorado.

Section 6. Penalty Clause. If any officer, agent, or manager of such corporation shall fail, neglect, or refuse to make or file such semi-annual statement herein prescribed of the gross revenues as set forth herein, the said officer, agent, or manager, or person, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Three Hundred Dollars (\$300) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, or both such fine and imprisonment, and provided further that each day such semi-annual statement shall remain or continue to be delinquent and such officer, agent, manager, or person shall so fail, neglect, and refuse to make and file such statement, shall be considered a separate and distinct offense.

Section 7. Inspection of records. The Town of Hudson, Colorado, its officers, agents, or representatives, shall have the right at all reasonable hours and times to examine any and all parts of the books and records of such corporation that pertain to the gross revenues of the corporation in the Town, and to make copies of the entries of contents thereof.

Section 8. Repeal. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9. 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 as relating to interstate commerce.

Adopted and approved and ordered published this 5th day of January, A.D. 1959.

Attest:

Margaret E. Chamberlain
Town Clerk & Recorder

Paul E. Williams
Mayor of the Town of Hudson,
State of Colorado

I, Margaret E. Chamberlain, Town Clerk and Recorder of the Town of Hudson, Colorado, do hereby certify that the foregoing is a true copy of a certain proposed ordinance introduced and read before the Board of Trustees of the Town of Hudson, at a regular meeting thereof held on the 5th day of January, A.D. 1959, and ordered by said Board of Trustees to be published as the law provides.

Margaret E. Chamberlain
Town Clerk and Recorder of the Town
of Hudson, State of Colorado

(SEAL)