

**CITY AND BOROUGH OF SITKA  
ORDINANCE NO. 2017-08**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL  
CODE CHAPTER 4.09 "SALES TAX" AT 4.09.350 "PROCEDURES ON DELINQUENCIES"**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
3. **PURPOSE.** The purpose of this ordinance is to amend the SGC 4.09.350 so that there is a means by which an entity can request abatement of delinquent sales tax penalties when certain criteria are met.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 4.09.350 "Procedures on delinquencies" (new language underlined; deleted language stricken):

**Chapter 4.09  
SALES TAX**

Sections:

\* \* \*

4.09.350 Procedures on delinquencies.

\* \* \*

**4.09.350 Procedures on delinquencies.**

A. Late Fee, Penalty and Interest. Late fee, penalty and interest will be assessed as follows:

1. A late fee will be charged if the seller does not file the proper form(s) in a timely manner for the tax due dates listed in Section 4.09.270. A fee of fifteen dollars will be charged the first month or any part of that month, with an additional twenty-five dollars added for each additional month or portion of a month, up to a maximum of one hundred dollars.
2. If the seller does not remit the sales tax then due on the dates listed in Section 4.09.270, and an abatement has not been granted under subsection (C) of this section, a penalty equal to five percent of the delinquent tax shall be added to the tax for the first month or any part of that month, an additional five percent shall be added to the tax due for each month or part of a month for delinquency, with a total penalty of twenty-five percent. It shall be assessed and collected in the same manner as the tax is assessed and collected.
3. In addition to the late fee and penalty provided in subsections (A)(1) and (2) of this section, interest at the rate of twelve percent per year on the delinquent tax from the date

of delinquency until paid shall accrue and be collected in the same manner as the delinquent tax is collected.

\* \* \*

C. ~~Waiver of Penalties. The administrator shall waive the penalties on failure to submit tax returns if:~~ Penalties from a delinquent tax remission shall be waived if:

1. ~~The seller submits a written request to the administrator~~ penalty abatement request form to the finance department within seven calendar days of the due date and has paid the delinquent tax in full.


2. ~~The submitted returns have no taxable sales and no taxable events under the bed tax set out in Chapter 4.24~~ The seller has no past due balances with any department of the city and borough of Sitka; and

3. ~~The finance department director verifies that the seller has never filed a tax return regarding sales tax or bed tax with the city and borough of Sitka.~~ not filed a late sales tax return or been granted an abatement within three years of the request for abatement.

\* \* \*

5. **EFFECTIVE DATE.** Ordinance 2017-08 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 28<sup>th</sup> day of March, 2017.

  
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Matthew Hunter, Mayor

ATTEST:

  
\_\_\_\_\_  
Sara Peterson, CMC  
Municipal Clerk

Sara Peterson, CMC  
Municipal Clerk

1<sup>st</sup> reading 3/14/17

2<sup>nd</sup> reading 3/28/17