

ORDINANCE NO. 503-2025

**AN ORDINANCE OF THE CITY OF YOUNGSVILLE, LOUISIANA
AMENDING CHAPTER 20 "TAXATION" ARTICLE III "SALES AND USE TAX"**

BE IT ORDAINED by the Mayor and City Council of the City of Youngsville that:

WHEREAS, under the provisions of Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, and other constitutional and statutory authority, a special election was held in the city on July 17, 1999 to authorize the levy and collection of the sales and use tax;

WHEREAS, in the 2024 Third Extraordinary Session, the Louisiana Legislature passed Acts 10 and 11 revising portions of the state sales and use tax laws;

WHEREAS, the City Council of the City of Youngsville desires to amend the City of Youngsville Code of Ordinances, Chapter 20 "*Taxation*," Article III "*Sales and Use Tax*" in order to reflect the revisions to the sales and use tax laws made in Acts 10 and 11 of the 2024 Third Extraordinary Session of the Louisiana Legislature;

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Youngsville that:

SECTION 1: All of the aforescribed "WHEREAS" clauses are herein adopted as part of this ordinance.

SECTION 2: The City of Youngsville Code of Ordinances, Chapter 20 "*Taxation*," Article III "*Sales and Use Tax*," Division 1 "*Generally*," Section 20-58 "*Purpose*," subsections (a) and (b) are hereby amended and supplemented as follows:

- (a) An article levying within the city a one-half of one percent sales and use tax upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption of tangible personal property or digital products and on sales of services, all as defined herein; levying and providing for the assessment, collection, payment and dedication of such tax and the purposes for which the proceeds of said tax may be expended; providing for an adequate remedy at law, defining violations of the provisions of this article and prescribing penalties therefor; providing for rules and regulations for the enforcement of the provisions of this article and the collection of the tax levied thereby; providing that any part of this article which may be held invalid or unconstitutional shall not affect or impair any other provision thereof.
- (b) Under the provisions of article VI, section 29 of the Constitution of the State of Louisiana of 1974, and other constitutional and statutory authority, and subject to voter approval, the mayor and city council, acting as the governing authority of the city (the "authority"), is authorized to levy and collect sales and use taxes within the authority, upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property or digital products and upon the sale of services.

SECTION 3: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 1 “*Generally*,” Section 20-59 “*Definitions*,” is hereby amended and supplemented as follows:

As used in this article, the words, terms and phrases “business,” “cost price,” “dealer,” “gross sales,” “hotel,” “lease or rental,” “person,” “purchaser,” “retail sale,” “sale at retail,” “retailer,” “sale,” “sales price,” “sales of services,” “storage,” “tangible personal property,” “off-road vehicle,” “use,” “use tax,” and “drugs,” and “digital product” have the meanings ascribed to them in R.S. 47:301, unless the context clearly indicates a different meaning. In addition, the following words have the meanings as hereinafter set forth unless the context clearly indicates a different meaning, to-wit. The definitions set forth in R.S. 47:301 (Sales Tax—Definitions), R.S. 47:301.3 (Services), and R.S. 47:301.6 (Digital Products), as amended, shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in R.S. 47:301, as amended, R.S. 47:301.3, and R.S. 47:301.6 and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 47:301, as amended, R.S. 47:301.3, and R.S. 47:301.6

* * *

Sales price means the total amount for which tangible personal property or digital products are sold, including any services, except services for financing, that are a part of the sale valued in money, whether paid in money or otherwise, and includes the cost of materials used, labor or service costs, except costs for financing which shall not exceed the legal interest rate and a service charge not to exceed six percent of the amount financed, and losses, provided that cash discounts allowed and taken on sales shall not be included, nor shall the sales price include the amount charged for labor or services rendered in installing, applying, remodeling or repairing property sold.

