

## **CITY AND BOROUGH OF SITKA**

### **ORDINANCE NO. 2019-42**

#### **AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA CLARIFYING THE SITKA GENERAL CODE BY AMENDING TITLE 4 "REVENUE AND FINANCE" CHAPTER 4.09 "SALES TAX" AND AMENDING TITLE 15 "PUBLIC UTILITIES" CHAPTER 15 "ELECTRIC UTILITY POLICIES"**

**1. CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

**2. SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

**3. PURPOSE.** The purpose of this ordinance is to correct two clerical inaccuracies that currently exist in the Sitka General Code (SGC). As provided in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. During a review of the SGC, specifically the Sales Tax Chapter, inaccuracies were discovered with respect to the name of a certain sales tax, previously named as the Hotel, Motel, and Bed and Breakfast Transient Room Tax and now named the Transient Lodging Tax. This name change, along with the other changes was accomplished by Ordinance No. 2018-13S.

In addition, the municipal clerk was contacted by Code Publishing Company regarding missing amendments to subsection 15.01.020.F, referenced in the enactment portion of Ordinance No. 2019-26, regarding the one-month date shift in the period for the seasonal electric rates. This ordinance corrects that omission.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 4, entitled "Revenue and Finance", be amended at Chapter 4.09, entitled "Sales Tax", by modifying Sections 4.09.100, entitled "Exemptions" at subsection AA, Section 4.09.120, entitled "Exemption from seasonal sales tax increase" at subsection A, and Section 4.09.420, entitled "Definitions" at subsection H and Title 15, entitled "Electric Utility Policies", be amended at Chapter 15.01, entitled "Electric Utility Policies", by modifying Section 15.01.020, entitled "Electrical rates", at subsection F to read as follows (deleted language stricken, new language underlined):

#### **Title 4 REVENUE AND FINANCE**

##### **Chapters:**

\* \* \*

##### **4.09 Sales Tax**

\* \* \*

#### **Chapter 4.09 SALES TAX**

##### **Sections:**

- 4.09.010 Levy of sales tax.
- 4.09.020 Collection of tax.
- 4.09.030 Presumption of taxability—Sales price and purchase price.

- 4.09.040 Separate statement of tax—No advertising to absorb or refund tax.
- 4.09.100 Exemptions.
- 4.09.110 Residence construction tax refund.
- 4.09.120 Exemption from seasonal sales tax increase.

\* \* \*

- 4.09.420 Definitions.

\* \* \*

#### **4.09.100 Exemptions.**

The following sales are exempt from taxation:

\* \* \*

AA. Residential Rent. Rent paid for residential housing for thirty or more consecutive days or an entire calendar month by a person or persons for a room, set of rooms, structure, or suite is exempt from sales taxes. This exemption does not apply to any transaction taxable under Chapter 4.24 regarding the ~~hotel, motel, and bed and breakfast transient room~~ lodging tax.

\* \* \*

#### **4.09.120 Exemption from seasonal sales tax increase.**

The following retail sales are exempt from any increase in the sales tax imposed on a seasonal basis, including the one percentage point increase for the months of April, May, June, July, August, and September set out in Section 4.09.010(B):

A. Rentals of Real Property. Rent paid as consideration for the use of real property either for thirty or more consecutive days or an entire calendar month by a person or persons of a room, set of rooms, structure, or suite is exempt from the additional one percent increase for the months of April, May, June, July, August and September. This exemption does not apply to any transaction taxable under the ~~hotel, motel, and bed and breakfast transient room~~ lodging tax set out in Chapter 4.24.

\* \* \*

#### **4.09.420 Definitions.**

In this chapter:

\* \* \*

H. Residential Rent. Rent paid for residential housing for thirty or more consecutive days or an entire calendar month by a person or persons for a room, set of rooms, structure, or suite is exempt from sales taxes. This exemption does not apply to any transaction taxable under Chapter 4.24 regarding the ~~hotel, motel, and bed and breakfast transient room~~ lodging tax;

\* \* \*

### **Title 15 PUBLIC UTILITIES**

#### **Chapters:**

##### **15.01 Electric Utility Policies**

\* \* \*

#### **Chapter 15.01 ELECTRIC UTILITY POLCIES**

#### **Sections:**

##### **15.01.005 Definitions.**

- 15.01.010 Statement of purpose.
- 15.01.012 Level of authority and responsibilities.
- 15.01.020 Electrical rates.

\* \* \*

**15.01.020 Electrical rates.**

\* \* \*

F. Boat Service.

1. Applicable to separately metered boats, lights, heaters, pumps or other uses.
2. Energy Charges.

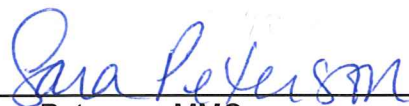
All kWh from the first billing cycle in <del>October</del> <u>November</u> through the last billing cycle in <del>March</del> <u>April</u>	\$0.120 per kWh
All kWh from the first billing cycle in <del>April</del> <u>May</u> through the last billing cycle in <del>September</del> <u>October</u>	\$0.1920 per kWh
Customer charge is \$20.48 per month	

**5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 23<sup>rd</sup> day of December 2019.

  
\_\_\_\_\_  
Gary L. Paxton, Mayor

ATTEST:

  
\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 12/10/19

2<sup>nd</sup> and final reading 12/23/19

Sponsor: Interim Administrator