

Introduced by: Mayor Johnson
 Date: September 23, 2014
 Public Hearing: October 14, 2014
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Carrington	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 14-024

An Ordinance of the Palmer City Council Amending Portions of Palmer Municipal Code Chapter 3.16 Sales Tax

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code section 3.16.083 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

3.16.083 Taxes levied and interest for delinquency.

- A. Late filing fee. Sales tax return late filing fee will be assessed as established in the current, adopted budget. ~~in accordance with the fee schedule adopted in the annual budget.~~
- B. Taxes Levied. The tax levied, whether or not collected from the buyer, shall be paid by the seller to the city at the time of transmitting the return, and if not so paid, the tax shall immediately become delinquent.
- C. Delinquency costs. In the event the tax is not paid before delinquency, as provided in this chapter, delinquency costs shall be added to the tax.
 1. Delinquency sales tax shall bear the interest established in the current, adopted budget. ~~in accordance with the fee schedule adopted in the annual budget.~~
 2. In addition, delinquent sales tax shall be subject to a late payment penalty established in the current, adopted budget. ~~penalty assessed in accordance with the fee schedule adopted in the annual budget.~~
- D. Penalty. The penalty assessed on the delinquent remittance of sales tax or for failure to file a sales tax return shall be waived by the director of finance, upon written application of the seller accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed by the seller to the city if:

1. The seller applies for a waiver of the penalty within 30 days after the delinquency or the director of finance in his or her discretion may extend the 30 day period for good cause; and
2. The seller has not been delinquent in their sales tax remittance within the previous 24 consecutive months.

Section 4. Palmer Municipal Code section 3.16.100 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

3.16.100 Collection upon sale.

- A. The tax levied under this chapter shall be paid by the buyer, and it shall be the duty of every seller to collect from the buyer the full amount of the tax, except that the tax on receipts or proceeds from various mechanical devices as provided in PMC 3.16.150 shall be paid by the operator thereof.
- B. Every seller shall add the amount of the tax levied by this chapter to the total sale price, and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account or other tangible evidence of sale. When so stated, the tax shall constitute a part of such price and shall be a debt from the buyer to the seller until paid and shall be recoverable at law in the same manner as other debts.
- C. Seller shall be charged the fee established in the adopted budget for failure to collect the tax required by this chapter.

Section 5. Palmer Municipal Code section 3.16.260 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

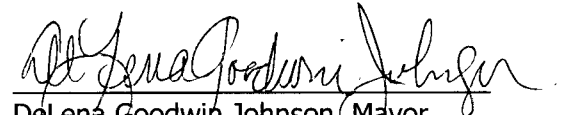
3.16.260 Violation – Remedies.

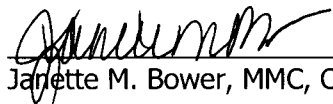
- A. ~~The seller who fails to timely remit sales tax to the city~~ ~~If a seller who owes sales taxes to the city fails to pay them timely, whether intentionally or not, the seller shall pay the city all costs of collection, to include without limitation, actual reasonable attorney's fees, costs and audit fees incurred for collection, whether or not court action is commenced. This amount of fees and costs is in addition to the civil penalty fee set out in subsection (C) of this section.~~ the seller shall pay the city all costs of collection, to include without limitation, actual reasonable attorney's fees, costs and audit fees incurred for collection, whether or not court action is commenced. This amount of fees and costs is in addition to the civil penalty fee set out in subsection (C) of this section.
- B. Each of the following acts or omissions, when intentional, constitutes an ordinance violation and subjects the violator to a civil penalty. Such an act or omission is intentional when it continues after notice from the city to the seller or seller's agent that such act or omission is an ordinance violation. Each act or omission set forth in this section constitutes a separate violation, and each day that a violation of this chapter continues constitutes a separate violation:
 1. Failure to obtain a current business license by a seller;
 2. Making sales either without a current, valid business license or while the seller's business license is suspended;
 3. Failure to file a sales tax return or failure to remit sales taxes when due;
 4. Falsification or misrepresentation of any record or fact provided to the city under this chapter or required to be kept by this chapter, if used to mislead the city tax authorities;
 5. Failure to correct a falsification or misrepresentation of any record or fact provided to the city concerning sales tax;
 6. Failure of a seller to allow the inspection at reasonable times of records required to be kept by this chapter; and
 7. Failure of a seller to keep and preserve records required to be kept under this chapter.

- C. For continuing violations, the fee ~~civil penalty~~ established in the current, adopted budget shall be paid to the city.
- D. The city may request the court to enjoin a seller from violating any provision of this chapter. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.
- E. All remedies hereunder are cumulative and are in addition to those existing at law or equity.

Section 9. Effective Date. Ordinance No. 14-024 shall take effect on January 1, 2015.

Passed and approved this fourteenth day of October, 2014.


DeLena Goodwin Johnson, Mayor


Janette M. Bower, MMC, City Clerk