

ORDINANCE NO. 097, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE II OF CHAPTER 25 OF THE CODE OF THE CITY
OF FORT COLLINS CONCERNING THE CITY'S TAX REBATE PROGRAMS

WHEREAS, Division 3 in Article II of City Code Chapter 25 authorizes a rebate on the City's sales tax charged on food purchases by low-income persons residing in the City (the "Sales Tax Rebate Program"); and

WHEREAS, Division 5 in Article II of City Code Chapter 25 authorizes the rebate of the City's use tax imposed on manufacturing equipment paid by certain qualifying manufacturers (the "Manufacturing Equipment Use Tax Rebate Program"); and

WHEREAS, the Sales Tax Rebate Program serves the public purpose of assisting certain low-income individuals in better affording the necessities of life related to food; and

WHEREAS, the Manufacturing Equipment Use Tax Rebate Program serves the public purpose of encouraging manufacturers to establish, continue and expand their manufacturing activities within the City to benefit the local economy and provide manufacturing jobs within the City; and

WHEREAS, City staff has reviewed the Sales Tax Rebate Program and is recommending a revision to account for a geographical revision in the consumer price index published by the Bureau of Labor Statistics; and

WHEREAS, City staff has reviewed the Manufacturing Equipment Use Tax Rebate Program and is recommending a revision to clarify that the rebate is not available for purchases for which City sales tax should have been collected by the vendor; and

WHEREAS, the City Council hereby finds that amending the Sales Tax Rebate Program and the Manufacturing Equipment Use Tax Rebate Program as proposed in this Ordinance is in the City's and its taxpayers' best interests and necessary for the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 25-50 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-50. Amount of rebate.

The rebate amount for the 2017 tax year will be sixty-three dollars (\$63.) per calendar year for each person in the qualified household not to exceed eight (8) household members.

This amount of the rebate will be increased annually according to the Denver-Aurora-Lakewood Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics.

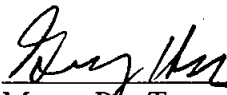
Section 3. That Section 25-66 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-66. Qualifications.

In order to qualify for a rebate under the provisions of this Division, the following requirements must be met:


- (1) The qualifying manufacturer must have a sales and use tax license from the City and be classified as a "manufacturer" under the North American Industry Classification System (NAICS), as amended;
- (2) The qualifying manufacturer must certify compliance with all federal, state and local laws and regulations applicable to a manufacturing facility located within the City limits;
- (3) The qualifying manufacturer must be current in all payments to the City and in compliance with any contractual agreements with the City;
- (4) Machinery and equipment must be tangible personal property when purchased; be necessary for, and used directly in, the manufacturing of tangible personal property to be sold; not be used in any activity other than the actual manufacturing process; not be merely useful or incidental to the manufacturing operation; and be purchased in the year the rebate is being applied for;
- (5) The qualifying manufacturer must have paid the appropriate use tax when due and not as a consequence of a tax audit conducted by the City; and
- (6) The use tax paid by the qualifying manufacturer must not have been the result of a vendor failing to collect City of Fort Collins sales tax as required by law.

Introduced, considered favorably on first reading, and ordered published this 17th day of July, A.D. 2018, and to be presented for final passage on the 21st day of August, A.D. 2018.



Mayor Pro Tem

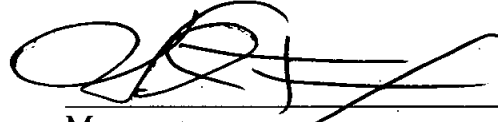
ATTEST:



City Clerk

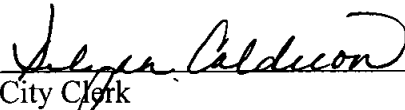


Passed and adopted on final reading on the 21st day of August, A.D. 2018.



Mayor

ATTEST:



City Clerk

