

ORDINANCE NO. 098, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE III OF CHAPTER 25 OF THE CODE OF THE CITY
OF FORT COLLINS CONCERNING THE IMPOSITION, COLLECTION,
AND ENFORCEMENT OF THE CITY'S SALES AND USE TAXES

WHEREAS, Article XX, § 6.g. of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution; and

WHEREAS, on November 16, 1967, the City Council, in the exercise of its home rule taxing powers, adopted Ordinance No. 058, 1967, to levy, collect and enforce beginning on January 1, 1968, a sales and use tax on the purchase of tangible personal property sold at retail in the City and on certain taxable services provided in the City (the "Sales and Use Tax Code"); and

WHEREAS, the Sales and Use Tax Code is currently found in Article III of the City Code Chapter 25, which has been significantly amended many times since its adoption in 1967; and

WHEREAS, City staff has reviewed Article III and has recommended revisions to clarify the manner in which charitable organizations may qualify for a tax-exempt organization license from the City; and

WHEREAS, City staff is recommending revisions to make clear the City's Financial Officer may use the services of a third-party auditor or collections service to ensure the proper payment of tax owed to the City; and

WHEREAS, the City Council hereby finds that amending the Sales and Use Tax Code 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 25-71 of the Code of the City of Fort Collins is hereby amended to change the definition of "charitable organization" to read as follows:

Sec. 25-71. Definitions.

Charitable organization shall mean:

(1) any entity that has and maintains a current sales tax exemption certificate from the Colorado Department of Revenue; or

(2) any out-of-state entity that has been certified as a nonprofit organization under Internal Revenue Code Section 501(c)(3) and maintains a current tax exemption certificate from another state.

...

Section 3. That Section 25-71 of the Code of the City of Fort Collins is hereby amended to change the definition of "Financial Officer" to read as follows:

Sec. 25-71. Definitions.

...

Financial Officer shall mean the Financial Officer of the City of Fort Collins or such other person designated by the Financial Officer.

...

Section 4. That Section 25-94 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-94. Exempt organization license; application procedure.

...

(b) The application for an exempt organization license shall include copies of the organization's current certificate of incorporation, bylaws, financial statements showing sources of revenues and expenditures, the organization's current sales tax exemption certificate from the Colorado Department of Revenue or from another state, and a copy of the Internal Revenue Service's letter of determination recognizing the organization as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

...

Section 5. That Section 25-166 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-166. Preservation of returns and other records; confidentiality.

...

(f) Nothing in this Section shall be construed to prohibit the Financial Officer from disclosing information to an individual with whom, or an organization with which, the


Financial Officer has contracted or engaged to assist the City in examining or auditing tax records or collecting taxes, provided that the individual or organization is required by written agreement not to disclose any of said information to any person other than the Financial Officer and the authorized agents and employees thereof.

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