SECTION 4: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 2 “*Imposition of Tax*,” Section 20-77 “*Tax levied*,” is hereby amended and supplemented as follows:

There is hereby levied for the purposes stated in the proposition, a tax upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and the storage for use or consumption of tangible personal property or digital products and on sales of services within the authority as defined herein; and the levy of such tax shall be as follows:

- (1) At the rate of one-half of one percent of the sales price of each item or article of tangible personal property or digital product when sold at retail in the authority, the tax to be computed on gross sales for the purpose of remitting the amount of tax due the governing body and to include each and every retail sale.
- (2) At the rate of one-half of one percent of the cost price of each item or article of tangible personal property or digital product when the same is not sold, but is used, consumed, distributed, or stored for use or consumption in the authority provided there shall be no duplication of the tax.
- (3) At the time of one-half of one percent of the gross proceeds derived from the lease or rental of tangible personal property or a digital product as defined herein, where the lease or rental

of ~~such~~ the property or product is an established business, or part of an established business or the same is incidental or germane to the ~~said~~ business.

- (4) At the rate of one-half of one percent of the monthly lease or rental price paid by lessee or renter, or contracted or agreed to be paid by lessee or renter to the owner of the tangible personal property or digital product.
- (5) At the rate of one-half of one percent of the gross proceeds derived from the sale of services, as defined herein and in accordance with La. R.S. 47:301.3 to the extent permitted by law.

SECTION 5: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 3 “*Exemptions and exclusions from tax*,” Section 20-109 “*Not applicable to interstate commerce*,” is hereby amended and supplemented as follows:

It is not the intention of this article to levy taxes upon articles of tangible personal property or digital products imported into the authority or produced or manufactured in the authority for export; nor is it the intention of this article to levy taxes on a bona fide transaction in interstate commerce; however, nothing herein shall prevent the collection of the taxes due on sale of tangible personal property or digital products into this state which are promoted through the use of catalogs and other means of sales promotion and for which federal legislation or federal jurisprudence enables the enforcement of this article upon the conduct of such business. It is, however, the intention of this article to levy taxes on the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in the authority of tangible personal property or digital products after ~~it has~~ they have come to rest in the authority and ~~has~~ become a part of the mass of property in the authority. ~~At such time as~~ When federal legislation or federal jurisprudence as to sales in interstate commerce promoted through the use of catalogs and other means of sale promotions enables the enforcement of this article against vendors that have no nexus to the state or the authority, the provisions of R.S. 47:303 shall apply to such sales on which sales and use tax would not otherwise be collected.

SECTION 6: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 4 “*Collection of tax by dealer*,” Section 20-133 “*Dealer outside city limits*,” is hereby amended and supplemented as follows:

Every dealer located outside the authority making sales of tangible personal property or digital products for distribution, storage, use, or other consumption, in the authority, shall, at the time of making sales, collect the tax imposed by this article from the purchaser.

SECTION 7: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 5 “*Collection of tax from dealer*,” Section 20-169 “*Tax paid on all imported tangible personal property*,” is hereby renamed “*Tax paid on all imported tangible personal property or digital products*” and is amended and supplemented as follows:

On all tangible personal property or digital products imported, or caused to be imported, from other states or other political subdivisions of this state, or any foreign country, and used by him, the dealer shall

pay the tax imposed by this article on all articles of tangible personal property or digital products ~~so~~ imported and used, the same as if ~~the said~~ those articles or products had been sold at retail for use or consumption, in the authority. For the purpose of this article, use or consumption, or distribution, or storage to be used or consumed in the authority of tangible personal property or digital products, shall each be equivalent to a sale at retail, and the tax shall thereupon immediately be levied and be collected in the manner provided herein, provided there shall be no duplication of the tax. ~~in any event.~~

SECTION 8: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 5 “*Collection of tax from dealer*,” Section 20-170 “*Credit to taxpayers who have paid similar tax*,” is hereby amended and supplemented as follows:

A credit against the use tax imposed by this article shall be granted to taxpayers who have paid a similar tax upon the sale or use of the same tangible personal property or digital products in another city or parish in the state, or city or county in a state other than this state. The credit provided herein shall only be granted ~~only~~ in the case where the city or parish in the state, or the city or county in a state other than this state to which a similar tax has been paid, grants a similar credit as provided herein. The proof of payment of the similar tax to another city or parish in the state, or to a city or county in a state other than this state, shall be made according to rules and regulations promulgated by the collector. In no event shall the credit be greater than the tax imposed by this governing body upon the said tangible personal property or digital products which is are the subject of the use tax imposed by this article.

