



State of Alabama Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

October 15, 2021

TO: ALL PERSONS, FIRMS, AND CORPORATIONS making sales at retail and/or purchasing tangible personal property for use, storage, or other consumption in the **Town of Ohatchee**, Alabama, and its police jurisdiction (located in Calhoun County).

Sections 11-51-200, et seq., **Code of Alabama 1975**, authorize and empower municipalities to levy a true sales and use tax identical to the State Sales and Use Tax Laws except for the rates of tax and require the Alabama Department of Revenue upon request of the municipality to collect the tax.

On August 10, 2021, the governing body of the Town of Ohatchee adopted Ordinance No. 21 - 08 - 02 levying a sales and use tax **effective November 1, 2021**. The tax levied by this ordinance is an amendment to the sales and use tax levied by Ordinance No. 98-06-01.

Sales & Use Tax Rates:	<u>Old Rates</u>	<u>New Rates</u>
General Rate	4.00%	5.00%
Admissions to places of amusement and entertainment	4.00%	5.00%
Retail selling price of food for human consumption sold through vending machines	4.00%	5.00%
Net difference paid for machines, machinery, and equipment used in planting, cultivating, and harvesting farm products250%	.250%
Machines, parts, and attachments for machines used in manufacturing tangible personal property250%	.250%
Net difference paid for all automotive vehicles, truck trailers, semi-trailers, and house trailers500%	.500%
Withdrawal fee for automotive vehicle dealers only.....	\$0.00	\$0.00

If sales are made and delivered to consumers, or purchases made for use, storage, or other consumption, outside the corporate limits of the Town of Ohatchee but within the police jurisdiction, the rates of sales and use tax are one-half the rates shown above.

The Law requires that the Town of Ohatchee sales and use taxes be collected, reported and remitted in the same manner as the State sales and use taxes. When you file and pay electronically, the Town of Ohatchee sales and use taxes are to be included on the electronic city/county tax return assigned to you (City and County Tax Return, form 9501). Simply enter the gross amounts and deductions, and all calculations will be done automatically for you. You may file these taxes through My Alabama Taxes (MAT) at <https://myalabamataxes.alabama.gov>.

Please direct all questions regarding the Town of Ohatchee sales and use taxes to this office:

Alabama Department of Revenue
Sales and Use Tax Division
Post Office Box 327710
Montgomery, Alabama 36132-7710 (334-242-1490 or 1-866-576-6531)

ORDINANCE NO. 21-08-02

AN ORDINANCE AMENDING ORDINANCE NO. A98-06-01 TO INCREASE THE PRIVILEGE AND USE TAX FOR THE TOWN OF OHATCHEE, ALABAMA.

BE IT ORDAINED by the City Council of the of the Town of Ohatchee, Alabama, (sometimes hereinafter called the "Town") as follows:

SECTION ONE: That section 1, (a) Ordinance No. A98-06-01 be and the same is hereby amended to read as follows:

Section 1 (a): Upon every person, firm or corporation (including 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, any association or other agency or instrumentality of such institutions) engaged or continuing within the Town, in 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 evidence of debts or stocks, nor sales 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 of over fifty tons burden, an amount equal to **five percent** of the gross proceeds 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 rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

SECTION TWO: That Section 1(b), Ordinance No. A98-06-01 be and the same is hereby amended to read as follows:

Section 1, (b): Upon every person, firm or corporation engaged, or continuing within the town, in the business of conduction, or operating, places of amusement or entertainment, billiard and poolrooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prizefights, 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 be denominational, a state or county, or a municipal institution, or association or a state, county or city school, or other institution, association or school), skating rinks, race tracks, golf courses, 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 of the gross receipts of any such business.

SECTION THREE: That Section 1, (3), Ordinance No. A98-06-01, be and the same is hereby amended to read as follows:

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; there is hereby levied a tax equal to five percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this section shall be the gross proceeds of sales of such business.

