

ORD - 13
ORD - 23

ORDINANCE NO. /

AN ORDINANCE providing for the levy and collection of a consumer's sales tax of 2% of the sales price on all retail sales and services of 25 cents and more made within the Village of Bethel, Alaska, the proceeds thereof to be placed in the general fund and used for general revenue for said Village; providing for administration and methods of collection of such tax; providing penalties; fixing a date when such ordinance and tax shall become effective; and for other purposes.

WHEREAS at a Special Election held on the 27th day of March, 1958, in the Village of Bethel, Alaska, as provided for in Chapter 150, Section 7, Section Laws of Alaska, 1957, and a majority of those voting cast their votes in favor of a 2% sales tax levy within said Village.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BETHEL,
ALASKA:

Section 1: From and after the 1st day of October, 1958 there shall be levied and collected a tax on retail sales and services made within the Village of Bethel equal to two per cent (2%) of the selling price and/or charge made for services rendered, when such selling price and/or charge made amounts to 25 cents or more.

Section 2: The tax on retail sales, which shall be payable by the retailer, shall be two per cent (2%) of the gross revenue computed in dollars derived from all taxable retail sales made within the Village; and the tax on services rendered, which shall be payable by the person, firm or corporation performing the services, shall be two per cent (2%) of the gross remuneration computed in dollars derived from taxable service performed within the Village; provided, that "remuneration for services" shall not be construed to include salaried or wages received by an employee from an employer, but shall include the gross remuneration for furnishing labor and materials for accomplishing a specific result.

Section 3: For the purpose of this Ordinance the term "selling price" means the consideration, whether money, credit, rights or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without

any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued, and without any deduction on account of losses.

The term "seller" means every person, firm or corporation making sales at retail to a buyer or consumer, whether as agent, broker, or principal; and the term includes persons performing services for remuneration.

The term "buyer" and the term "consumer" include, without limiting the scope thereof, every individual, receiver, assignee, trustee in every individual, receiver, assignee, trustee in bankruptcy, trust estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or other wise.

Section 4: a. The tax levied hereunder shall be paid by the buyer or consumer to the seller, and it shall be the duty of each seller to collect from the buyer or consumer the full amount of the tax payable in respect to each taxable sale or service at the time of sale or at the time of collection with respect to credit transaction.

b. Sellers shall add the tax herein imposed to the sales price or charge, and such tax shall be a debt from the buyer or consumer to the seller until paid, and shall be recoverable at law in the same manner as other debts. Performers or sellers of services shall be considered sellers for the purpose of this Ordinance.

c. Sellers shall add the tax to the sales price or service charge in strict accordance with the following scale:

| SALES | TAX |
|---------------------|------------------------|
| Under 25¢ | None |
| .25 thru .74 | .01 |
| .75 thru 1.24 | .02 |
| 1.25 thru 1.74 | .03 |
| 1.75 thru 2.24 | .04 |
| 2.25 thru 2.74 | .05 |
| 2.75 thru 3.24 | .06 |
| 3.25 thru 3.74 | .07 |
| 3.75 thru 4.24 | .08 |
| 4.25 thru 4.74 | .09 |
| All sales over 5.00 | Straight Two Per cent. |

4.74 thru 4.99 - 10

d. Any seller who willfully or intentionally fails, neglects or refuses to collect the tax imposed by this Ordinance; or fails, neglects or refuses to comply with the provisions of this Ordinance; or remits or rebates to a buyer or consumer, either directly or indirectly or by whatever means, all or any part of the tax levied hereunder; or makes in any form of advertising, verbally or otherwise, any statement which indicates or infers that he is absorbing the tax, or paying the tax for the buyer or consumer or user by an adjustment of prices or at a price including the tax; or in any manner whatsoever shall be guilty of a misdemeanor, and on conviction thereof shall be punished in the manner hereinafter provided.

e. Any buyer or consumer who willfully or intentionally fails, neglects or refuses to pay to the seller said tax shall be guilty of a misdemeanor and on conviction thereof shall be punished in the manner hereinafter provided.

