

Introduced by: Mayor Robb
Introduction Date: March 22, 2016
Public Hearing: April 12, 2016
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Ordinance #16-09

AN ORDINANCE BY THE BETHEL CITY COUNCIL AUTHORIZING THE REFUND OF REAL ESTATE SALES TAX OVERPAYMENTS

- WHEREAS,** Bethel Municipal Code (BMC) Section 4.16.040, Exemptions [for Sales Taxes] was passed on September 24, 2002;
- WHEREAS,** since its passage in 2002, the Ordinance has not been amended;
- WHEREAS,** BMC 4.16.040 (Y) reads "That portion of the selling price of real property in excess of twenty (20) percent of the first (1st) three hundred seventy-five thousand dollars (\$375,000) of the selling price is exempt. This exemption does not apply to rentals of real property. This exemption applies to all sales of real property, including casual and isolated sales;"
- WHEREAS,** while working on a re-write of the current Sales Tax Code, the City became aware of a manifest clerical error in BMC 4.16.040;
- WHEREAS,** it was discovered the language which passed on September 24, 2002 (Ordinance 02-29) actually read "That portion of the selling price of real property in excess of twenty percent of the first ~~\$375,000~~ \$275,000 of the selling price is exempt. This exemption does not apply to rentals of real property. This exemption applies to all sales of real property, including casual and isolated sales."
- WHEREAS,** the language of the September 24, 2002 Ordinance is supported by the minutes of that meeting;
- WHEREAS,** the City has researched the matter and has been able to determine that not all persons who paid real estate sales taxes were affected by the error;
- WHEREAS,** the City, having discovered the error, has developed a process to issue refunds to eligible individuals who overpaid real estate sales tax;
- WHEREAS,** any refunds issued as a result of the error will include interest at the rate of 3.5% from the date of accrual;

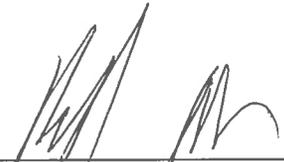
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SECTION 1. **Classification.** This is a non-codified Ordinance and shall not become part of the Bethel Municipal Code.

SECTION 2. **Authorization for Refunds.** The City Council finds and determines a manifest clerical error has occurred in the printing of the Bethel Municipal Code. As a result of that error the City Council authorizes the finance committee department to proceed with a plan to refund any over-payment of real estate sales taxes to eligible applicants who provide satisfactory proof of overpayment.

SECTION 3. **Effective Date.** This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS 12th DAY OF APRIL 2016, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk