

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 12
SERIES OF 2016**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
ARTICLE II, CHAPTER 4 OF THE RIFLE MUNICIPAL CODE REGARDING
SALES AND USE TAX COLLECTION.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and existing under the City of Rifle Home Rule Charter; and

WHEREAS, Chapter 4, Article 2 of the Rifle Municipal Code (the “Retail Sales and Use Tax Code”) provides for the administration, collection, and regulation of Rifle’s sales and use tax; and

WHEREAS, the costs, time, and filing requirements associated with the notice provisions of the City Retail Sales and Use Tax Code create a burden upon the City and impede the City’s ability to fully render other services to the benefit of Rifle’s citizens; and

WHEREAS, the City Council finds and believes that it is fair, equitable, and in the best interest of the City to amend the Code for clarity and to require that the additional costs associated with necessary notice provisions be bared by any at-fault retail taxpayer.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The aforementioned recitals are hereby fully incorporated herein.
2. Chapter 4, Article 2 of the Rifle Municipal Code is hereby amended as follows, with additions shown in double underlined text and ~~strike through language deleted~~:

Sec. 4-2-350. - Tax overpayments and deficiencies.

- (b) The City shall assess any additional charges as established in Appendix A to this Code for processing and preparation of any notice of assessment provided to a retail taxpayer as set forth herein. ~~If any part of the deficiency is due to negligence or intentional disregard of regulations but without intent to defraud,~~ There shall be added to the deficiency ten percent (10%) of the total amount of the deficiency, together with interest, from the person required to file the return. If, through the results of an audit or by any other means, the City determines that any part of the deficiency is due to fraud with the intent to evade the tax, there shall be added fifty percent (50%) of the total amount of the deficiency; and, in such case, the whole amount of the tax unpaid,

including the additions, shall become due and payable ten (10) days after written notice and demand by the City Treasurer.

- (c) ~~Interest on underpayment, nonpayment or extensions of time for payment of tax.~~ If any amount of sales or use tax is not paid on time, interest shall be paid for the period from the due date to the date paid. Interest shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as the tax to which it is applicable.
- (d) When interest is required or permitted to be charged under any provision of this Article, the annual rate of interest shall be that established by the Colorado State Commissioner of Banking pursuant to Section 39-21-110.5, C.R.S.
- (e) Any retail taxpayer who violates the terms of this Article shall additionally be liable to pay all costs and expenses incurred by the City in the case, including attorney fees.

Sec. 4-2-400. - Lien for tax due.

- (a) If any tax due is not paid by the payment date of a notice of assessment, the Finance Director may issue a notice of lien on the real and personal property of the taxpayer. Such lien shall specify the name of the taxpayer, the tax due, the date of accrual thereof, and the location of the property, and shall be certified by the Finance Director. The City shall assess any additional charges as established in Appendix A to this Code for processing and preparation of any notice of lien provided to a retail taxpayer as set forth herein. Any such additional charges shall be included in and be a part of the lien. The Finance Director may, at any time before, after, or concurrently, have a summons and complaint issued consistent with Sections 1-4-20 and 4-2-470.

Sec. 4-2-440. - Jeopardy assessment.

- (a) If the collection of any tax due from a taxpayer, whether or not previously assessed, will be jeopardized by delay, the City Manager may declare the taxable period immediately terminated, order the Finance Director to determine the tax and issue a jeopardy assessment and demand for payment. Any tax so assessed shall be due and payable immediately.
- (b) Enforcement of a jeopardy assessment and demand for payment may be stayed if the taxpayer gives security for payment which is satisfactory to the City Manager.

- (c) If, in the opinion of the taxpayer, the jeopardy assessment is not for the correct amount of tax due, the taxpayer shall pay the tax due as assessed and submit a claim for refund to the City.
- (d) The City shall assess any additional charges as established in Appendix A to this Code for processing and preparation of any jeopardy assessment, not issued concurrently with a notice of assessment under Section 4-2-350, provided to a retail taxpayer as set forth herein.

Sec. 4-2-450. - Distraint and sale.

- (a) If the taxpayer does not volunteer entry to the premises, the City Manager may apply to the Municipal Court for a warrant authorizing any employee or agent of the City to search for and distraint property located inside the City to enforce the collection of tax due.
 - (1) The City Manager shall demonstrate to the Municipal Court that the premises to which entry is sought contain property that is subject to distraint and sale for tax due.
 - (2) If a jeopardy assessment and demand for payment have been issued, the City Manager shall specify to the Municipal Court why collection of the tax should be jeopardized.
 - (3) The procedures to be followed in issuing and executing a warrant pursuant to this Subsection shall comply with Rule 241 of the Colorado Municipal Court Rules of Procedure.
 - (4) The City shall assess the retail taxpayer any additional charges as established in Appendix A to this Code for processing, preparation, and request for any warrant issued under this Article.

3. Appendix A of the Rifle Municipal Code is hereby amended as follows, with additions shown in double underlined text and ~~strike through language~~ deleted:

	Dismissal of compulsory insurance	\$10.00
<u>Chapter 4</u>		

	<u>Revenue and Finance</u>	
<u>4-2-350(b)</u>	<u>Notice of Assessment</u>	<u>\$5.00</u>
<u>4-2-400(a)</u>	<u>Lien Processing</u>	<u>\$100.00</u>
<u>4-2-440</u>	<u>Jeopardy Assessment</u>	<u>\$5.00</u>
<u>4-2-450</u>	<u>Distraint and Court Warrant</u>	<u>\$100.00</u>

4. This Ordinance shall become effective June 1, 2016.

INTRODUCED on May 4, 2016, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on May 18, 2016 passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ___ day of May, 2016.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk