

CHAPTER EIGHTEEN  
SALES AND USE TAX

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ARTICLE 1 – Sales and Use Tax

18.0101 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 thereto.

18.0102 Purpose and Term

This ordinance imposes the sales tax of 2% in the City of LaMoure. The sales tax shall be collected and delivered to the City of LaMoure.

18.0103 Sales Tax Imposed

Except as otherwise provided in this chapter, a tax of two (2%) 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 limit of the City of LaMoure, 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 LaMoure sales and use tax, including exemptions for tax exempt entities (schools, counties, state agencies, etc.). Such sales tax shall be applied to the following:

- A. Tangible personal property, consisting of goods, wares, or merchandise.
- B. The furnishing or service of gas, communications services, or steam other than steam used for processing agricultural products.
- C. Tickets or admissions to places of amusement or entertainment or athletics events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the furnishing of bingo cards and the playing of any machine for amusement or entertainment in response to the use of a coin.
- D. The leasing or renting of a hotel or motel room or tourist court accommodations.
- E. Magazines and other periodicals.
- F. The leasing or renting of tangible personal property, the transfer of title to which has not been subject to tax under this chapter.
- G. Sale of alcoholic beverages and tobacco products as defined in NDCC Section 57-39.2-03.2.

18.0104 Use Tax Imposed

Except as otherwise provided in this chapter, an excise tax of one and one-half percent (1.5%) is imposed on the storage, use or consumption in the City of LaMoure on:

- A. The purchase price of tangible personal property purchased at retail for storage, use or consumption within the city except to the extent such property has already been subjected to a sales tax in another state or political subdivision as provided in 57-40.2-11 NDCC.
- B. The fair market value, at the time it is brought into the city, of tangible personal property not originally purchased for storage, use or consumption in the city, at the time which it is brought into the City of LaMoure.
- C. Alcoholic beverages and tobacco products as defined in Section 57-39.2-03.2 NDCC.
- D. 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 the effective date of this ordinance.

18.0105 Exemptions

There are specifically exempted from the provisions of this chapter and from the computation of the amount of tax imposed by it the following:

- A. 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.
- B. Natural gas sales.
- C. New farm machinery.
- D. Sales to contractors that are exempt, pursuant to Subsection 15 of Section 57-39.2-04 NDCC, shall be exempt from any city sales tax, but contractors shall be subject to the city use tax on those items used within the city that would be taxed, pursuant to Section 57-40.2-03.3 NDCC, on which the city sales tax has not previously been paid.
- E. Refunds allowed by the State of North Dakota for sales and use taxes paid are also allowed by this ordinance under the same terms and conditions provided for in the North Dakota Century Code.

18.0106 Maximum Tax Imposed

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

18.0107          Collection and Administration

The tax commissioner and the city auditor shall have the powers enumerated in the provisions of Chapters 57-39.2 and 57-40.2 NDCC relating to the collection and administration of the 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 ordinance with other state, county and city taxes.

18.0108          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 ordinance. 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.

18.0109          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. Corporate officers who elect not to be personally liable under this ordinance shall be required to post a bond or deposit cash with the N.D. Tax Commissioner pursuant to NDCC Section 57-39.2-18.1.

The dissolution of the corporation shall not discharge an officer's liability for the 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 ordinance.

18.0110          Dedication of Tax Proceeds

All revenues raised and collected under this ordinance, less administrative expenses, shall be dedicated to economic development, job creation and projects enhancing the general welfare of the community. All revenues shall be placed in a separate sales and use tax fund.

- A.      Of the first one percent (1%) of the sales tax, seventy-five percent (75%) shall be dedicated to the Jobs Development Authority and twenty-five percent (25%) shall be dedicated to the City of LaMoure.
- B.      Of the second one percent (1%) of the sales tax, one hundred percent (100%) shall be dedicated to the City of LaMoure specifically for the purpose of building the new ambulance/fire hall.

18.0111 Compensation

City sales and use tax permit holders shall not be compensated for collecting and paying the sales tax.

18.0112 Date

This ordinance shall be in full force and effect following its final passage, adoption, and publication.

18.0113 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.

