

ORDINANCE NO. 7.48

AN ORDINANCE TO AMEND ORDINANCE NO. 7.41 (This Ordinance hereby repeals and supercedes Part I, Section IV (1) and Part II, Section XIII of Ordinance No. 7.41, passed and adopted on the 24th day of January, 1990)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO, as follows:

Section 1. Part I, Section IV (1) of Ordinance No. 7.41, passed on the 24th day of January, 1990 is hereby repealed, and the following substituted in its stead:

(1) SALES TAX: There is hereby levied a tax or excise upon all sales of tangible personal property and services specified in Section VI (1). The rate levied shall be four percent (4%).

Section 2. Part II, Section XIII of Ordinance No. 7.41, passed on the 24th day of January, 1990 is hereby repealed, and the following substituted in its stead:

SECTION XIII - RETAILER RESPONSIBLE FOR COLLECTION AND PAYMENT OF TAX:

Every retailer engaged in business in the Town shall be liable and responsible for payment of an amount equivalent to the taxable sales multiplied by _____ percent (___%).

(1) TAX ADDED TO PRICE: Retailers shall add the tax imposed, or the average equivalent thereof, to the price, showing such tax as a separate and distinct item. Except as provided in this subsection, no retailer shall advertise or hold out or state to the public or to any consume, directly or indirectly, that the sales tax or any part thereof shall be assumed or absorbed by the retailer, or that it will not be added to the price, or if added, that it or any part thereof shall be refunded.

(A) Nothing herein contained shall be deemed to prohibit any retailer selling malt, vinous or spirituous liquors by the drink from electing to include in his purchase price any tax levied under Section IV (1). Once having made the election and having reported his decision to the Town on such forms as are prescribed by the Town Clerk, he must continue to impose and collect the tax in the manner elected unless granted authorization to change by the Town Clerk. Any excess taxes collected are to be remitted to the Town in accordance with paragraph (3) of this section.

(B) Sales tax may be included in the price of items sold from coin operated devices or the price of utilizing such devices.

(2) TAX CONSTITUTES DEBT: Any tax added to the price by a retailer shall constitute a debt from the purchaser to the retailer until paid and shall be recoverable at law in the same manner as other debts.

(3) EXCESS TAX: No retailer shall retain any sales tax collected in excess of the tax computed, but shall report such excess collections on the return for the period in which it was collected and include it in the calculation of tax due.

(4) **DISPUTED TAX:** When a dispute arises between a retailer and a purchaser who claims that the sale is exempt from the tax, the retailer shall collect and the purchaser shall pay such tax. The purchaser may then submit a Claim for Refund to the Town within sixty (60) days of the date of purchase. Any such tax refunded by the Town will be paid directly to the purchaser.

Section 3: This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 8th day of May, 1991, and passed by a vote of _____ for, _____ against, and _____ abstentions.

William Busch
Mayor

ATTEST:

Jessie Lee Bell
Town Clerk

Publication Date: _____

I hereby certify that the within Ordinance No. 7.48 was posted on the bulletin board at the Town Hall of the Town of Larkspur from May 10, 1991 to _____, 1991.

Jessie Lee Bell
Town Clerk