ORDINANCE NO. 839

AN ORDINANCE OF THE TOWN OF FAIRFAX, CALIFORNIA, AMENDING CHAPTER 3.20 OF THE FAIRFAX MUNICIPAL CODE AUTHORIZING THE LEVY OF A SPECIAL TAX TO FINANCE MUNICIPAL SERVICES

THE PEOPLE OF THE TOWN OF FAIRFAX, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 3.20.020 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.020 SPECIAL SERVICES TAX IMPOSED; RATE.

A special municipal services tax not exceeding the maximum amounts set forth in this section is imposed on all improved real property within the boundaries of the town:

(A) A special municipal services tax is levied and imposed upon improved residential property at a rate of $195 in the first year and increasing $5 annually to a maximum of $250 per dwelling unit. As used herein the term "dwelling unit" means any building or portion thereof used and/or designed as a separate dwelling accommodation, with cooking, living and sleeping facilities.

(B) A special municipal services tax is levied and imposed upon improved business property at a rate of $195 in the first year and increasing $5 annually to a maximum of $250 for each business occupancy. As used herein, the term "business occupancy" means any portion of a building or structure or other improved real property which is occupied or designed to be occupied by a separate business establishment required to be licensed as such pursuant to Title 5 of this code.

Section 2: Section 3.20.080 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.080 TERMINATION OF PROVISIONS.

This chapter shall be null and void as of 12:00 midnight, June 30, 2031, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, § 3.20.060, relating to collection and enforcement of liens or obligations for the special tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

Section 3: The appropriations limit of the Town of Fairfax established under Article XIIIB, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance. Any future increases in the appropriations limit shall be approved by a majority vote of the voters voting thereon.

Section 4: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity
or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Town Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 5: This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on November 5, 2019.

Section 6: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Fairfax voting on the 5th day of November 2019.

By:

[Signature]
BARBARA COLER, Mayor

ATTEST:

[Signature]
Hannah Politzer, Deputy Town Clerk