Section 5: The Village Clerk, under the direction of the Village Council, shall have the power to adopt suitable rules and regulations providing for the application and interpretation of this ordinance and for providing methods and forms for reporting and collecting the tax herein prescribed.

Section 6: Every seller making retail sales and every person performing services for the period ending June 30, 1958, and thereafter on or before the last day of the month succeeding the end of each quarter ending September 30, December 31, March 31, and June 30, shall make out a return for the preceding quarter year, upon forms to be provided by the Village Clerk, setting forth the amount of all sales and services, all non-taxable sales and services and all taxable sales and services, for such preceding quarter, the amount of the tax thereon, and such other information as the Village Clerk may require and sign and transmit the same to the Village Clerk. The tax levied under this Ordinance, whether or not collected from the buyer, shall be paid by the seller and/or person performing services to the Village Clerk in quarterly installments at the time of transmitting the return, and if not so paid such tax shall, forthwith, become delinquent. In the event the tax is not paid before delinquency as herein provided a penalty of five per cent (5%) for each additional month or fraction thereof of delinquency until a total penalty of fifteen per cent (15%) has accrued. Such penalty shall be assessed and collected in the same manner as the tax is assessed and collected. In addition to the aforesaid penalty, interest at the rate of six per cent (6%) per annum on the delinquent tax from the date of delinquency until paid shall accrue and be collected in the same manner the delinquent tax is collected.

Section 7: That the tax hereby levied shall not apply to the following:

- a. Retail sales and for remuneration for services amounting to less than \$125.00 in any quarter year.
- b. Casual and isolated sales not made in the regular course of business.
- c. Sales of insurance and bonds of guaranty and fidelity.
- d. Gross receipts or proceeds derived from funeral charges and services, medical or dental services rendered, and hospital services.
- e. Gross receipts or gross proceeds derived from the sale of tangible personal property or services by churches, except where such organizations are engaged in business for profit or savings, or competing with other persons engaged in the same or similar business.
- f. Gross receipts or proceeds derived from the transportation of students to and from grade or high schools in

motor or other vehicles.

g. Gross receipts or proceeds derived from the sale of food in public, common, high school or college cafeterias or lunch rooms operated primarily for teachers, and pupils and not operated primarily for the public and not operated for profit.

h. Gross receipts or proceeds derived from carrier sales made directly to consumers or users of newspapers or any other periodicals.

i. Gross receipts or proceeds derived from sales or services which the municipality is prohibited from taxing under the laws of the Territory of Alaska, or under the laws of the Constitution of the United States; or gross receipts or proceeds from the transportation, loading, unloading, or storing of cargo from vessels or aircraft in foreign or interstate commerce, or on goods in transit or awaiting and being processed for shipment.

j. Gross receipts or proceeds derived from sales to the United States Government, Territory of Alaska, Village of Bethel, or any political department thereof.

k. Dues or fees to clubs, labor unions, or fraternal organizations.

l. Gross receipts derived from the sale of real property; excepting the gross receipts earned as commissions by agents shall be taxable.

Section 8: The proceeds of the tax prescribed by this Ordinance shall, by the Village Clerk, be deposited and kept in the General Fund, or other depository approved by the Village Council.

Section 9: The tax provided by this Ordinance shall be for a period of not more than three (3) years from January 1, 1958.

Section 10: This Ordinance shall be in full force and effect on and after January 1, 1958.

Section 11: Any person, firm, co-partnership or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00); and upon conviction of a second or subsequent offense shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Three Hundred Dollars (\$300.00); or imprisoned in the Village Jail not more than thirty (30) days, or both such fine and imprisonment in the discretion of the Village Magistrate, and shall pay the costs of prosecution.

Section 12: If any section, subsection, clause, sentence, or phrase of this Ordinance is held to be invalid, the decision shall not affect the validity or the meaning of the remaining portions of this Ordinance. The Village Council of the Village declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that

any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

PASSED and APPROVED by the Village Council of the Village of Bethel, Alaska, this 6th day of May, 1958.

ATTEST:

Walter B. Mural
Village Clerk

Alfred R. Smith
President