

ORDINANCE NO. 1133 (2022)

AN ORDINANCE AMENDING A PORTION OF CHAPTER 3.16 OF THE CITY OF CRAIG  
TO ESTABLISH AN EXEMPTION FROM THE CITY'S SALES AND USE TAX FOR  
CERTAIN RETAIL DELIVERY FEES AND CARRYOUT BAG FEES ENACTED BY THE  
STATE OF COLORADO

WHEREAS, the City of Craig, Colorado, (the "City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales and use taxes is clearly within the constitutional grant of power to the City and is necessary to raise revenue with which to conduct the affairs and render the services performed by the City; and

WHEREAS, pursuant to such authority, the City has adopted and enacted a Sales and Use Tax Code (the "Code"), under which City sales tax is levied; and

WHEREAS, the City does not wish to impose local sales tax on retail delivery fees and carryout bag fees enacted by the State of Colorado that would otherwise be taxable under the Code; and

WHEREAS, the City adopts this ordinance with the intent to exempt such fees from local sales and use tax.

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

Section 1: Section 3.16.040 of the Code is hereby enacted as follows:

(G) The retail delivery fee consisting of the community access retail delivery fee imposed in C.R.S. § 24-38.5-303(7), the clean fleet retail delivery fee imposed in C.R.S. § 25-7.5-103(8), the clean transit retail delivery fee imposed in C.R.S. § 43-4-1203(7), the retail delivery fee imposed in C.R.S. § 43-4-218(3), the bridge and tunnel retail delivery fee imposed in C.R.S. § 43-4-805(5)(g.7), and the air pollution mitigation retail delivery fee imposed in C.R.S. § 43-4-1303(8), as such sections existed on June 17, 2021 shall be excluded from all city sales tax.

Section 2: Section 3.16.040 of the Code is hereby enacted as follows:

(H) The carryout bag fee imposed in C.R.S. § 25-17-505, as such section existed on July 6, 2021 shall be excluded from all city sales tax.

Section 3. All ordinances heretofore passed and adopted by the City Council of the City of Craig, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.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 4. 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.

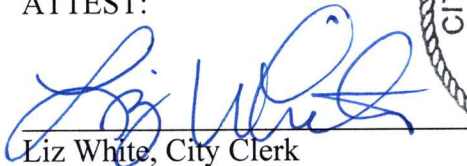
Section 5. The City Council hereby finds, determines and declares that this Ordinance is necessary for the preservation of the public peace, health and safety.

Section 6. 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.

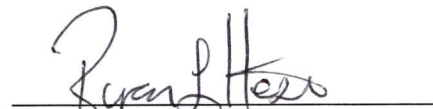
Section 7. This Ordinance shall take effect immediately upon the expiration of ten (10) days from and after its publication following final passage, as provided in Article 2, Section 14 of the City of Craig Home Rule Charter.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS 23<sup>rd</sup> DAY OF August, 2022 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

ATTEST:

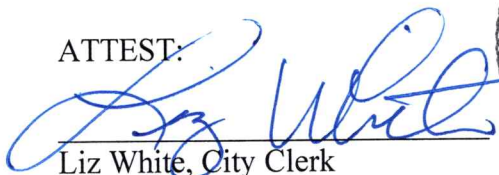
  
Liz White, City Clerk



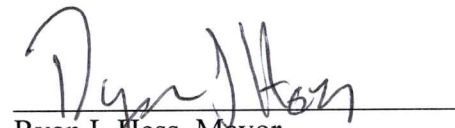
  
Ryan L Hess, Mayor

PASSED, APPROVED AND ADOPTED AFTER PUBLIC HEARING ON SECOND READING THIS 13<sup>th</sup> DAY OF September, 2022 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

ATTEST:

  
Liz White, City Clerk



  
Ryan L Hess, Mayor