

**ORDINANCE NO. 1544
SERIES 2008**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 3.20 OF THE LOUISVILLE MUNICIPAL CODE TO IMPOSE THE HISTORIC PRESERVATION TAX AS APPROVED BY THE VOTERS AT THE NOVEMBER 4, 2008 ELECTION, AND ESTABLISHING THE HISTORIC PRESERVATION FUND

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, pursuant to voter authorization, the City has previously adopted a permanent sales tax of three percent (3%) and, for a ten-year period commencing January 1, 2004, an additional three-eighths of one percent ($\frac{3}{8}\%$) sales tax, with revenues from such temporary tax being collected, retained and spent exclusively for designated open space, parks and other purposes; and

WHEREAS, pursuant to Resolution No. 35, Series 2008, the City referred to the voters and the voters approved a TABOR ballot issue to levy an additional one-eighth of one percent ($\frac{1}{8}\%$) sales tax, collected for a ten-year period commencing January 1, 2009, with the net proceeds of such one-eighth percent sales tax to be collected, retained and spent exclusively for historic preservation purposes within historic Old Town Louisville; and

WHEREAS, the City Council by this Ordinance desires to amend the Louisville Municipal Code to impose such additional one-eighth of one percent sales tax as approved by the voters at the November 4, 2008 election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Subsection A of Section 3.20.200 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 3.20.200. Levy of tax; rate.

A. There is hereby levied, and there shall be collected and paid, a sales tax equal to the three percent of the purchase price of tangible personal property at retail or the furnishing of services, except that (1) for the ten-year period beginning on January 1, 2004, the amount shall be ~~3%~~ percent of the purchase price thereof there is hereby levied, and there shall be collected and paid, an additional sales tax of three-eighths of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 5, 2002 election, and (2) for the ten-year period beginning on

January 1, 2009, there is hereby levied, and there shall be collected and paid, an additional sales tax of one-eighth of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 4, 2008 election.

Section 2. Chapter 3.20 of the Louisville Municipal Code is hereby amended by the addition of a new Section 3.20.605, to read as follows:

Sec. 3.20.605. Sales Tax—Historic preservation tax and fund.

A. The historic preservation fund is established as a special revenue fund to account for revenues derived from the temporary one-eighth of one percent sales tax for historic preservation purposes imposed for the ten-year period beginning on January 1, 2009.

B. Revenues from such temporary one-eighth percent sales tax imposed for the ten-year period beginning on January 1, 2009 shall be deposited into the historic preservation fund and the net proceeds of such one-eighth percent sales tax shall be collected, retained and spent exclusively for the following purposes within historic Old Town Louisville, which area includes the “Historic Old Town Overlay District” and “Downtown Louisville” as defined by the city zoning map and ordinances, in order to preserve the unique charm and character of historic Old Town Louisville:

1. Provide incentives to preserve historic resources, including funding of programs to identify and attempt to preserve buildings which qualify for listing on the Louisville Register of Historic Places;
2. Provide incentives to preserve buildings that contribute to the historic character of historic Old Town Louisville but do not qualify for listing on the Louisville Register of Historic Places, with such buildings to be treated the same as historic buildings but with lower priority;
3. Provide incentives for new buildings and developments within historic Old Town Louisville to limit mass, scale, and number of stories; to preserve setbacks; to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements; and
4. For city staff time to administer these programs.

C. Receipt of financial incentives funded by such proceeds shall be conditioned upon historic landmarking of the receiving property if the property qualifies for listing on the Louisville Register of Historic Places, or conditioned

upon the city receiving a conservation easement if the receiving property does not so qualify. Any such landmarking or easement shall be with consent of the property owner.

D. Financial incentives funded by revenues from such temporary one-eighth percent sales tax may include any of the following:

1. Grants to preserve historic buildings or their facades;
2. Acquisition of conservation easements on historic properties or other eligible properties;
3. Acquisition and rehabilitation of historic properties to be sold with conservation easements;
4. Grants or low interest loans to preserve and rehabilitate eligible properties;
5. Funding for tax or fee rebates for eligible buildings;
6. Funding of a public-private partnership for preservation of buildings of historic significance;
7. Funding of incentives for new buildings and developments within historic Old Town Louisville to limit mass, scale, and number of stories; to preserve setbacks; to preserve pedestrian walkways between buildings; and to utilize materials typical of historic buildings, above mandatory requirements; and
8. Funding of other programs to preserve historic buildings and buildings which contribute to the character of historic Old Town Louisville.

E. Eligibility for historic landmarking shall be determined by the Louisville Historic Preservation Commission and any approval thereof shall be by the city council pursuant to city ordinances as in effect from time to time.

F. All incentive funding decisions shall be approved by the city council. Incentive programs and the procedures applicable to the administration and receipt of such incentives shall be as provided by city council ordinance or resolution, the provisions of which shall not be inconsistent with the provisions of this section and ballot issue 2A approved at the November 4, 2008.

Section 3. The City Council herewith finds, determines and declares that this ordinance is necessary for the immediate preservation of the public health and safety in order to

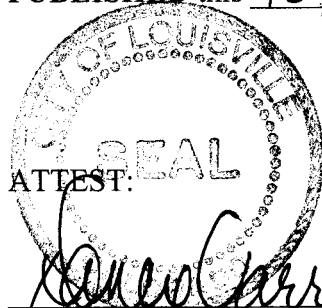
timely effectuate the commencement of the historic preservation tax on January 1, 2009 in accordance with voter approval, and to avoid the need for retailers, vendors and others required to collect, pay or account for sales tax to collect, pay or account for taxes of different rates within a single reporting period if the provisions hereof took effect upon another date. This ordinance shall take effect January 1, 2009 provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.


Section 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

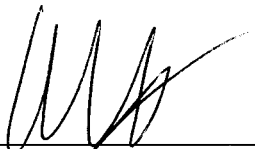
Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 18th day of November, 2008.

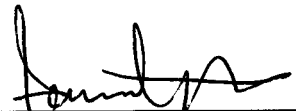


ATTEST:

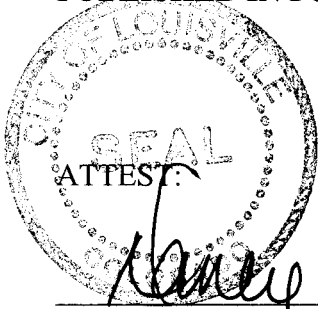

Nancy Varra, City Clerk


Charles L. Sisk, Mayor

APPROVED AS TO FORM:


Light, Harrington & Dawes, P.C.
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING, AND ORDERD
PUBLISHED IN FULL, this 2ND day of December 2008.**



Nancy Varra
Nancy Varra, City Clerk

Charles L. Sisk
Charles L. Sisk, Mayor