

AMENDMENT 98-1

An ordinance to Amend CHAPTER XV, Article 1, Section 2 by deleting section 2 as provided hereinafter; and reenacting a new Section 2, and to amend CHAPTER XV, Article 1, Section 3, by deleting said Section and reenacting a new Section 3, and to amend CHAPTER XV, Article 1, Section 5, by deleting said Section and reenacting a new Section 5, and to amend CHAPTER XV, Article 1, Section 9 by deleting said Section and reenacting a new Section 9; all of said amendments to the Revised Ordinances of the City of New Leipzig, North Dakota of 1970.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW LEIPZIG, NORTH DAKOTA:

SECTION 1: DEFINITIONS

All terms as defined in chapters 57-39.2 N.D.C.C, 57-39.4 N.D.C.C. and 57-40.2 N.D.C.C., 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 two percent is imposed upon the gross receipts of retailers from all retail sales within the corporate limits of the City of New Leipzig, 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 City of New Leipzig sales and use tax. Such sales tax shall be applied to the following:

1. Tangible person property, consisting of goods, wares or merchandise.
2. Communications services.
3. Magazines and other periodicals.
4. The leasing or renting of a hotel or motel room or tourist court accommodations.
5. The leasing or renting of tangible personal property, the transfer of title to which has not been subjected to a retail sales tax under this chapter.
6. Sales of alcoholic beverages and tobacco products as defined in Section 57-39.2-03.2 N.D.C.C.

SECTION 3: USE TAX IMPOSED.

Except as otherwise provided in this chapter, a use tax of two percent is imposed on the storage, use, or consumption in the City of New Leipzig on:

1. The purchase price of tangible personal property purchased at retail for storage, use, or consumption within the City of New Leipzig.
2. The fair market value of tangible personal property which was not originally purchased for storage, use or consumption in the City of New Leipzig, at the time which it was brought into this City.
3. Alcoholic beverages and tobacco products that are stored, used, or consumed in this City, as provided in Section 57-39.2-03.2 N.D.C.C.
4. The purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in Section 57-40.2-03.3 N.D.C.C. This tax applies only to bids awarded on or after the enactment of this ordinance.

SECTION 4: EXEMPTIONS

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

SECTION 5: MAXIMUM TAX IMPOSED

No single purchase or sales transaction involving one or more items is subject to a tax in excess of Fifty (\$50.00) Dollars.

SECTION 6: CONTRACT WITH STATE TAX COMMISSIONER

The City Auditor for the City of New Leipzig is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this chapter. The City Auditor has all 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 these duties in the place of the Commissioner.

SECTION 7: COLLECTION AND ADMINISTRATION

The tax commissioner and City Auditor for the City of New Leipzig shall have the powers enumerated in the provisions of Chapter 57-39.2 N.D.C.C, 57-39.4 N.D.C.C and Chapter 57-40.2 N.D.C.C. relating to the collection and administration of the state sales and use tax, including all administrative rules 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 Chapter with other state, county, and city taxes.

SECTION 8: CORPORATE OFFICER LIABILITY

Officers of any corporation required to remit taxes imposed by this article 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 provision adopted by this Ordinance.

SECTION 9: DEDICATION OF TAX PROCEEDS

All revenue raised and collected under this ordinance shall be used as follows. One percent of the two percent tax shall go to the City of New Leipzig. The remaining one percent shall be distributed as set forth:

1. 40% City – shall be used at the discretion of the City Council with priority given to the improvement, repairs and maintenance of the City streets and other infrastructure.
2. 25% Economic Development
3. 15% Park District
4. 10% Senior Services
5. 10% Ambulance

SECTION 10: SEVERABILITY CLASUE

If any section or part of section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this ordinance, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 11. EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after final passage, and due publication according to law. The tax will be implemented on October 1, 2021

Approved this ____ day of _____, 2021.

City of New Leipzig

Benjamin Morgan, Mayor
New Leipzig City Council

ATTEST: _____
Jennifer Morgan, City Auditor

First Reading: April 5th 2021
Second Reading: May 3 2021
Final Passage and Adoption: June 7 2021
Publication Date: _____

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