

ORDINANCE NO. 94

AN ORDINANCE IMPOSING A MUNICIPAL SALES AND SERVICE TAX AND A USE TAX FOR THE MUNICIPALITY OF CROOKS, MINNEHAHA COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE MUNICIPALITY OF CROOKS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this ordinance is to provide additional needed revenue for the Municipality of Crooks, Minnehaha County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

Section 2. EFFECTIVE DATE AND ENACTMENT OF TAX. From and after the 1<sup>st</sup> day of July, 1999, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by 2% on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Crooks, Minnehaha County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and act amendatory thereto. Tax will not apply to items specifically exempt under SDCL 10-52-11 and 10-52-12. Items exempted from municipal tax include: Farm Machinery and Irrigation Equipment, Parts or Repairs for Farm Machinery, Agricultural Animal Health Products and Medicine, Transportation Services, Collection and Disposal of Solid Waste, Veterinarian and Animal Specialty Services, and Air Transportation.

Section 2B. SPECIAL TAX RATES. Notwithstanding the rate of tax established in Section 2, the rate of tax upon sales of food as defined by the Food Stamp Act of 1977 as amended through January 1, 1983 is One Percent (1%).

Section 3. USE TAX. In addition there is hereby imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the municipality of tangible personal property or services purchased from and after the 1<sup>st</sup> day of January, 1993, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46, and acts amendatory thereto.

Section 4. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.


Section 5. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and constructed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory thereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 6. USE OF REVENUE. Any revenues received under Section 2 of this ordinance in excess of the amount received if the rate of tax in Section 2 is one percent (1%) may be used only for capital improvement and land acquisition. These expenditures may be financed through a sale-leaseback agreement.

Section 7. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$200 or imprisoned in the municipal jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 9. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.


Dated this 17th day of May, 1999.

Mayor   
Randal DeRaad

First Reading May 3, 1999

Second Reading and Adoption May 17, 1999

Published May 26, 1999

ATTEST: 

Finance Officer

(SEAL)

Linda D. Hurnel