

ORDINANCE NO. 1295

AN ORDINANCE OF THE CITY OF ROSWELL ADOPTING A MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX OF ONE SIXTEENTH PERCENT FOR THE DEDICATED PURPOSE OF ENHANCING FIRE AND POLICE BUDGETS FOR STAFFING, OPERATING AND CAPITAL OUTLAY EXPENSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSWELL:

**Section 1. Imposition of Tax.** There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to one-sixteenth of one percent (1/16%) of the gross receipts reported or required to be reported by the persons pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "municipal infrastructure services gross receipts tax."

**Section 2. General Provisions.** This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

**Section 3. Specific Exemptions.** No municipal infrastructure services gross receipts tax shall be imposed on the gross receipts arising from:

- A. Transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality; or
- B. A business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 NMSA 1978.
- C. Direct Broadcast Satellite Services

**Section 4. Dedication.** Revenue from the municipal infrastructure services gross receipts tax will be used for the purpose of enhancing fire and police budgets for staffing, operating and capital outlay expenses. Proceeds from the tax will be split evenly between the fire and police budget.

**Section 5. Effective Date.** The effective date of the municipal infrastructure services gross receipts tax shall be January 1, 1998, unless an election is held pursuant to Section 7-19D-10 (A) NMSA 1978 on the question of disapproving the ordinance, in which case the effective date shall be either July 1 or January 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO  
THIS 14<sup>TH</sup> DAY OF AUGUST, 19 97.

CITY SEAL

  
THOMAS E. JENNINGS, MAYOR

ATTEST:

  
TIMOTHY D. STOESEL, CITY CLERK