SECTION FOUR: That Section 2, (a), Ordinance No. A98-06-01, be and the same is hereby amended to read as follows:

Section 2, (a): An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) 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 **five percent** of the sales price of such property, except as provided in subsections (b), (c), (d), and (e) of this section.

SECTION FIVE: The provisions of this ordinance are severable. If any part or parts of this ordinance are declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

SECTION SIX: Any provisions of Ordinance No. 86-001, Ordinance 11A, and ordinance A98-06-01 that are in conflict with this ordinance shall be hereby repealed, provided that nothing herein shall be construed to relieve any person, firm or corporation from any tax, liability, penalty, or forfeiture incurred under such ordinance, as amended or supplemented, before the effective date of this ordinance, and any provisions of said ordinance, together with all amendments thereof and supplements thereto, presently providing for the collection and enforcement of any tax liability, penalty or forfeiture thereunder shall as to such tax, liability, penalty or forfeiture remain in full force and effect.

SECTION SEVEN: This ordinance shall become effective at 12:01 am on the first day of October, 2021, and shall remain in full force and effect and shall apply to the calendar year 1998 and to each calendar year thereafter from year to year without the adoption of any other ordinance.

SECTION EIGHT: The Town Clerk is hereby authorized, directed and empowered to cause a copy of this Ordinance to be duly published as required by law by posting the same in three public places in the Town limits of the Town of Ohatchee, Alabama, and shall be effective and operative October 1, 2021.

APPROVED and ADOPTED this the 10th day of August, 2021.

TOWN COUNCIL OF THE TOWN OF
OHATCHEE, ALABAMA

Celesia S. Jennings
Celesia S. Jennings, Councilmember Place 1

J. M. "Butch" Mitchell, Councilmember Place 2

Anthony Grosson
Anthony Grosson, Councilmember Place 3

Teresa G. Lott
Teresa G. Lott, Councilmember Place 4

Perry R. Howard, Councilmember Place 5

Steve Baswell
Approved: Steve Baswell, Mayor

ATTEST:
Karin Cospes
Karin Cospes, Town Clerk

RECEIVED

AUG 17 2021

Local Tax Section
Alabama Dept. of Revenue

CERTIFICATE OF ADOPTION

I, Karin Cosper, hereby certify that the attached Ordinance was duly adopted by the Town Council in regular session assembled on the 10th day of August, 2021, as recorded in the official minutes of the Ohatchee Town Council.

Karin Cosper
Karin Cosper, Town Clerk

CERTIFICATE OF PUBLICATION

I, Karin Cosper, Town Clerk of the Town of Ohatchee, Alabama, do hereby certify this Ordinance was posted in three public places with the Town of Ohatchee beginning on the 13th day of August, 2021, in accordance with the provision of Code of Alabama, 1975, Section 1145-8.

Karin Cosper
Karin Cosper, Town Clerk

RECEIVED

AUG 17 2021

Local Tax Section
Alabama Dept. of Revenue

TOWN OF OHATCHEE

P.O. Box 645

Ohatchee, AL 36271

256-892-3233

"The Biggest Little Town in the USA"

Steven E. Baswell
Mayor
Celestia S. Kilgore
Council Member Place No. 1
Dewayne Taylor
Council Member Place No. 2

Willie B. Thomas
Council Member Place No. 3
Teresa G. Lott
Council Member Place No. 4
Perry R. Howard
Council Member Place No. 5

August 19, 2021

To Whom It May Concern:

The Town of Ohatchee Adopted Ordinance No. 21-08-02, an Ordinance amending Ordinance No. A98-06-01 to increase the Privilege and Use Tax in the amount of 4% to 5% for the Town of Ohatchee, Alabama on August 10, 2021.

I, Mayor Steven E. Baswell, would like to make the request for this Privilege and Use Tax to become effective as of November 1, 2021 for the Town of Ohatchee, Alabama.

Sincerely,



Steven E. Baswell

RECEIVED

AUG 19 2021

Local Tax Section
Alabama Dept. of Revenue