

TOWN OF LYONS, COLORADO

ORDINANCE 1142

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
INCREASING THE RETAIL MARIJUANA SALES TAX TO 5%**

WHEREAS, pursuant to C.R.S. Section 13-15-103 the Town of Lyons ("Town") has the authority to create and publish ordinances; and

WHEREAS, November 2012, Colorado voters enacted Amendment 64 allowing for the sale of retail marijuana; and

WHEREAS, the Colorado General Assembly subsequently adopted legislation creating the Colorado Retail Marijuana Code creating the regulatory framework for licensing retail marijuana; and

WHEREAS, pursuant to C.R.S. Section 31-15-101 et seq., the Town is authorized to levy and collect sales and excise taxes; and

WHEREAS, pursuant to Ordinance 953, the Board of Trustees of the Town of Lyons Colorado (the "Board") referred a question to the registered electors of the Town whether effective January 1, 2014 the Town should adopt a new 3.5% tax on the sale of retail marijuana and retail marijuana products within the Town by licensed retail marijuana establishments and with the approval to increase such rate up to ten percent (10%) by ordinance without need for voter approval (the "Ballot Question"); and

WHEREAS, the Ballot Question was approved by the registered electors at the November 4, 2014 election; and

WHEREAS, the sales tax rate for retail marijuana and retail marijuana products has not been changed since passage of the Ballot Question; and

WHEREAS, pursuant to the Ballot Question the retail marijuana sales tax may be increased up to 10% without a vote of the registered electors of the Town; and

WHEREAS, the Board desires to enact an amendment to LMC Section 4-8-20 to increase the retail marijuana sales tax from 3.5 to 5%.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Chapter 4, Article 8, Section 20 is hereby amended as follows (changes italicized and bold):

Sec. 4-8-20. - Tax Imposed.

A sales tax is imposed and shall be collected upon the lawful sale of retail marijuana and retail marijuana products by a retailer within the Town at the rate of **five** percent (**5%**) of the purchase price paid by the purchaser thereof rounded off to the nearest penny. The tax shall be collected by the licensed vendor and paid to the Town. The tax imposed by this section is in addition to, and not in lieu of,

the sales tax owed and payable to the Town in connection by the State related to the sale of medical marijuana and retail marijuana. No amount of the tax collected pursuant to this Section may be retained by the retailer to cover the expenses of collecting and remitting the tax.

Section 3. Code Revisions. Minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS ____ DAY OF _____ 202__.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS ____ DAY OF _____ 202__.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk