

FLOMATON
Posted June 23, 2021

Statutory Effective Date: July 1, 2021
Received by the Department: April 28, 2021

The Town of Flomaton has increased their sales and use taxes as shown below:

Sales & Use Taxes:	<u>OLD RATES</u>	<u>NEW RATES</u>
General Rate	4.000	5.000
Admissions to places of amusement and entertainment	4.000	5.000
Retail Selling Price of food for human consumption sold through vending machines	4.000	5.000
Net difference paid for machines, machinery, and equipment used in planting, cultivating and harvesting farm products	1.000	1.000
Machines and parts and attachments for machines used in manufacturing tangible personal property	1.000	1.000
Net difference paid for all automotive vehicles, truck trailers, semi- trailers and house trailers	1.000	1.000
Withdrawal fee for automotive vehicle dealers only	2.00	2.00

If sales of tangible personal property are made or delivered, or if purchases of tangible personal property are stored, used or consumed, outside the corporate limits of the city but within the police jurisdiction of the city, the rates of tax are one-half of those stated above.

Your Town of Flomaton sales and use taxes may be remitted online through the 'Local Tax' account in the Alabama Department of Revenue's online filing system, My Alabama Taxes (MAT), the 'ONE SPOT' to file: <https://myalabamataxes.alabama.gov>. If you have any questions about your Flomaton taxes, please contact:

Avenu Insights & Analytics
P. O. Box 830725
Birmingham, AL 35283-0725
1-800-556-7274

If you have any questions regarding this notice, please contact this office:

ALABAMA DEPARTMENT OF REVENUE
Sales & Use Tax Division
P.O. Box 327710
Montgomery, Alabama 36132-7710
(334) 242-1490

MAYOR
DEWEY J BONDURANT JR.

COUNCILMEMBERS
CHARLES N. REARDON Dist. 1
LILLIAN L. DEAN Dist. 2
JAMES E. JOHNSON Dist. 3
KAY WAGNER Dist. 4
ROGER W. ADKINSON Dist. 5
CHARLES E. JOHNS JR. Attorney



SHAUN MOYE
CARRIE MOORE
CHARLES THOMPSON
STEVE STANTON

SUPERINTENDENT
TOWN CLERK
CHIEF OF POLICE
FIRE CHIEF

Town of Flomaton

2125 Ringold St.
P.O. Box 632
Flomaton, AL 36441
Phone: (251) 296-2431
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Escambia County Probate
Robert D. Agerton, Judge of Probate
Filed/cert. 4/28/2021 3:38 PM
TOTAL \$ 31.00
10 Pages

0220218

ORDINANCE 01-21



PURSUANT TO THE PROVISIONS OF
CODE OF ALABAMA 1975. SECTIONS
11-51-200 THROUGH 11-51-207, THIS
ORDINANCE LEVIES A PRIVILEGE,
LICENSE OR EXCISE TAX AGAINST
PERSONS, FIRMS, OR
CORPORATIONS STORING, USING,
OR OTHERWISE CONSUMING OR
ENGAGED IN THE BUSINESS OF
SELLING AT RETAIL TANGIBLE
PERSONAL PROPERTY OR
CONDUCTING PLACES OF
AMUSEMENT IN THE TOWN OF
FLOMATON, ALABAMA, AND ITS
POLICE JURISDICTION; PROVIDES
FOR PENALTIES FOR THE
VIOLATION OF THE ORDINANCE
LEVYING SIMILAR TAXES.

Pursuant to the provisions of Code of Alabama, Sections 11-51-200 through 11-51-207, be it ordained by the City Council of the Town of Flomaton, in the State of Alabama, as follows:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

- a) Upon every person, firm, or corporation, (including the state of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions and any association or other agency or instrumentality of

such institutions) engaged or continuing within the Town of Flomaton in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to five percent 5% of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rate specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not so kept, he or she shall pay the tax as retailer on the gross sales of the business.

