

## CHAPTER 4

### Revenue and Finance

#### Article 4 Sales Tax

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## ARTICLE 4

### Sales Tax

#### Sec. 4-4-10. Purpose.

The purpose of this Article is to impose a sales tax on the selling of tangible personal property at retail or the furnishing of services in the Town, as provided by state statute. 1 (Prior code 3-1-1; Ord. 956 §1, 2014)

*1 Section 39-26-104, C.R.S.*

*2 Section 39-26-102, C.R.S.*

#### Sec. 4-4-20. Definitions.

For the purposes of this Article, the definitions of words herein shall be as defined by state statute, 2 and said definitions are incorporated herein by this reference. (Prior code 3-1-2; Ord. 956 §1, 2014)

#### Sec. 4-4-30. General provisions and exemptions from taxation.

(a) For the purpose of collection, administration and enforcement of this Article by the Colorado Director of Revenue, the provisions of Article 26 of Title 39, C.R.S., shall be deemed applicable and incorporated into this Article.

(b) The amount subject to tax under this Article shall not include the state sales and use tax imposed by Article 26 of Title 39, C.R.S.

(c) For the purpose of this Article, all retail sales shall be considered consumed at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his or her agent to a destination outside of the limits of the Town or to a

common carrier for delivery to a destination outside the limits of the Town.

(d) The gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., regardless of the places to which delivery is made.

(e) The retail vendor shall be entitled to retain three and one-third percent (3⅓%) of all collections subject to the sales tax as a collection fee.

(f) In the event a retailer has no permanent place of business or more than one (1) place of business in the Town, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of said Article 26 of Title 39, C.R.S., and by the rules and regulations promulgated by the Colorado Department of Revenue.

(g) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from said sales tax when such sales meet both of the following conditions:

(1) The purchaser is a nonresident or has his or her principal place of business outside of the Town.

(2) Such personal property is registered or required to be registered outside the limits of the Town under the laws of the State. (Prior code 3-1-4; Ord. 956 §1, 2014)

#### Sec. 4-4-40. Sales tax, nonapplicability.

The Town's sales tax shall not apply to the sale of construction and building materials, as the term is used in Section 29-2-109, C.R.S., if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the Town evidencing that a local use tax has been paid or is required to be paid. (Prior code 3-1-4; Ord. 956 §1, 2014)

#### Sec. 4-4-50. Use tax, nonapplicability.

The Town's use tax shall not apply to the storage of construction and building materials. (Prior code 3-1-4; Ord. 956 §1, 2014)

#### Sec. 4-4-60. Credit for sales tax previously paid to another municipality.

The Town's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another municipality equal to or in excess of

three percent (3%). A credit shall be granted against the Town's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous municipality. The amount of the credit shall not exceed three percent (3%). (Prior code 3-1-4; Ord. 956 §1, 2014)

recreational purposes. (Prior code 3-1-7; Ord. 956 §1, 2014)

#### **Sec. 4-4-70. Schedule of sales taxes.**

(a) There is hereby imposed on all sales of tangible personal property or the furnishing of services, as provided by Section 39-26-104, C.R.S., a tax equal to three percent (3%) of the gross receipts. The imposition of the tax on individual sales and services shall be in accordance with schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue or by separate ordinance of the Town.

(b) The collection, administration and enforcement of this sales tax shall be performed by the Colorado Director of Revenue in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of Article 26 of Title 39, C.R.S., and all rules and regulations promulgated by the Colorado Director of Revenue shall govern the collection, administration and enforcement of the sales tax imposed by this Article.

(c) The Board of Trustees may amend, alter or change this Article, except as to the three-percent rate of tax herein imposed, subsequent to adoption by a majority vote of the Board of Trustees. Such amendment, alteration or change need not be submitted to the electors of the Town for their approval. (Prior code 3-1-5; Ord. 956 §1, 2014)

#### **Sec. 4-4-80. Election, amendment, effective date.**

This sales tax became effective, as to the enactment of a one-percent rate, by the approval of the majority of the qualified electors of the Town at a special election held on February 6, 1968. An additional sales tax of one percent (1%) was approved by a majority of the qualified electors of the Town at the regular biennial election held on April 7, 1970. An additional sales tax of one percent (1%) was approved by a majority of the qualified electors of the Town at a special election held on December 3, 1985. (Prior code 3-1-6; Ord. 956 §1, 2014)

#### **Sec. 4-4-90. Tax allocation for parks and recreational purposes.**

The one-percent increase in sales tax adopted on December 3, 1985, shall be allocated specifically for the purchase of Meadow Park, and thereafter for parks and