

CHAPTER 4-4
LOCAL TAXATION
(Sales and Service, Use Taxes)

4-4-1 **PURPOSE**

The purpose of this ordinance is to provide additional needed revenue for the Municipality of Howard, Miner 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, and to appeal all previous First or Second Cent Sales Tax Ordinances.

4-4-2 **EFFECTIVE DATE AND ENACTMENT OF TAX**

From and after the 1st day of January 1, 2006, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by Two Percent (2%) on the gross receipts of all persons engaged in business within jurisdiction of the Municipality of Howard, Miner County, South Dakota who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

4-4-3 **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 1st of September, 2003, 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.

4-4-4 **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 and Regulation of the State of South Dakota shall lawfully prescribe.

4-4-5 **INTERPRETATION**

It is declared to be in the intention of this ordinance and the taxed levied hereunder that the same shall be interpreted and accrued 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.

4-4-6 **PENALTY**

Any person failing 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

\$200.00 or imprisoned in the city jail for thirty days (30) or both such fined 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 and Regulation.

4-4-7 SEPARABILITY

If any provision of this ordinance is declared unconstitutional of 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.

Ordinance #628, 9/12/05; Authority: SDCL Ch. 10-52