SECTION 9: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 6 “*Returns and payment of tax*,” Section 20-197 “*Gross proceeds report*,” is hereby amended and supplemented as follows:

Gross proceeds from rentals or leases of tangible personal property or digital products where the lease or rental is part of a regularly established business, or the same is incidental or germane thereto, shall be reported and the tax shall be paid with respect thereto, in accordance with such rules and regulations as the collector may prescribe.

SECTION 10: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 7 “*Records and inspection thereof*,” Section 20-223 “*Three year retention for records*” is hereby renamed “*Retention for records*” and is amended and supplemented as follows:

Each dealer shall secure, maintain, and keep, for the period provided in R.S. 47:309, a complete record of ~~sales and services and~~ tangible personal property or digital products received, used, sold at retail, distributed, or stored, leased, or rented within the authority by the said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the collector for the reasonable administration of this article, and a complete record of all sales or purchases of services taxable pursuant to this article until the taxes to which they relate have prescribed. All such records shall be open for inspection to the collector at all reasonable hours.

SECTION 11: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 7 “*Records and inspection thereof*,” Section 20-224 “*Wholesales and jobbers*” is hereby amended and supplemented as follows:

~~In order to aid in the administration and enforcement of the provisions of this article, and to collect all of the tax imposed by this article, All~~ wholesale dealers and jobbers in the authority ~~are hereby required to~~ shall keep a record of all sales of tangible personal property or digital products made in the authority, whether ~~such~~ the sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article or articles purchased, and the price at which the article is sold to the purchaser. These records shall be kept until the taxes to which they relate have prescribed and shall be open to inspection of the collector at all reasonable hours.

SECTION 12: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 9 “*Remedies for collection, including interest, penalties, etc.*,” Section 20-283 “*Presumption*” is hereby amended and supplemented as follows:

For ~~the~~ purposes of the enforcement of this article, and the collection of the tax levied hereunder, it is presumed that all tangible personal property and digital products, subject to the provisions of this article, imported into the authority or held in the authority by any dealer ~~is are~~ to be sold at retail, used or consumed, or stored for use or consumption in the authority, and ~~is are~~ subject to the tax herein levied; provided that such presumption shall be prima facie only and subject to proof furnished to the collector.

SECTION 13: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 9 “*Remedies for collection, including interest, penalties, etc.*,” Section 20-286 “*Failure to file; estimate and assessment*,” subsections (a), (b), and (c) are hereby amended and supplemented as follows:

- (a) In the event any dealer fails to make a report and pay the tax as provided by this article, or in case the dealer makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the collector to make an estimate for the taxable period of the retail sales, or sales of services, of ~~such~~ the dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property or digital products imported by the dealer for use or consumption or distribution or storage to be used or consumed in the authority and assess and collect the tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer.
- (b) In the event the dealer has imported tangible personal property or digital products and ~~he~~ fails to produce an invoice showing the cost price of the articles which are subject to tax, or the invoice does not reflect the true or actual cost price, then the collector shall ascertain, in any manner feasible, the true cost price and assess and collect the tax with interest, plus penalties, if such have accrued, on the

true cost price as assessed by him. The assessment ~~so made~~ shall be considered prima facie correct, and the burden shall be on the dealer to show the contrary.

