CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. <u>0-20-18</u> ENACTMENT NO.

SPONSORED BY: Isaac Benton

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ORDINANCE

2 IMPOSING A MUNICIPAL GASOLINE TAX OF TWO CENTS PER GALLON

3 CONDITIONAL UPON VOTER APPROVAL; DEDICATING THE REVENUE

4 GENERATED BY THE MUNICIPAL GASOLINE TAX TO REHABILITATE PUBLIC

5 STREETS AND ROADWAY SYSTEMS FOR THE BENEFIT OF THE CITY.

6 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 7 ALBUQUERQUE:

8 Section 1. Imposition of Tax. There is hereby imposed, conditional upon 9 voter approval, a tax of two cents (\$0.02) a gallon on all gasoline sold at retail 10 within the boundaries of the City of Albuquerque and upon which gasoline 11 taxes are imposed in accordance with the Gasoline Tax Act, Chapter 7, Article 12 24-A NMSA 1978.

The tax imposed under this ordinance is pursuant to the County and Municipal Gasoline Tax Act as it now exists or as it may be amended and shall be known as the "Municipal Gasoline Tax." The tax imposed by this section shall be in addition to the tax imposed under the Gasoline Tax Act by the State of New Mexico.

Section 2. Dedication. Revenue from the Municipal Gasoline Tax will be used to fund the rehabilitation of public streets and roadway systems for the benefit of the City. Rehabilitation projects are those required to extend the service life of an existing facility, improve its operation, improve safety, or restore original performance or capacity. Rehabilitation projects shall, in accordance with the standards in the Complete Streets ordinance, examine the entire right-of-way to enhance usefulness for all transportation and mobility users, including improvements for motor vehicles as well as for transit, pedestrians including the physically-challenged, and bicyclists. Rehabilitation projects shall prioritize the improvement of connections
 between the various transportation and mobility modes and shall improve
 conditions for pedestrians. No funds shall be expended to enhance aesthetics
 on interstate highways.

5 Section 3. Within sixty days of the adoption of this ordinance, the City
6 Council shall pass an election resolution submitting the question of levying
7 the tax to the qualified electors of the City of Albuquerque.

8 Section 4. Effective Date. The effective date of the Municipal Gasoline Tax 9 shall be either January 1, or July 1, whichever date occurs first after the 10 expiration of three months from the date an election is held on the question of 11 approving the ordinance, in which the results of the election are certified to be 12 in favor of the ordinance's adoption and a certified copy of the adopted 13 ordinance is submitted to the Taxation and Revenue Department.

Section 5. Severability Clause. If any section, paragraph, sentence, clause,
word or phrase of this ordinance is for any reason held to be invalid or
unenforceable by any court of competent jurisdiction, such decision shall not
affect the validity of the remaining provisions of this ordinance. The Council
hereby declares that it would have passed this ordinance and each section,
paragraph, sentence, clause, word or phrase thereof irrespective of any
provision being declared unconstitutional or otherwise invalid.

Section 6. Compilation. The ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 7. Effective Date. This ordinance shall take effect five days after publication by title and general summary.

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