

ORDINANCE NO. 2008-1

**AN ORDINANCE TO ESTABLISH AND REGULATE A CITY SALES,
USE, AND GROSS RECEIPTS TAX UNDER THE HOME RULE CHARTER OF THE
CITY OF TURTLE LAKE.**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TURTLE LAKE,
McLEAN COUNTY, NORTH DAKOTA:

SALES, USE, AND GROSS RECEIPTS TAX

Definitions.

All terms defined in chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Collection and Administration.

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sales Tax Imposed.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, 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, within the corporate limits of the of the city of Turtle Lake, North Dakota.

Use Tax Imposed.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the city of Turtle Lake, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this city, at the rate of One percent of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the city of Turtle Lake, North Dakota of tangible personal property not originally purchased for storage,

use, or consumption in this city at the rate of One percent of the fair market value of the property at the time it was brought into this city.

Gross Receipts of Alcoholic Beverages.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of One percent is imposed upon all gross receipts from the sale of alcoholic beverages within the city. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of One percent.

Exemptions.

In addition to the exemptions provided by state law, this Ordinance provides exemptions from imposition and computation of the city sales or use tax for sales of Natural Gas, New Farm Machinery and Farm Machinery Repair Parts, Farm Irrigation Equipment, and Gross Receipts from Coin Operated Amusement.

Maximum Tax Imposed.

Any patron or user paying a tax imposed by this Ordinance in excess of \$25.00 upon any single transaction of one or more items may obtain a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Contract with Tax Commissioner.

The Turtle Lake City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Dedication of Tax Proceeds.

All revenue from shall be maintained in the fund, to be known as the Capital Improvement Fund, separate and apart from all other funds of the city.

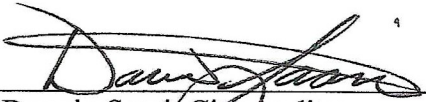
All revenue raised and collected under this ordinance shall be dedicated only for City of Turtle Lake capital improvements, repairs, and capital expenditures as directed by the Turtle Lake City Commission.

Effective Date.

This Ordinance shall take effect after its passage, approval, and publication, but not prior to April 1, 2009.



President, City Commission

Attest: 
Darwin Saari, City Auditor

First Reading: 11-10-2008

Second Reading: 12-08-2008

Final Passage: 12-08-2008

Publication: 12-11-2008