

ORDINANCE NO. 23
AN ORDINANCE TO ESTABLISH A CITY LODGING TAX AND
A CITY LODGING AND RESTAURANT TAX
FOR THE CITY OF MINNEWAUKAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEWAUKAN, BENSON COUNTY, NORTH DAKOTA.

DEFINITIONS

All terms defined in chapters 40-57.3-01, 40-57.3-01.1, 40-57.3-02, 40-57.3-03, and 40-57.3-04 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

COLLECTION AND ADMINISTRATION

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 40-57.3-01, 40-57.3-01.1, 40-57.3-02, 40-57.3-03, and 40-57.3-04 and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

CITY LODGING TAX

There is imposed a tax of 2% (not to exceed 2%) upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the City for periods of less than thirty consecutive calendar days or one month. The tax imposed by this section shall be in addition to the state sales tax on rental accommodations. All proceeds, less state administrative costs, shall be deposited in the city visitors' promotion fund and spent only as provided in North Dakota Century Code 40-57.3.

CITY LODGING AND RESTAURANT TAX

There is hereby imposed a tax of 1% (not to exceed 1%) upon the gross receipts of

retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the city for periods of less than thirty consecutive calendar days or one month and upon the gross receipts of a restaurant from any sales of prepared food or beverages, not including alcoholic beverages for consumption off the premises where purchased, which are subject to state sales tax. For purposes of this section, "restaurant" means any place where food is prepared and intended for individual portion service for consumption on or off the premises and "prepared" includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in any combination be subjected to the tax under this section, if all items in any category which are taxable under state law are taxable, except as otherwise provided in this Section. The tax imposed under this section is in addition to state sales taxes on rental accommodations and restaurant sales.

All proceeds, less state administrative costs, must be deposited in the city visitors' promotion capital construction fund and spent only as provided in N.D.C.C. 40-57.3.

CONTRACT WITH TAX COMMISSIONER

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

EFFECTIVE DATE

This Ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2013.

First Reading: July 24, 2012

Second Reading: August 6, 2012

Approved: Mayor Myron Jury

Attested: City Auditor Sherri Thompson