



CHAPTER 16
CITY SALES, USE & GROSS
RECEIPTS TAX ORDINANCE

ARTICLE 1 BOWMAN HEALTHCARE 1% CITY SALES TAX

16.0101 Definitions

All terms defined in Chapters 57-39.2 40-05.1, 57-39.4, 57-39.6 and 57-40.2 NDCC, are adopted for reference. All references to the North Dakota Century Code include amendments adopted by the legislature of the State of North Dakota.

16.0102 Sales Tax Imposed

Except as otherwise provided in this chapter, a tax of one percent (1%) is imposed upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the corporate limit of the City of Bowman, North Dakota. Such sales tax shall parallel the State of North Dakota Sales and Use Tax Law. All of the exemptions applicable for state sales and use tax apply to the Bowman sales and use tax, including exemptions for tax exempt entities (schools, counties, state agencies, etc.). Such sales tax shall be applied to the following:

1. Tangible personal property, consisting of goods, wares, or merchandise.
2. The furnishing or service of communications service.
3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity.
4. The leasing or renting of a hotel or motel room or tourist court of accommodations.
5. Magazines and periodicals.
6. The leasing or renting of tangible personal property, the transfer of title to which has not been subject to tax under this chapter.
7. Sale of tobacco products as defined in NDCC Section 57-39.2 – 03.9.

16.0103 Use Tax Imposed

Except as otherwise provided in this chapter, an excise tax of one percent is imposed on the storage, use or consumption in the City of Bowman on;

1. The purchase price of tangible personal property purchased at retail for storage, use or consumption within the city.
2. The fair market value, at the time it is brought into the city, of tangible personal property not originally purchased for storage, use or consumption in the city, at the time which it is brought into the City of Bowman.
3. Tobacco products as defined in NDCC Section 57-39.2 -03.9.
4. Tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in NDCC Section 57-40.2 – 03.3. The tax applies only to bids submitted on or after October 1, 1994.

16.0104 Gross Receipts of Alcoholic Beverages

Subject to the provisions of NDCC 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of 1% is imposed upon all gross receipts from the sale of alcoholic beverages within the City. A person who receives alcoholic beverages for storage, use or consumption in this city is subject to tax on storage, use or consumption of those alcoholic beverages at the rate of 1%.

16.0105 Exemptions

All sales, storage, use or consumption of tangible personal property which are exempt from imposition and consumption of the sales or use tax of the State of North Dakota are specifically exempt from the provisions of the article. In addition to the exemptions provided by state law, the Bowman tax ordinance provides exemptions for new farm machinery.

16.0106 Maximum Tax Imposed

No single transaction involving one or more items is subject to a tax in excess of twenty-five (\$25.00) dollars.

16.0107 Collection and Administration

The Tax Commissioner and the City Auditor shall have the powers enumerated in the provisions of NDCC Chapters 40-5, 57-39.2, 57-39.4, 57-39.6 and 57-40.2 relating to the collections and administration of the state retail sales, use and gross receipts tax including provisions for liability, refund, penalty, interest or credit, govern the administration by the ND Office of State Tax Commissioner of the taxes imposed by this Ordinance. The Tax Commissioner is authorized to establish rate tables integrating the tax imposed by this chapter with other state, county and city taxes.

16.0708 City Auditor Empowered to Contract with State Tax Commissioner

The City Auditor is authorized to contract with the Tax Commissioner for the administration and collection of taxes imposed by the chapter. The City Auditor has all the powers granted the Commissioner and in the absence of a valid contract with the Commissioner or failure of the Commissioner to perform the delegated duties, shall perform those duties in the place of the Commissioner.

16.0709 Dedication of Tax Proceeds

1. All revenues raised and collected under the ordinances shall be dedicated only to the advancement and improvement of health care in the City of Bowman.
2. All revenue shall be maintained in the fund, to be known as the Healthcare City Sales Tax Fund, separate and apart from all other funds.
3. The revenue contained in such funds shall be used for the advancement and improvement of health care, whether acute care, preventative medicine, long term care, and any health-related cause deemed appropriate by the Health Care Board.

16.0710 Dispersal of Funds

Funds collected from the one percent (1%) sales tax may only be disbursed by a health care board. The Bowman Health Care Board shall be comprised of the Bowman City Commissions.

16.0711 Compensation

City sales, use, and gross receipts tax permit holders shall not be compensated for collecting and paying the sales tax.

16.0712 Termination

The sales, use, and gross receipts tax imposed by this article shall terminate on December 31, 2024, unless prior to that date a majority of the qualified electors of the City of Bowman vote to extend the healthcare sales and use tax indefinitely or to a certain time.

16.0713 Option for Continuation

One hundred eighty days (180) prior to the termination of the sales tax, the commission will assess the need for continuation. If determined that continuation would be beneficial to the city, the appropriate legal steps will be followed to extend the sales, use and gross receipts tax collections and bring the question to the voters once again.

16.0714 Saving Clause

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

16.0715 Effective Date

This ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2019.

