

SUMITON
Posted 8/14/2019

Effective September 1, 2019

The City of Sumiton has increased their sales and use taxes as shown below:

Sales & Use Taxes:	<u>OLD</u> <u>RATES</u>	<u>NEW</u> <u>RATES</u>
General Rate	3.50%	4.00%
Admissions to places of amusement and entertainment	3.50%	4.00%
Retail Selling Price of food for human consumption sold through vending machines	3.50%	4.00%
Net difference paid for machines, machinery, and equipment used in planting, cultivating and harvesting farm products	1.00%	1.00%
Machines and parts and attachments for machines used in manufacturing tangible personal property	1.00%	1.00%
Net difference paid for all automotive vehicles, truck trailers, semi-trailers and house trailers	1.75%	1.75%
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 City of Sumiton 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 City of Sumiton taxes, please contact:

Avenu/RDS
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

ORDINANCE NO.: 2018-2019-07

PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF CHAPTER 51 OF TITLE 11, CODE OF ALABAMA (1975), THIS ORDINANCE LEVIES A PRIVILEGE, LICENSE OR EXCISE TAX AGAINST PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACES OF AMUSEMENT OR STORING, USING OR OTHERWISE CONSUMING, IN THE CITY OF SUMITON, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; AND AMENDS A PRIOR ORDINANCE LEVYING SIMILAR TAXES.

Pursuant to the provisions of Article 3 of Chapter 51 of Title 11, Code of Alabama (1975), be it ordained by the City Council of the City of Sumiton, 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 to be 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, any association or other agency or instrumentality of the institutions) engaged or continuing within the City of Sumiton, Alabama, 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 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, and other 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 four (4%) 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 the business at the rates 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 kept he or she shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(b) Upon every person, firm or corporation engaged or continuing within the City of Sumiton, Alabama, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving pictures shows, vaudevilles, 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 city, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or 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 City of Sumiton, Alabama, an amount equal to four percent (4%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subdivision, the tax provisions so specified shall not apply to any athletic event conducted by a public or nonpublic primary or secondary school or any athletic event conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subdivision shall continue to be collected by the public or nonpublic primary or secondary school, but shall be retained by the school which collected it and shall be used by the school for school purposes.

(c) Upon every person, firm or corporation engaged or continuing within the City of Sumiton, Alabama, in the business of selling at 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 the machines. 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 the machines and which are necessary to the operations of the machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the City of Sumiton, Alabama, in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or 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 and three-quarters percent (1 $\frac{3}{4}$ %) of the gross proceeds of sale of the automotive vehicle or truck trailer, semitrailer or 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 or her stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or her or by his or her employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of two dollars (\$2.00) per year or part thereof during which such automotive vehicle, truck trailer, semitrailer 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 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automobile vehicle or truck trailer, semitrailer 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 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.

Sales of automobiles, motorcycles, trucks, truck trailers or semitrailers that will be registered or titled outside the City of Sumiton, Alabama, that are exported or removed from the City of Sumiton, Alabama, within 72 hours by the purchaser or his or her agent for first use outside the City of Sumiton, Alabama, are not subject to the sales tax imposed by this subdivision. Sales of other vehicles such as mobile homes, motorbikes, all-terrain vehicles and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside the City of Sumiton, Alabama, or to a common carrier for transportation outside the City of Sumiton, Alabama. In order for the sale to be exempt from tax imposed by this subdivision, the information relative to the exempt sale shall be documented on forms approved by the Alabama Department of Revenue.

(e) Upon every person, firm or corporation engaged or continuing within the City of Sumiton, Alabama, in the business of selling at retail any machine, machinery or equipment which is use din 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 or replacements therefor 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, that 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 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 and poultry on farms is taken in trade or in a series of trades as a credit or part payment on the 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 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 City of Sumiton, Alabama, 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 therefor, there is hereby levied a tax equal to four (4%) of the cost of the food, food products and beverages sold through the machines, which cost for the purposes of this subdivision shall be the gross proceeds of sales of the business.

Section 2.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Sumiton, Alabama, 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, 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, purchased at retail on or after the effective date of this ordinance, for storage, use or other consumption in the City of Sumiton, Alabama, except as provided in subdivisions (b), (c) and (d) of Section 2, at the rate of four (4%) of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Alabama Department of Revenue's suggested use tax brackets and his records provide that his following said brackets resulted in a net under collection of tax for the month, he may report the tax due or tax collected, which is less, except as provided in subdivisions (b), (c) and (d) of this Section 2.

(b) An excise tax is hereby imposed on the storage, use of other consumption in the City of Sumiton, Alabama, of any machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this ordinance, at the rate of one percent (1%) of the sales price of any such machines or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Alabama Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net under collection of tax for the month, he may report the tax due or tax collected, whichever is less; 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 therefor, 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 City of Sumiton, Alabama, of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks, 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 City of Sumiton, Alabama, at the rate of one and three-quarters (1¾%) of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies as specified above, or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows

the Alabama Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net under collection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle, truck trailer, semitrailer 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.

