

ORDINANCE 2000-1

AN ORDINANCE RELATING TO A SALES AND USE TAX TO THE HOME RULE CHARTER OF THE CITY OF TURTLE LAKE.

Section 1: Definitions

All terms defined in Chapters 57-39.2 and 57-40.2 NDCC, including any future amendments, are adopted by reference. All references to the North Dakota Century Code include amendments adopted by the legislature of the State of North Dakota.

Section 2: Sales tax imposed

Except as otherwise provided in this chapter, a tax of one percent is imposed upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the corporate limits of the City of Turtle Lake, North Dakota. Such sales tax shall parallel the State of North Dakota Sales and Use tax law. All of the exemptions applicable for state sales and use tax apply to the Turtle Lake sales and use tax including exemptions for tax exempt entities (school, counties, state agencies, etc.). Such sales tax shall be applied to the following:

- 1.) Tangible personal property, consisting of goods, wares or merchandise.
- 2.) The furnishing or service of communications services.
- 3.) Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity.
- 4.) The leasing or renting of a hotel or motel room or tourist court of accommodations.
- 5.) Magazines and other periodicals.
- 6.) The leasing or renting of tangible personal property, tax transfer of title to which has not been subjected to tax under this chapter.
- 7.) Sale of alcoholic beverages and tobacco products as defined in NDCC section 57-39.2 -03.2.

Section 3: Use tax imposed

Except as otherwise provided in this chapter, an excise tax of one percent is imposed on the storage, use or consumption in the City of Turtle Lake on:

- 1.) The purchase price of tangible personal property purchased at retail for storage, use or consumption within the city.

2.) The fair market value of tangible personal property which was not originally purchased for storage, use or consumption in the city, at the time it is brought into the City of Turtle Lake.

3.) Alcoholic beverages and tobacco products which are stored, used or consumed in this city, as defined in NDCC section 57-40.2-03.2.

4.) Tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in NDCC section 57-40.2-03.3 The tax applies only to bids submitted on or after October 1, 2000.

Section 4: Exemptions

1.) All sales, storage, use or consumption of tangible personal property which are exempt from imposition and consumption of the sales or use tax of the State of North Dakota are specifically exempt from the provisions of this article.

2.) The Turtle Lake ordinance provides exemptions for gross receipts from the sale of:

- a.) farm machinery and farm machinery repair parts.
- b.) farm irrigation equipment.
- c.) natural gas.
- d.) coin operated amusement devices.

Section 5: Maximum tax imposed

No single transaction involving one or more items is subject to a tax in excess of twenty-five dollars (\$25.00).

Section 6: Collection and administration

The tax commissioner and the city auditor shall have the powers enumerated in the provisions of NDCC chapters 57-39.2 and 57-40.2 relating to the collections and administration of the state sales and use tax including all administrative rules adopted by the tax commissioner. The tax commissioner is authorized to establish rate tables integrating the tax imposed by this charter with other state, county, and city taxes.

Section 7: City Auditor empowered to contract with State Tax Commissioner

The city auditor is authorized to contract with the tax commissioner for the administration and collection of taxes imposed by this chapter. The city auditor has all the powers granted the commissioner and in the absence of a valid contract with the commissioner or failure of the commissioner to perform the delegated duties, shall perform those duties in the place of the commissioner.

Section 8: Corporate officer liability

Officers of any corporation required to remit taxes imposed by this chapter are personally liable for the failure of the corporation to file required returns or remit required payments.

The dissolution of a corporation shall not discharge an officer's liability for a prior failure of the corporation to make a return or remit the tax due. The tax, penalty, and interest due may be assessed and collected pursuant to the provisions adopted by this chapter.

Section 9: Dedication of tax proceeds

1.) All revenue shall be maintained in the fund, to be known as the Turtle Lake City Sales and Use Tax Fund, separate and apart from all other funds of the city.

2.) All revenue raised and collected under this ordinance shall be dedicated only to the Turtle Lake Community Hospital Association and utilized for the purchase of, construction, or maintenance of Capital Improvements at Community Memorial Hospital.

Section 10: Dispersal of funds

Funds collected from the one percent sales tax will be dispersed by the Turtle Lake City Commission to the Turtle Lake Community Hospital Association Capital Improvement Fund.

In the event that the Turtle Lake Community Hospital Association ceases to exist, any unexpended sales tax and use funds shall be remitted to the City of Turtle Lake and placed in the general fund.

Section 11: Saving clause

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of this ordinance shall not be affected thereby.


Section 12: Effective date

This ordinance shall take effect and be in force from and after final passage, and due publication according to law. The tax will be implemented on October 1, 2000.

Section 13: Sunset Clause

The Turtle Lake City Commission shall refer to a vote of the electorate, no later than July 1 in the year 2002, the second year following the year in which the ordinance takes effect, the question of whether this ordinance shall be repealed or continued in effect. If a majority of qualified voters voting on the question vote to repeal the ordinance, it shall be repealed effective at midnight September 30, 2002.

First Reading: 7-10-2000
Second Reading: 8-7-2000
Final Passage: 8-7-2000


Don Coy, President

Attest:

Darwin Saari, City Auditor