

ORDINANCE NO 013-2017
REPEAL AND REPLACE ORDINANCE 009-2017

One-half of One percent ($\frac{1}{2}$ %)

AN ORDINANCE TO LEVY A PRIVILEGE LICENSE OR EXCISE TAX AGAINST PERSONS, FIRMS OR CORPORATIONS STORING, USING, OTHERWISE CONSUMING OR ENGAGED IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACE OF AMUSEMENT IN THE CITY OF GOOD HOPE, ALABAMA, AND PROVIDING FOR THE COLLECTION OF THE SAID TAXES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOOD HOPE, ALABAMA AS FOLLOWS:

SECTION 1. Levy of Privilege or License Tax. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be as follows:

(a) Upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other higher learning in the State, whether such institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the City of Good Hope in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of materials and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over five tons loan displacement), an amount equal to one-half of one percent ($\frac{1}{2}$ %) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing with in the City of Good Hope, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within the City of Good Hope or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description with in the City of Good Hope an amount equal to one-half of one percent ($\frac{1}{2}$ %) the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the City of Good Hope in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one-half percent ($\frac{1}{2}$ %) of the gross proceeds of the sale of such machines; provided that the term "machines" are herein used shall include

machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing with within the City of Good Hope in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to one-half of one percent ($\frac{1}{2}\%$) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

(e) Upon every, person, firm or corporation engaged or continuing with within the City of Good Hope in the business of selling any automotive vehicle, truck, a truck-trailer or semi-trailer, mobile home, boats, motors for boats and machines, machinery or equipment which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment and which are necessary to and customarily used in the operation of such machine, machinery or equipment, there is hereby levied a tax equal to zero percent (0 %) of the proceeds of sales of such items.

SECTION 2. Provisions of State Sales Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. The taxes levied by Section 1 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishment and deductions that are applicable to the he taxes levied by the state sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state sales tax statutes for enforcement and collection of taxes.

SECTION 3. Levy of Excise Tax.

(a) An excise tax is hereby imposed on the storage. use or other consumption in the City of Good Hope of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than five tons load displacement) purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City of Good Hope, except as provided in subsection (b) at the rate of one-half percent ($\frac{1}{2}\%$) of the sales price of such property with in the corporate limits of said City of Good Hope.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City of Good Hope of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of one-half of one percent ($\frac{1}{2}\%$) of the sales price of any such machine, within the corporate limits of the City of Good Hope; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore. which are made or manufactured for use on or in the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumptions in the City of Good Hope of any automotive vehicle, truck, a truck-trailer or semi-trailer, mobile home, boats, motors for boats and machines, machinery or equipment which is used in planting, cultivating and harvesting farm products or used in connection with the production of agriculture produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which

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are made or manufactured for use on or in the operation of such machine, machinery or equipment and which are necessary to and customarily used in the operation of such machine, machinery or equipment, there is hereby levied a tax equal to zero percent (0%) of the proceeds of sales of such item.

SECTION 4. Definitions. The taxes levied by Section 3 of this Ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments and deductions that are applicable to the taxes levied by the state use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state use tax statutes for enforcement and collection of taxes, as provided in Title 40, Section 23, Code of Alabama, 1975, as amended.

SECTION 5. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City of Good Hope, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City of Good Hope by its general license code or ordinance.

SECTION 6. Payment Due Dates. The tax levied under the provisions of this ordinance, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrued. On or before the 20th day of each month after this ordinance shall have taken effect, every person on whom the taxes levied by this ordinance are imposed shall render to the City of Good Hope, on a form prescribed by the city, a true and correct statement showing the gross sales, the gross proceeds of sales, or gross receipts of the business, as the case may be, for the next preceding month, the amount of gross proceeds or gross receipts which are not subject to the tax or are not to be used as a measurement of the taxes due by such person, and the nature thereof: together with such other information as the City may require, and at the time of making such monthly report such person may use the forms prescribed and used by the State of Alabama under the State Sales Tax Law of Alabama. In making the statements and reports herein provided, the same information shall be given to the City as is furnished to the State under the State Sales Tax Law. If any person subject to this ordinance should willfully make a false return or false statement of facts in the statements or returns required hereunder, that person shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 8 of this Ordinance.

SECTION 7. It shall be the duty of every person engaging or continuing in the City in any business for which a privilege tax is imposed by this ordinance to keep and preserve suitable records of the gross sales, gross proceeds of sales and gross receipts or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Ordinance. It shall be the duty of every person to keep and preserve for a period of two (2) years, all invoices of goods, wares and merchandise purchased for resale or otherwise and all such books, invoices and other records shall be open for examination at any time by the City or its agents. Any person selling both at wholesale and retail shall keep his books so as to show separately the gross proceeds of wholesale sales and the gross proceeds of retail sales.

SECTION 8. The books, records and accounts mentioned in the next preceding Section shall at all reasonable times be open to examination by the City Clerk or by any person designated by the City Clerk. Any person who shall fail to keep such records or refuse to permit such examination thereof or shall fail to render any report required by this ordinance or who shall fail to pay the privilege or license tax levied under the provisions of this Ordinance before the same shall become delinquent or who shall violate any other term or provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each

such offense. Each failure shall constitute a separate offense and each day in which business is done without paying any delinquent license or privilege tax levied hereunder shall constitute a separate offense.

SECTION 9. Every itinerant vendor engaged in the business of selling tangible personal property at retail within the City shall be subject to the terms of this Ordinance.

SECTION 10. Every person subject to this Ordinance may take a discount in an amount equal to five percent (5%) off the first One Hundred Dollars (\$100.00) of taxes paid to the City and two percent (2%) off any taxes over One Hundred Dollars up to a maximum discount of Four Hundred Dollars (\$400.00) of all taxes paid to the City under the provisions of this Ordinance, provided the returns are made and the taxes paid before the same become delinquent hereunder. If the reports are not filed within the time herein provided for, no such person shall be entitled to such discount, but shall pay the City the full amount of the tax together with interest, which links interest to the underpayment rate established quarterly by the United State Secretary of the Treasury under authority established by 26 USCA 6621, shall be determined pursuant to Section 40-1-44 of the Code of Alabama 1975, the Alabama Department of Revenue will calculate interest on underpayments and overpayments (where applicable) at the same annual rate, with the exception of land sold by the state for taxes, which shall be calculated at 12% as provided for under Section 40-5-9.

SECTION 11. Purpose. This tax shall be levied for the purpose of economic development, of which council approves budget annually.

SECTION 12. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid.

SECTION 13. Effective Date. This Ordinance shall become effective on the 1st day of January 2018. The first payment of taxes hereunder shall be due and payable on the 20th day of February and each month of each calendar year thereafter from year to year.

SECTION 14. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ADOPTED THIS THE 11TH DAY OF DECEMBER, 2017.



Jerry Bartlett
Mayor, Jerry Bartlett

ATTEST:

Justine Chamberlee
City Clerk

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