(d) An excise tax is hereby imposed on the storage, use or other consumption in the City of Sumiton, Alabama, or 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 therefor 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, which is purchased at retail after the effective date of this ordinance, for storage, use or other consumption in the City of Sumiton, Alabama, at the rate of one percent (1%) of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Alabama Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net under collection of tax for the month, he may report the tax due or tax collected, whichever is less, regardless of whether the retailer is or is not engaged in business in the City of Sumiton, Alabama. 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 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, 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 or equipment, the tax levied herein shall be paid on the net difference, that is, the price of a new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) Every person storing, using or otherwise consuming in the City of Sumiton, Alabama, tangible personal property purchased at retail shall be liable for the tax imposed by this Section 2, and the liability shall not be extinguished until the tax has been paid to the City of Sumiton, Alabama; provided, that a receipt from a retailer maintaining a place of business in the City of Sumiton, Alabama, or a retailer authorized by the City of Sumiton, Alabama, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this Section 2 be regarded as a retailer maintaining a place of business in the City of Sumiton, Alabama, given to the purchaser in accordance with the provisions of Section 40-23-67 of the Code of Alabama (1975) shall be sufficient to relieve the purchaser from any further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subdivisions (a), (b), (c), and (d) of this Section 2, on the storage, use or other consumption in the performance of a contract in the City of Sumiton, Alabama, of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the City of Sumiton, Alabama, which is less; provided, that the tax imposed by this section shall not apply where the tax is imposed by subdivision (a), (b), (c) or (d) of this Section 2 apply.

Section 3.

Upon every person, firm or corporation engaged in the doing of any act, or who shall do any act, or continuing in the doing of any act, or engaged in the operation of any business, or who shall engage in the operation of any business, wherein the police jurisdiction of the City of Sumiton, Alabama, but beyond the corporate limits of the City of Sumiton, Alabama, for which or upon which a privilege or license tax is in this ordinance levied or required within the corporate limits of the City of Sumiton, Alabama, 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 City of Sumiton, Alabama, a privilege or license tax equal to one-half of 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 in the operation of such business within the corporate limits of the City of Sumiton. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City of Sumiton, Alabama, but beyond the corporate limits of the City of Sumiton, Alabama, all provisions of this ordinance extend and apply to all the area within the police jurisdiction of the City of Sumiton, Alabama.

Section 4.

The taxes levied by Sections 1, 2 and 3 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, rules, regulations, direct pay permits and drive-out certificate procedures, states or limitations, penalties, fines, punishments and deductions that are applicable to the taxes levied by the State of Alabama sales and use tax statutes, except where inapplicable or where otherwise provided in Article 3 of Chapter 51 of Title 11, Code of Alabama (1975), including all provisions of the State of Alabama sales and use tax statutes for enforcement and collection of taxes.

Section 5.

This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City of Sumiton, Alabama, but shall be held to be cumulative, and the amounts of the taxes herein shall be in addition to the amounts of all

other license taxes imposed by the City of Sumiton, Alabama, by its general license code or ordinance.

Section 6. 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 and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provisions which might have been held invalid.

Section 7.

The tax levied and assessed by this ordinance is levied and assessed in lieu of the tax levied by Ordinance No. 2012-2013-015, adopted by the City of Sumiton, Alabama. Said ordinance is hereby amended as of the effective date of this ordinance.


Section 8. Effective Date.

This ordinance shall become effective on the 1st. day of September, 2019, and the first payment of taxes hereunder shall be due and payable on the 20th. day of October, 2019.

Section 9.

Adopted and approved on this the 18th. day of June, 2019.

[Faint signature]



Petey Ellis,
Mayor of City of Sumiton, Alabama

Authenticated:



City Clerk

City of Sumiton

HARRY L. "PETEY" ELLIS
MAYOR

WALKER COUNTY
P. O. BOX 10 - STATE STREET
SUMITON, ALABAMA 35148
(205)648-3261
FAX: (205)648-3017

COUNCIL MEMBERS
FLOYD H. BURTON
WILLIAM S. FOWLER
DIANE MARTIN
DOUGLAS RAGSDALE
KENNETH RUSSELL

JUDY M. GLOVER
CITY CLERK

June 20, 2019

Re: Posting of Ordinance No. 2018-2019-07, Sales Tax Increase

Certificate of Posting Ordinance 2018-2019-07, Ordinance posted as follows:

Sumiton City Hall
416 State Street
Sumiton, Alabama 35148

United States Post Office
Main Street
Sumiton, Alabama 35148

Walmart
690 Highway 78
Sumiton, Alabama 35148

Certified By



Judy M. Glover, City Clerk, City of Sumiton, Alabama

Date Posted: June 20, 2019

Tax Rate Confirmation for Town of Sumiton (9414)

Date: June 24, 2019

Effective: September 1, 2019

	Tax Rate	Corrected
Sales Tax		
General	4.00%	_____
Amusement	4.00%	_____
Automotive	1.75%	_____
Withdrawal Fee	\$2.00	_____
Farm	1.00%	_____
Manufacturing	1.00%	_____
Vending	4.00%	_____
Use Tax		
General	4.00%	_____
Automotive	1.75%	_____
Farm	1.00%	_____
Manufacturing	1.00%	_____

Are any of these taxes levied for educational purposes? ___ Yes No

Administrator of above taxes: _____

I have reviewed the above tax rate table and confirm that the information in the table is correct or have made corrections as needed.

Judy M. Glower (Signature of Authorized Official)
City Clerk 6-24-19 (Title/Date)

*E-mailed again
7-30-2019
A. Glower*

*E-mailed
7-28-2019
A. Glower*