

ORDINANCE NO. 11

Series 2011

September 20, 2011: Introduced as Council Bill 11, Series 2011 by Councilor VanderWerf, seconded by Councilor Brown, and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

October 4, 2011: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 4 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING REVENUE AND FINANCE, BY AMENDING SECTION 4-4-130(B)(1) AND
SECTION 4-4-310(A) TO ADJUST THE CITY SALES TAX VENDOR FEE**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, Sections 4-4-130(b)(1) and 4-4-310(a) of the Cherry Hills Village Municipal Code sets the City sales tax vendor fee; and

WHEREAS, the City sales tax vendor fee is higher than most Home Rule municipalities in Colorado; and

WHEREAS, the City Council has determined to amend the City of Cherry Hills Village Municipal Code ("Municipal Code") to lower the City sales tax vendor fee and impose a maximum to the fee; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 4-4-130 of the Municipal Code is hereby amended to read as follows:

Sec. 4-4-130(b)(1). Restrictions.


(1) Except as provided in Paragraph (2) below, vendors shall add the tax imposed hereby, or the average equivalent thereof, to the sale price or charge, showing such tax as a separate and distinct item. When added, such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the vendor until paid and shall be recoverable at law in the same manner as other debts. The vendor shall be entitled, as collecting agent of the City, to apply and credit the amount of his collections against the three and one-half percent (3 ½ %) rate to be paid by him under the provision of Section 4-4-310, remitting any excess of collections over said three and one-half percent (3 ½ %) less the five two and one half percent (52 ½ %) collection expense allowance, up to a maximum of one hundred fifty dollars (\$150), to the City in the vendor's next monthly sales tax return.

Section 2. That Section 4-4-310 of the Municipal Code is hereby amended to read as follows:

Section 4-4-310. Vendor liable for tax.

(a) Every vendor shall, irrespective of the provisions of Division 2 above, be liable and responsible for the payment of an amount equivalent to three and one-half percent (3 ½ %) of all sales made by him of commodities as specified in Section 4-4-130 above, and shall, before the twentieth day of each month, make a return to the City for the preceding calendar month and remit an amount equivalent to said three and one-half percent (3 ½ %) on such sales to the City, less five two and one-half percent (52 ½ %) of the sum so remitted to cover the vendor's expense in the collection and remittance of said tax, up to a maximum of one hundred fifty dollars (\$150). Such returns of the taxpayer shall contain such information and be made in such manner and upon such forms as the City may prescribe.

Adopted as Ordinance No. 11, Series 2011, by the City Council of the City of Cherry Hills Village, Colorado, on the 4th day of October, 2011.



Michael J. Wozniak, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Kenneth S. Fellman, City Attorney

(SEAL)

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 11, SERIES 2011**

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Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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