

ORDINANCE NO. 1077 (2018)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO
AMENDING A PORTION OF CHAPTER 3.04 OF THE CRAIG MUNICIPAL CODE
CONCERNING SALES TAX COLLECTION**

WHEREAS, the recent decision of the United States Supreme Court in the case of South Dakota v. Wayfair Inc., indicates that sales taxes may become due and owing in Colorado at the state and local levels for internet sales;

WHEREAS, the Finance Director and staff conducted a review of the definition of “Engaged in Business within the City” resulting in this ordinance to amend the definition so as not to restrict sales tax liability of online sellers; and

WHEREAS, the definition removes formerly section 5 of the definition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO:

Section 1: Section 3.04.020 (31) of Chapter 3.16 (Sales Tax) is hereby amended and replaced in full to read as follows:

3.04.020 Definitions

For the purpose of this Chapter, the following words and phrases as used in this chapter shall have the following meaning:

WORDS AND PHRASES DEFINED: The following words and phrases as used in this chapter shall have the following meaning:

- (31) **“Engaged in Business in the City”** means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption, within the City. Engaged in Business in the City includes, but is not limited to, any one of the following activities by a person: (1) Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction; (2) Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons; (3) Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction; (4) Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; and (5) Makes more than one delivery into the taxing jurisdiction within a twelve month period.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City

of Craig, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect, and shall be in no way affected, impaired, voided, or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 6. This Ordinance shall take effect immediately upon the expiration of ten (10) days from and after its publication following final passage, as provided in Article 2, Section 14 of the City of Craig Home Rule Charter.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS ___ DAY OF _____, 2018 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

John Ponikvar, Mayor

ATTEST:

Liz White, City Clerk

PASSED, APPROVED AND ADOPTED AFTER PUBLIC HEARING ON SECOND READING THIS ___ DAY OF _____, 2018 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

John Ponikvar, Mayor

ATTEST:

Liz White, City Clerk