ARTICLE 2 BOWMAN PARK AND RECREATION 1% CITY SALES TAX

16.0201 Definitions

All terms defined in Chapters 57-39.2 40-05.1, 57-39.4, 57-39.6 and 57-40.2 NDCC, are adopted for reference. All references to the North Dakota Century Code include amendments adopted by the legislature of the State of North Dakota.

16.0202 Sales Tax Imposed

Except as otherwise provided in this chapter, a tax of one percent (1%) is imposed upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the corporate limit of the City of Bowman, North Dakota. Such sales tax shall parallel the State of North Dakota Sales and Use Tax Law. All of the exemptions applicable for state sales and use tax apply to the Bowman sales and use tax, including exemptions for tax exempt entities (schools, counties, state agencies, etc.). Such sales tax shall be applied to the following:

1. Tangible personal property, consisting of goods, wares, or merchandise.
2. The furnishing or service of communications service.
3. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity.
4. The leasing or renting of a hotel or motel room or tourist court of accommodations.
5. Magazines and periodicals.
6. The leasing or renting of tangible personal property, the transfer of title to which has not been subject to tax under this chapter.
7. Sale of tobacco products as defined in NDCC Section 57-39.2 – 03.9.

16.0203 Use Tax Imposed

Except as otherwise provided in this chapter, an excise tax of one percent is imposed on the storage, use or consumption in the City of Bowman on;

1. The purchase price of tangible personal property purchased at retail for storage, use or consumption within the city.
2. The fair market value, at the time it is brought into the city, of tangible personal property not originally purchased for storage, use or consumption in the city, at the time which it is brought into the City of Bowman.
3. Alcoholic beverages and tobacco products as defined in NDCC Section 57-39.2 -03.2.
4. Tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in NDCC Section 57-40.2 – 03.3. The tax applies only to bids submitted on or after January 1, 2019.

16.0204 Gross Receipts of Alcoholic Beverages

Subject to the provisions of NDCC 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of 1% is imposed upon all gross receipts from the sale of alcoholic beverages within the City. A person who receives alcoholic beverages for storage, use or consumption in this city is subject to tax on storage, use or consumption of those alcoholic beverages at the rate of 1%.

16.0205 Exemptions

All sales, storage, use or consumption of tangible personal property which are exempt from imposition and consumption of the sales or use tax of the State of North Dakota are specifically exempt from the provisions of the article. In addition to the exemptions provided by state law, the Bowman tax ordinance provides exemptions for sales of new farm machinery.

16.0206 Maximum Tax Imposed

No single transaction involving one or more items is subject to a tax in excess of twenty-five (\$25.00) dollars.

16.0204 Collection and Administration

The Tax Commissioner and the City Auditor shall have the powers enumerated in the provisions of NDCC Chapters 40-5, 57-39.2, 57-39.4, 57-39.6 and 57-40.2 relating to the collections and administration of the state retail sales, use and gross receipts tax including provisions for liability, refund, penalty, interest or credit, govern the administration by the ND Office of State Tax Commissioner of the taxes imposed by this Ordinance. The Tax Commissioner is authorized to establish rate tables integrating the tax imposed by this chapter with other state, county and city taxes.

16.0208 City Auditor Empowered to Contract with State Tax Commissioner

The City Auditor is authorized to contract with the Tax Commissioner for the administration and collection of taxes imposed by the chapter. The City Auditor has all the powers granted the Commissioner and in the absence of a valid contract with the Commissioner or failure of the Commissioner to perform the delegated duties, shall perform those duties in the place of the Commissioner.

16.0209: Dedication of Tax Proceeds

1. All revenues raised and collected under the ordinances shall be dedicated only to the Bowman Park and Rec District for capital improvement and maintenance.
2. All revenue shall be maintained in the fund, to be known as the Bowman Park and Rec City Sales Tax Fund, separate and apart from all other funds.
3. The revenue contained in said fund shall be used for improvements of the pool, recreation center, parks, ball parks, and campground and any other Park and Recreation related cause deemed appropriate by the Bowman City Commission.

16.0210 Dispersal of Funds

Funds collected from the one percent (1%) sales tax may only be disbursed by the Bowman City Commission.

16.0211 Compensation

City sales, use, and gross receipt tax permit holders shall not be compensated for collecting and paying the sales tax.

16.0212 Termination

The sales, use, and gross receipt tax imposed by this article shall terminate on December 31, 2029, unless prior to that date a majority of the qualified electors of the City of Bowman vote to extend the Park and Recreation sales, use, and gross receipts tax indefinitely or to a certain time.

16.0213 Option for Continuation

One hundred eighty days (180) prior to the termination of the Park and Recreation sales tax, the need for continuation will be assessed. If determined that continuation would be beneficial to the city, the appropriate legal steps will be followed to extend the sales, use, and gross receipts tax collections and bring the question to the voters once again.

16.0214 Saving Clause

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

16.0215 Effective Date

This ordinance shall take effect after its passage, approval and publication, but not prior to January 1, 2019.