

CHAPTER 3

SECTION 4

Development Excise Tax

Subsections:

- 3-4-1 Tax Levied.
- 3-4-2 Exemptions.
- 3-4-3 Purpose.
- 3-4-4 Collection And Enforcement.
- 3-4-5 Effective Date.

(Section enacted by Ord 10-1999)

**3-4-1 TAX LEVIED.**

(A) There is hereby levied an excise tax upon the privilege and business of creating subdivisions for residential development. The tax shall be due and payable at the time the subdivision is created from the person or entity creating the subdivision. In addition to any other means of creating a subdivision, recording a subdivision plat shall be deemed to create the subdivision at the time of recording.

(B) The amount of the tax shall equal \$1500 times the maximum number of dwelling units allowable on each lot or parcel created by the subdivision, as dictated by Town zoning regulations in place at the time or plat restrictions on the number of residential dwelling units, less the number of existing dwelling units, in existing buildings, as of July 1, 1999. Provided, however, units which may be allowed as an accessory dwelling unit pursuant to Subsection 7-3-13 (G), or a specific plat note, shall not be counted in computing the tax due. In the event any change in the zoning, plat restriction, or other action increases the number of units allowable above the number for which the tax was paid, such additional tax attributable to the additional units shall become immediately due and payable to the Town. (Ord 8-2005)

(C) For the purposes of this Section 3-4 "subdivision", "subdivider" shall have the meanings as set out pursuant to Town Subdivision Regulations.

(D) All subdivision plats shall contain Town approved plat notes indicating the number of units for which the excise tax has been paid, giving notice that if any additional units are added that excise tax shall be due with the building permit or upon any further subdivision, and addressing other matters as appropriate to implement the provisions of Section 3-4. (Ord 2-2010)

(E) The payment of excise taxes may be deferred until the time of building permit issuance or further subdivision under the following circumstances if an explanatory plat note approved by the Town is included on the plat:

(Subsection added by Ord 2-2010)

(1) A lot is already developed and further development is not proposed in the near future;

(2) A lot is being created to accommodate phased development involving condominium units or further subdivision in accordance with an approved preliminary plat and phasing plan; or

(3) Additional condominium buildings are proposed for later construction on the lot or parcel, in accordance with an approved preliminary plat and phasing plan.

**3-4-2 EXEMPTIONS.**

(A) The United States of America, the State of Colorado, the Town of Ridgway, and their political subdivisions and agencies shall be exempt from the tax imposed by this Section.

(B) Subdivisions which merely make minor lot line changes and do not allow for additional dwelling units above what was allowable prior thereto shall not require the payment of this tax.

(C) Subdivisions which do not allow any residences do not require payment of this tax.

(D) Subdivisions implementing a site specific development plan during the period of a vested right approved by the Town prior to January 1, 1999 do not require payment of this tax if they do not increase the number of units approved.

**3-4-3 PURPOSE.**

(A) The tax imposed by this Section 3-4 is for the purpose of raising the necessary revenue in order to provide financial resources for streets, transportation, parks, recreation, police and other municipal facilities and services, and the revenues raised hereby shall be so used.

**3-4-4 COLLECTION AND ENFORCEMENT.**

(A) It shall be unlawful to violate any provision of this Section or to fail to pay tax imposed hereby. The Municipal Court, as a condition of any conviction, may enter orders requiring the payment of any such tax. Any person convicted of such a violation may be sentenced to a jail sentence of up to ninety (90) days or a fine of up to \$300, or both such fine and jail sentence. Each day that a violation continues shall be considered a separate violation. Provided, however, no person under the age of eighteen (18) may be sentenced to any term of imprisonment in excess of ten (10) days.

(B) The Town may enforce collection of the amounts due pursuant to this tax in any court of competent jurisdiction or in any lawful manner and shall be entitled to recover, in addition to the tax, penalties, interest and its cost of collection, including reasonable attorneys' fees.

(C) Taxes not paid as due shall bear a penalty of 10% of the amount due and bear interest at the rate of 18% per annum until paid.

(D) Delinquent taxes shall be considered a delinquent charge which may be certified by the County Treasurer for collection in a manner similar to the collection of general property taxes.

**3-4-5 EFFECTIVE DATE.**

The tax imposed by this Section 3-4 shall apply to all subdivisions created after July 1, 1999.

