

ORDINANCE NO. 2365

CHANGING THE SALES AND USE TAXES IN THE CITY OF GRAND JUNCTION AND REMOVING THE EARMARKING OF CERTAIN SALES AND USE TAX PERCENTAGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sections of Chapter 24 of the Code of Ordinances of the City of Grand Junction are repealed or amended in the following particulars:

1. Section 24-53(20) is amended to read:

"(20) For transaction consummated on or after January 1, 1988, the city's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of two AND THREE-QUARTER (2 3/4) percent. A credit shall be granted against the city's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed two AND THREE-QUARTER (2 3/4) percent.

2. Section 24-55 is repealed and reenacted to read:

"Section 24-55. Amount of tax.

There is imposed upon all sales of commodities and services specified in Section 24-52 a tax at the rate of two and three-quarter (2 3/4) percent of the amount of the sale, to be computed in accordance with schedules or systems approved by the finance director."

3. Section 24-63 is repealed and reenacted to read:

"Section 24-63. Use tax levied; amount.

There is imposed and shall be collected from every person in the city a tax or excise at the rate of two and three quarter (2 3/4) percent for the privilege of storing, using or consuming in this city any articles of tangible personal property purchased at retail from sources outside the corporate limits of the city, subsequent to January 1, 1988. Such tax shall be payable to and shall be collected by the finance director and shall be computed in accordance with schedules or systems approved by said director."

4. Section 24-64(15) is amended to read:

"(15) For transactions consummated on or after January 1, 1988, the city's use tax shall not apply to the storage, use or

consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another statutory or home rule municipality legally imposed on the purchaser or user equal to or in excess of two AND THREE-QUARTER (2 3/4) percent. A credit shall be granted against the city's use tax with respect to the person's storage, use or consumption in the city of tangible personal property, the amount of the credit to equal the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule municipality on his purchase or use of the property."

5. Section 24-65(2.1) (b) is amended to read:

"(b) With respect to transactions consummated on or after January 1, 1988, construction equipment which is located within the boundaries of the city for a period of thirty (30) consecutive days or less shall be subjected to the city's use tax in an amount calculated as follows: the purchase price of the equipment shall be multiplied by a fraction, the numerator of which is one and the denominator of which is twelve, and the result shall be multiplied by two AND THREE-QUARTER (2 3/4) percent."

6. Section 24-65(2.1) (c) is amended to read:

"(c.) Where the provisions of subsection (b) of this section are utilized, the credit provisions of section 24-65(15) shall apply at such time as the aggregate sales and use taxes legally imposed by and paid to other statutory and home rule municipalities on any such equipment equal to two AND THREE-QUARTER (2 3/4) percent."

7. Section 24-65(2.1) (e) is amended to read:

"(e.) If the equipment declaration is given as provided in subsection (d) of this section, then as to any item of construction equipment for which the customary purchase price is under two thousand five hundred dollars (\$2,500.00) which was brought into the boundaries of the city temporarily for use on a construction project, it shall be presumed that the item was purchased in a jurisdiction having a local sales or use tax as high as two AND THREE-QUARTER (2 3/4) percent and that such local sales or use tax was previously paid. In such case, the burden of proof in any proceeding before the city, the FINANCE DIRECTOR or the district court, shall be on the city to prove such local sales or use tax was not paid."

8. Section 24-106 is repealed.

9. Section 24-110 is repealed.

PASSED and ADOPTED this 21st day of October, 1987.

O.F. Ragsdale

President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2365, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 7th day of October, 1987, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of October, 1987.

Theresa F. Martinez

Deputy City Clerk

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