- (c) In the case of the lease or rental of tangible personal property or digital products, if the consideration given or reported by the dealer does not, in the judgement of the collector, represent the true or actual consideration, then the collector is authorized to fix the same and collect the tax thereon for this governing body in the same manner as above provided in the subsection (b) of this section.

SECTION 14: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 9 “*Remedies for collection, including interest, penalties, etc.*,” Section 20-290 “*Authority to require hearing*,” is hereby amended and supplemented as follows:

If any dealer, subject to make and file a return required by any of the provisions of this article, fails to render such return within the time required, or renders a return which is false or fraudulent in that it contains statements which differ from the true gross sales, purchases, leases, or rentals, or other transactions, taxable under this article, or otherwise fails to comply with the provisions of this article, for the taxable period for which said return is made, the collector shall give such dealer 15 days' notice, in writing, requiring such dealer to appear before him or his assistant, with such books, records and papers as he may require, relating to the business of such dealer, for such taxable period; and the collector may require such dealer, or other agents or employees of such dealer, to give testimony or to answer interrogatories, under oath administered by the collector, respecting the sale at retail, the use, or consumption, or distribution, or distribution, or storage for use or consumption, in the authority, or lease or rental of tangible personal property or digital products, or other transactions, subject to tax, or the failure to make report thereof, as provided in this article.

SECTION 15: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 9 “*Remedies for collection, including interest, penalties, etc.*,” Section 20-291 “*Application to court for orders*,” is hereby amended and supplemented as follows:

If any dealer fails to make a return, or refuses to permit an examination of his (the dealer's) books, records, or papers, or to appear and answer questions within the scope of such investigation relating to the sale, use, consumption, distribution, storage, lease or rental of tangible personal property, or digital products, or sale of services, the collector may apply to any court of competent jurisdiction, for an order requiring such dealer to make such return or requiring the dealer, or his agents or employees, to appear and answer any such questions or permit such examination, and the court or any judge thereof, shall thereupon issue an order, upon such reasonable notice as shall be prescribed therein, to be served upon said dealer or the agents or employees of such dealer, directing him or them to so appear and testify, and to produce such books, records and papers as may be required. any person, or any member of any firm, co-partnership, joint venture, association or corporation, or any agent or employee thereof, failing to comply with any such order shall be guilty of contempt, and shall be punished as provided by law in cases of contempt.

SECTION 16: The City of Youngsville Code of Ordinances, Chapter 20 “*Taxation*,” Article III “*Sales and Use Tax*,” Division 9 “*Remedies for collection, including interest, penalties, etc.*,” Section 20-293 “*Grounds for attachment*,” subsection (a) is hereby amended and supplemented as follows:

- (a) The failure of any dealer who imports tangible personal property or digital products from outside the authority into the authority for use or consumption or distribution or storage to be used or consumed in the authority, or who imports for lease or rental any tangible personal property or digital products subject to the provisions of this article, to pay the required tax on such transactions, shall ipso facto make the said tax, interest, penalties and costs delinquent and shall be construed as an attempt to avoid the payment of same which shall be sufficient grounds for attachment of such ~~tangible~~ tangible personal property wherever the same may be located or found, whether said delinquent dealer be a resident or non-resident of the authority, and whether said ~~tangible~~ tangible personal property is in the possession of said delinquent dealer or in the possession of other persons, firms, corporations or association of persons, provided that it is the intention of this article to prevent the disposition of ~~the said~~ tangible personal property or digital products in order to ensure payment of the tax imposed by this article, together with interest, penalties, and costs, and authority to attach is hereby specifically authorized and granted to this governing body.

SECTION 17: EFFECTIVE DATE OF ORDINANCE:

This ordinance shall take effect upon adoption.

This ordinance having been introduced on May 8, 2025 and held over for public hearing held on June 12, 2025, was submitted for a vote and the vote therein was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

The ordinance was adopted on this the 12th day of June, 2025.

Ken Ritter - Mayor

Nicole Guidry, City Clerk