

ORDINANCE NO. 2258

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING THE COMMERCE CITY SALES AND USE TAX CODE, ARTICLE I OF CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, TO ADOPT AND INCORPORATE CERTAIN STANDARDIZED SALES AND USE TAX DEFINITIONS RECOMMENDED BY THE COLORADO MUNICIPAL LEAGUE AND ACCOMPLISHING RELATED MATTERS

WHEREAS, Colorado home rule municipalities like Commerce City (“City”) are heavily dependent on revenue derived from local sales and use taxes and can require local businesses to remit directly to the municipality, decide their own tax base, and audit local businesses directly; and

WHEREAS, many businesses operate in a number of jurisdictions and the variation of tax laws can be burdensome for such businesses; and

WHEREAS, the Colorado General Assembly adopted Senate Joint Resolution (SJR) 14-038, asking the Colorado Municipal League to develop a package of standardized tax definitions and a committee was established to develop the definitions; and

WHEREAS, the City’s Tax Code Section 20-17 states, “[t]he finance director shall cooperate and participate on an as needed basis with a permanent statewide sales and use tax committee convened by the Colorado Municipal League which is composed of state and municipal sales and use tax officials and business officials”; and

WHEREAS, in an effort to cooperate with the statewide goal to have locally collecting municipalities agree to use standard definitions in their sales and use tax codes in order to benefit both businesses and municipalities by creating uniformity, City Council has decided to adopt certain standardized definitions that are appropriate for the City; and

WHEREAS, it is necessary to move certain City Tax Regulations currently included in the definitions into more appropriate sections of the Tax Code in order to eliminate any inference of tax imposition rules within the definitions; and

WHEREAS, these Code revisions are intended to reflect current tax practices and the adoption and implementation of the definitions or any other changes set forth in this ordinance are intended to be revenue neutral, will not create any new tax or tax policy change directly causing a net tax revenue gain to the City, and therefore no election is required pursuant to Art. X, Sec. 20 (4)(a) of the Colorado Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. This ordinance and changes to the Commerce City Sales and Use Tax Code are found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Article I of Chapter 20 of the Commerce City Revised Municipal Code, the Commerce City Sales and Use Tax Code, is amended as set forth in Exhibit A to this ordinance, which is attached and incorporated herein.

SECTION 3. The recitals to this ordinance are incorporated as findings of fact.

SECTION 4. This ordinance shall be effective upon approval by the City Council on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 3RD DAY OF MARCH 2020.

PASSED ON SECOND AND FILING READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF APRIL 2020.

CITY OF COMMERCE CITY COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, Deputy City Clerk