- b) Upon every person, firm or corporation engaged or continuing within the Town, in business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the Town, or any athletic association thereof, or other association whether such institution or association or a state, county, or City

school, or other institution, association, or school), skating rinks, race tracks, golf course, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the Town, an amount equal to five percent (5%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of the subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public or private or secondary school. The tax amount, which would have been collected pursuant to this section, shall continue to be collected by said public or private primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

- c) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, an amount equal to one percent (1 %) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.
- d) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house

trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to **one percent (1%)** of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or her or by an employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$2.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

- e) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements

therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, an amount equal to one percent (1%) of the gross proceeds of the sale thereof. Provided, however, the one percent (1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production of agricultural products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

- f) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to five percent (5%) of the retail selling price of such food, food products and beverages sold through such machines.

Section 2. Levy of the Tax in Police Jurisdiction. Upon every person, firm or corporation engaged in the doing of an act, or who shall do an act, or continuing in the doing of an act, or engaged in the operation of any business, or who shall engage in the operation of a business, within the police jurisdiction of the Town but beyond the corporate limits of said Town for which or upon which a privilege of license tax is in this ordinance

levied or required within the corporate limits of the Town, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the Town a privilege or license tax equal to one half that provided, levied or required in this Ordinance for the doing of such act, or the engaging or continuing therein, or the engaging or continuing the operation of such business within corporate limits of the Town. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said Town but without the corporate limits thereof, all the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the Town.

Section 3. Provisions of State Sales Tax Statutes Applicable to this Ordinance and

Taxes herein levied. This ordinance and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules and regulations promulgated under the Alabama Administrative Procedure Act, direct pay permit and drive-out certificate procedures, statute of limitation, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State Sales statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Sales Tax statutes for enforcement and collection of taxes.

Section 4.

- a) An excise tax is hereby imposed on the storage, use or other consumption in the Town, of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercrafts and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail

on or after the effective date of this ordinance for storage, use or other consumption in the Town, except as provided in Subsections (b), (c), and (d), at the rate of five percent (5%) of the sales price of such property within the corporate limits of said Town.

- b) An excise tax is hereby imposed in the storage, use, or other consumption in the Town, of any machine used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of the ordinance at the rate of one percent (1%) of the sales price of any such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.
- c) An excise tax is hereby imposed on the storage, use or other consumption in the Town on any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, or anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the Town at the rate of one percent (1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies within the corporate limits of said Town. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of

trades, as a credit or part payment in the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

- d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the Town of any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machines, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the Town at the rate of one percent (1%) of the sales price of such property within the corporate limits of said town, regardless of whether the retailer is or is not engaged in the business in this town. Provided, however, the one percent (1%) rate hereon prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein

shall be paid on the net difference, that is the price of the new or used machine, machinery or equipment taken in trade.

- e) An excise tax is hereby imposed on tangible personal property at one-half the rates specified in subsection (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the Town, but within the police jurisdiction.

Section 5. Provisions of State Use Tax Statutes Applicable to this Ordinance and Taxes Herein

Levied. This Ordinance and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules and regulations promulgated under the Alabama Administrative Procedure Act, direct pay permit and drive-out certificate procedures, statute of limitation, discount, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State Use Tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Use Tax statutes of enforcement and collection of taxes.

Section 6. Use of Proceeds. The proceeds from the tax herein levied remaining after payment of the cost of collecting said tax, including all charges of the administration of such collection and paid over to and received by the Town shall be distributed to the General fund for the use of town expenditures.

Section 7. Severability. Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of the Ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 8. The tax levied and assessed by this ordinance is levied and assessed in lieu of the tax levied by Ordinance No 06.13 adopted by the Town of Flomaton on the 12th day of

November, 2013. Said Ordinance is hereby rescinded and repealed as of the effective date of this Ordinance.

Section 9 Effective Date. This Ordinance shall become effective on the first day of the third month following the notification by the Town of Flomaton to the Alabama Department of Revenue as required by law. Provided the Town of Flomaton makes proper notification as required by law upon passage of this Ordinance the effective date shall July 1, 2021.


Mayor Dewey J. Bondurant

4-28-2021
Date

ATTEST

Mayor Pro Tempore

4-28-2021
Date

RECEIVED

APR 28 2021

Local Tax Section
Alabama Dept. of Revenue