

**PETERSBURG BOROUGH
ORDINANCE #2021-01**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 4.28, "SALES TAX", OF
THE BOROUGH CODE TO UPDATE FOR NEW ONLINE SALES TAX FILINGS AND
CHANGE DUE DATES AND TIMES OF FILINGS**

WHEREAS, the Petersburg Borough has changed sales tax software to a vendor that supports online filing and payment;

WHEREAS, businesses will now be able to file returns and make payments online with the Borough 24 hours a day, seven days a week; and

WHEREAS, in light of this, provisions of Chapter 4.28, "Sales Tax" of the Petersburg Borough Municipal Code require amendment to address online filings.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 4.28, Sales Tax, of the Borough Code shall be amended as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to amend the Borough Code to provide for online filing of Borough sales tax returns and sales tax payments, and to update due dates and times of filings.

Section 3. Substantive Provisions: Sections 4.28.060 – *Taxes to be paid and returns to be filed monthly*, and 4.28.085 – *Sellers compensatory collection discount* of Chapter 4.28 - "Sales Tax", of the Petersburg Borough Municipal Code are hereby amended as follows (The language proposed for addition is in red and underlined, and the language proposed for deletion is in blue and struck through):

4.28.060 - Tax to be paid monthly.

A. It is the duty and responsibility of every seller liable for the collection of any tax imposed, unless otherwise provided in this chapter, to file with the finance director upon forms prescribed and furnished by the borough, a return setting forth the amount of all sales, taxable and nontaxable, the amount of tax on the sales and other information as the finance director may require. The amount of exempt sales must be separately stated for each type of exemption set forth in sections 4.28.120 A.—X. and 4.28.130 of this chapter. The completed and executed return, together with remittance in full for the amount of the tax due, shall be transmitted to the finance director by a method set out in paragraph B.

B. Sales tax is due and payable to the borough on or before the last day of the month following the month in which the tax was collected. ~~Delivery of the tax return may be made during normal business hours to the borough finance office or the drop box in the municipal~~

building prior to 8:00 a.m. of the first business day following the due date. A postmark on or before the due date shall be considered a timely return. Except for online filing, S should the last day of the month fall on a weekend or holiday, returns may will be filed and tax paid by accepted until 4:30 5:00 p.m. one of the first business day following the last day of the month. Tax filings and payments may be made by one of the following methods: due date. It is the duty and responsibility of every seller liable for the collection of any tax imposed unless otherwise provided in this chapter, to file with the finance director upon forms prescribed and furnished by the borough, a return setting forth the amount of all sales, taxable and nontaxable, the amount of tax on the sales and other information as the finance director may require. The amount of exempt sales must be separately stated for each type of exemption set forth in sections 4.28.120 A. X. and 4.28.130 of this chapter. The completed and executed return, together with remittance in full for the amount of the tax due, shall be transmitted to the finance director.

1. Online filing and payment by 11:59 p.m. (Mountain Time (MT)) on the due date; this is the borough's preferred method of filing and payment.

2. Delivery of a hardcopy return and payment during normal business hours to the borough finance office or the borough drop box located outside of the municipal office, by 4:30 p.m. on the due date;

3. Delivery by U.S. Mail; payment and the return must be received by the finance office by 4:30 p.m. on the due date.

CB. Any seller who filed or should have filed a sales tax return for the prior month shall file a return even though no tax may be due. This return shall show why no tax is allegedly due, or, if the business is sold, then the person to whom it was sold, the date it was sold, and the address and telephone number of the person to whom it was sold. In the event of a sale of the business, a seller shall file a final return in compliance with section 4.28.110.

DC. Proof of claimed exemptions must be retained by the seller and provided to the borough's auditor when an audit is requested. These documents shall be retained by the seller in accordance with section 4.28.100 for a period of two years.

ED. In the event that a seller will not be temporarily closed, or otherwise not be conducting business for ninety thirty days or more, the seller shall notify the borough finance department, in writing, and request that the seller's account be put in 'pause' status. the beginning and ending dates that the seller will not be operating may be noted on the last sales tax return filed prior to temporary closure. This procedure, or other notice in writing, will excuse the seller from filing monthly returns during the pause period temporary closures. Failure to either provide such notification, Seller must however, make the above notation or file monthly returns,; failure to do so will result in penalty and interest.

FE. Taxes collected under this chapter and chapter 4.30 by remote sellers and marketplace facilitators, as those terms are defined in chapter 4.30 of this Code, shall be remitted to the Alaska Remote Seller Sales Tax Commission on behalf of the borough, in accordance with section 4.30.230 and the other provisions of chapter 4.30.

4.28.085 - Sellers compensatory collection discount.

All sellers and persons rendering sales tax returns to the borough shall be entitled to a discount, as set forth herein, to compensate themselves for costs incurred in the collection, recordkeeping, remittance, and accounting for the tax imposed. One percent of the tax due as a tax collection discount may be taken to reduce the tax to be remitted on any monthly return that is fully and accurately completed and filed by the fifteenth of the month following the month in which the tax was collected, with a remittance of all sales taxes due. Except for online filings, ~~s~~Should the fifteenth day of the month fall on a weekend or holiday, the discount will be recognized until ~~4:30~~5:00 p.m. ~~on~~of the first business day following the fifteenth. The discount may not exceed fifty dollars for any monthly return and may not be taken if any sales tax, penalty, or interest is due for any previous monthly return.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this 16th day of February 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: