

Chapter 17

TAXATION¹

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ARTICLE 1. IN GENERAL

Sacs. 17-1-17-15. Reserved.

ARTICLE II. SALES TAX

Sec. 17-16. Citation.

This article constitutes, shall be known and may be cited as the "City of Pauls Valley, Oklahoma, Sales Tax Ordinance."

(Code 1977, § 1-86)

Sec. 17-17. Definitions.

(a) *Generally.* The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code (68 O.S. section 1352) are adopted by reference and made a part of this article.

(b) *"Tax collector" defined.* The term "tax collector," as used herein, means the department of the city government or the official agency of the state duly designated according to law, or contract authorized by law, to administer the collection of the tax herein levied.

(Code 1977, §§ 1-87, 1-88)

Sec. 17-18. Classification of taxpayers.

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state statutes for purposes of the Oklahoma Sales Tax Code.

(Code 1977, § 1-89)

State law reference--Classification of vendors, 68 O.S. § 1363.

Sec. 17-19. Provisions of article cumulative.

The provisions of this article shall be cumulative and in addition to any and all other taxing provisions of city ordinances

(Code 1977, § 1-107)

¹Cross references--Administration, Ch. 2; alcoholic beverages, Ch. 3; animals, Ch. 4; licenses and business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; utilities, Ch. 18; finance department, § 2-36; alcoholic beverage taxes, § 3-16; private clubs, §§ 3 36 *et seq.*; dog tax, § 4-28; occupational license taxes, §§ 9-21 *et seq.*

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Sec. 17-20. Amendments; council authority to make changes to administrative and technical provisions.

The people of the city, by their approval of this article in an election as provided by law, have authorized the council, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or proper for efficiency and fairness; provided, that the rate of tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

(Code 1977, § 1-106)

Sec. 17-21. Subsisting state permits in lieu of city permits.

All valid and subsisting permits to do business, issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code, are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Code 1977, § 1-90)

Sec. 17-22. Purpose of revenues.

It is the purpose of this article to provide revenues for the support of the functions of the government of the city.

(Code 1977, § 1-92)

Sec. 17-23. Tax rate; sales subject to tax; payment generally.

(a) There is hereby levied an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code (68 OKLA. STAT. §§ Section 1354 *et seq.*), excluding the exemptions provided in 68 OKLA. STAT. §§ 1355-1360 thereof, or as provided elsewhere in said Code (hereinafter, "Sales"), which tax shall be due and payable as provided in 68 OKLA. STAT. § 1365.

- (b) The purposes of the revenues generated by the excise tax levied by this section shall be as follows:
- a tax of one-quarter percent (0.25%) on Sales shall be used solely for improvements, repairs, maintenance and/or the advancement of Pauls Valley municipal parks and recreation facilities and programs;
 - a tax of one-half percent (0.5%) on Sales shall be used solely for replacement, repair and/or maintenance of public streets and alleys within the City of Pauls Valley; and
 - a tax of three and one-quarter percent (3.25%) on Sales shall be used for the purposes set forth in Section 17-22 of this Code.

(Ord. No. 940, § 1, 6-22-2010)

Editor's note—ord. No. 902, §§ 2, 6 adopted February 2, 2004, provides that the rate of 4% shall be in effect from July 1, 2004, through June 30, 1022. Ord. No. 940, adopted June 22, 2010 provides that, upon approval by the voters, the sales tax rate shall remain at 4% rather than being reduced to July 1, 2011, and added subsection (b). The voters approved the permanent 4% tax rate at an election held on August 24, 2010. Therefore, the sales tax rates are as follows:

On and after July 1, 1999	3.5%
On and after July 1, 2004	4%

Sec. 17-24. Time of payment; rates.

(a) The tax herein levied shall be paid to the tax collector at the time and in the manner and form provided for payment of the state sales tax under the Oklahoma Sales Tax Code

(68 O.S. § 13-62).

(b) The rate for the collection of the city sales tax by the tax collector, shall be as the same is hereafter adopted by the agreement of the city and the tax collector in the collection of both the three-percent city sales tax and the two-percent state sales tax (68 O.S. § 1307).

(Code 1977, § 1-97; Ord. No. 809, § 1, 4-8-91)

Note—See editor's note, § 17-23.

Sec. 17-25. Vendor's duty to collect tax.

(a) The tax levied hereunder shall be paid by the consumer or user to the vendor and every vendor in this city shall collect from the consumer or user the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

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(b) Vendors shall add the tax imposed hereunder or the average equivalent thereof, to the sales price or charge, and, when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to the vendor until paid and shall be recoverable by law in the same manner as other debts.

(c) A vendor who:

- (1) Willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this article;
- (2) Willfully or intentionally fails, neglects or refuses to comply with its provisions;
- (3) Remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied; or
- (4) Makes in any form of advertising (verbally or otherwise) any statement which implies that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, or at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense.

(Code 1977, § 1-99)

Sec. 17-26. Returns and remittances; discounts.

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Sales Tax Code; remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state sales taxes (68 O.S. § 13-67).

(Code 1977, § 1-100)

Sec. 17-27. Fraudulent returns; failure to report or make remittances.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax, or portion thereof, rightfully due under this article, shall be an offense.

(Code 1977, § 1-104)

Cross reference—Offenses—miscellaneous, Ch. 13.

Sec. 17-28. Interest and penalties; adoption of state laws.

(a) *Delinquency.* Section 217 of 68 O.S. is adopted and made a part of this article, and interest and penalties at the rates and in the amounts as therein specified are levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this article.

(b) *Waiver.* The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the city tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the state sales tax provided in 68 O.S. § 220; to accomplish the purpose of this section, the applicable provisions of said § 220 are adopted by reference and made a part of this article.

(Code 1977, §§ 1-101, 1-102)

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Sec. 17-29. Erroneous payment; claim for refund; adoption of state law provisions.

Refund of erroneous payment of the city sales tax herein levied may be made to any taxpayer making such erroneous payment, in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in 68 O.S. § 227, and, to accomplish the purposes of this section, the applicable provisions of said §227 are adopted by reference and made a part of this article.

(Code 1977, § 1-103)

Sec. 17-30. Confidentiality of records; adoption of state law provisions.

The confidential and privileged nature of the records and files concerning the administration of the city sales tax is legislatively recognized and declared, and to protect the same, the provisions of 68 O.S. § 205, and each subsection thereof, are adopted by reference and made a part of this article.

(Code 1977, § 1-105)

Sacs. 17-3–17-45. Reserved.

ARTICLE III. GROSS RECEIPTS TAX²

Sec. 17-46. Power to levy and assess; tax in lieu of other taxes.

The city council, being vested with the power so to do, does hereby levy and assess an annual tax upon the gross receipts from residential and commercial sales of both natural and liquefied petroleum gas and electricity in the city in the amount of two (2) percent of the gross receipts from said residential and commercial sales; this tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the city (68 O.S. § 2601).

(Code 1977, § 1-141)

Sec. 17-47. Application; exceptions.

The tax authorized to be levied under the preceding section shall apply to all persons engaged in the business of furnishing both natural and liquefied petroleum gas and electricity in the city; it shall not apply to any person operating under a valid franchise from the city, and said exception shall be so stated in the franchise (68 O.S. § 2602).

(Code 1977, § 1-142)

Sec. 17-48. Term of tax levy; payable quarterly; disposition.

This tax levied under section 17-46 shall be levied for a term of one year; it shall be payable quarterly to the city clerk and placed in the general revenue fund of the city (68 O.S. § 2603).

(Code 1977, § 1 143)

Sec. 17-49. Penalties upon failure to pay tax.

Should any person fail or refuse to pay such tax when levied, action may be taken against such person for the amount of the tax and all expenses of collecting same, including reasonable attorney fees (68 O.S. § 2604).

(Code 1977, § 1-144)

²Cross reference—Licenses and business regulations, Ch. 9.

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Sec. 17-50. Lien for tax.

The tax so imposed shall constitute a first and prior lien on all the assets located within the city of any person engaged in the business of selling natural and liquefied petroleum gas and electricity (69 O.S. § 2605).
(Code 1977, § 1-145)

Sacs. 17-51–17-70. Reserved.

ARTICLE IV. EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE PERSONAL PROPERTY³

Sec. 17-71. Excise tax on storage, use or other consumption of intangible, personal property levied.

(a) There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of four percent (4%) of the purchase price of such property (hereinafter, "Uses"). Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought in to the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

- (b) The purposes of the revenues generated by the excise tax levied by this section shall be as follows:
- a tax of one-quarter percent (0.25%) on Uses shall be used solely for improvements, repairs, maintenance and/or the advancement of Pauls Valley municipal parks and recreation facilities and programs;
 - a tax of one-half percent (0.5%) of Uses shall be used solely for replacement, repair and/or maintenance of public streets and alleys within the City of Pauls Valley; and
 - a tax of three and one-quarter percent (3.25%) of Uses shall be used for the purposes set forth in Section 17-22 of this Code.

(Ord. No. 801, § 1, 2-6-90; Ord. No. 810, §§ 1, 2, 5-21-91; Ord. No. 902, §2, 2-2-04; Ord. No. 940, §2, 6-22-2010)

Editor's note—ord. No. 902, §§ 2, 6 adopted February 2, 2004, provides that the rate of 4% shall be in effect from July 1, 2004, through June 30, 2022. Ord. No. 940, adopted June 22, 2010 provides that, upon approval by the voters, the sales tax rate shall remain at 4% rather than being reduced to July 1, 2011, and added subsection (b). The voters approved the permanent 4% tax rate at an election held on August 24, 2010. Therefore, the sales tax rates are as follows:

On and after July 1, 1999	3.5%
On and after July 1, 2004	4%

Sec. 17-72. Exemptions.

The provisions of this article shall not apply:

- (a) In respect to the use of an article of tangible, personal property brought in to the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;
- (b) In respect to the use of tangible, personal property purchase for resale before being used;

³**Editor's note**—Ord. No. 801, §§ 1-20, adopted March 6, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Art. IV, §§ 17-71–17-90.

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- (c) In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Pauls Valley Use Tax Ordinance, has been paid by the person using such tangible personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the City of Pauls Valley Use Tax Ordinance, the provisions of this article shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax and the City of Pauls Valley Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;
- (d) In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- (e) In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;
- (f) In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;
- (g) In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads;
- (h) In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

(Ord. No. 801, § 2, 3-6-90)

Sec. 17-73. Time when due; returns; payment.

The tax levied by this article is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

(Ord. No. 801, § 3, 3-6-90)

Sec. 17-74. Tax constitutes debt.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

(Ord. No. 801, § 4, 3-6-90)

Sec. 17-75. Collection of tax by retailer or vendor.

Every retailer of vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible, personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the tax commission, if the tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the tax commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this city.

(Ord. No. 801, § 5, 3-6-90)

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Sec. 17-76. Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state—permits.

The tax commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within the state but who makes sales of tangible personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the tax commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be canceled when at any time the tax commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that all instances where such sales are made or completed by delivery to the purchaser within the municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipality sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

(Ord. No. 801, § 6, 3-6-90)

Sec. 17-77. Revoking permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this article or the Oklahoma Use Tax Code or any order, rules or regulations of the tax commission, the tax commission may, upon notice and hearing as provided for in 68 O.S. 1981, § 1408, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Ordinance, the Oklahoma Use Tax Code, or any order, rules and regulations of the tax commission.

(Ord. No. 801, § 7, 3-6-90)

Sec. 17-78. Remunerative deductions allowed vendors or retailers of other States.

Returns and remittances of the tax herein levied and collected shall be made to the tax commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of state use taxes.

(Ord. No. 801, § 8, 3-6-90)

Sec. 17-79. Interest and penalties; delinquency.

Section 217 of Title 68 O.S. 1981 is hereby adopted and made a part of this article and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this article.

(Ord. No. 801, § 9, 3-6-90)

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Sec. 17-80. Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the state use tax provided in 68 O.S. 1981, § 227, and to accomplish the purposes of this section the applicable provisions of said § 220 are hereby adopted by reference and made a part of this article.

(Ord. No. 801, § 10, 3-6-90)

Sec. 17-81. Erroneous payments; claim for refund.

Refund of erroneous payment of the municipality use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state use tax as set forth in 68 O.S. 1981, § 227, and to accomplish the purpose of this section, the applicable provisions of said § 227 are hereby adopted by reference and made a part of this article.

(Ord. No. 801, § 11, 3-6-90)

Sec. 17-82. Fraudulent returns.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than two hundred dollars (\$200.00) and costs. Each day of noncompliance with this article shall constitute a separate offense.

(Ord. No. 801, § 12, 3-6-90; Ord. No. 880, § 5, 6-27-00)

Sec. 17-83. Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipality use tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. 1981, § 205, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality use tax as is herein set forth in full.

(Ord. No. 801, § 13, 3-6-90)

Sec. 17-84. Provisions cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality ordinances.

(Ord. No. 801, § 14, 3-6-90)

Sec. 17-85. Provisions severable.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof.

(Ord. No. 801, § 15, 3-6-90)

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Sec. 17-86. Definitions.

The definitions of words, terms and phrases defined in the Oklahoma Use Tax Code, § 1401, 68 O.S. 1981, are hereby adopted by reference and made a part of this article. In addition thereto, the following words and terms shall be defined as follows:

- (1) *City* shall mean the City of Pauls Valley, Oklahoma.
- (2) *Transaction* shall mean sale.

(Ord. No. 801, § 16, 3-6-90)

Sec. 17-87. Tax collector defined.

The term "tax collector" as used herein means the department of the municipality government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

(Ord. No. 801, § 17, 3-6-90)

Sec. 17-88. Classification of taxpayers.

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

(Ord. No. 801, § 18, 3-6-90)

Sec. 17-89. Subsisting state permits.

All valid and subsisting permits to do business issued by the tax commission pursuant to the Oklahoma Use Tax Code are for the purpose of this article hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipality permit for the same purpose.

(Ord. No. 801, § 19, 3-6-90)

Sec. 17-90. Purposes of revenues.

It is hereby declared to be the purpose of this article to provide revenues for the support of the functions of the municipal government of the municipalities and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

(Ord. No. 801, § 20, 3-6-90)

ARTICLE V. MOTEL TAX

Sec. 17-100. Citation and Codification.

This ordinance shall be known and cited as the City of Pauls Valley Motel Tax Ordinance of 2001, and is hereinafter referred to as "Ordinance."

(Ord. 886, § 1, 2-28-01)

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Sec. 17-102. Subsisting State Permits.

All valid and subsisting permits to do business by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Ord. 886, § 1, 2-28-01)

Sec. 17-103. Effective Date and Termination.

This Ordinance shall become and be effective thirty (30) days after approval of a majority of the registered voters of the City of Pauls Valley, Oklahoma, voting on the same in the manner prescribed by law; provided that upon approval of the voters as required above, this Ordinance shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Pauls Valley, Oklahoma, voting to repeal same in the manner as required by its approval.

(Ord. 886, § 1, 2-28-01)

Editor's Note – Ordinance 886 was approved by a majority of the registered voters of the City of Pauls Valley on May 8, 2001.

Sec. 17-104. Definitions.

(a) Treasurer shall mean the Treasurer of the City of Pauls Valley. When the term "Treasurer" is used in the context of the collecting the tax imposed hereby or the person to whom said tax is paid, said term shall mean the department of the city government or the official agency of the state duly designated according to law, or contract authorized by law, to administer the collection of the tax herein levied.

(b) Hotel or Motel shall mean any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations in which three (3) or more rooms are used for the accommodation of transient guests whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, bed and breakfast inns, inns, rooming houses, trailer houses, trailer motels, apartments and sleeping rooms not occupied by permanent residents, and all other facilities where rooms or sleeping accommodations or space are furnished for a consideration. The term shall not include hospitals, sanitariums, nursing homes, university dormitories or other educational or charitable institutions. Herein, references only to "hotel" shall include all terms enumerated herein as falling under the definition of Hotel or Motel.

(c) Occupancy shall mean the use or possession, or the right to use or possess any room or rooms in a hotel or the right to the use or possession of the furnishings, or to the services and accommodations accompanying the use and possession of the room or rooms.

(d) Occupant shall mean a person who for, a consideration uses, possesses, or has the right to the use or possess any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.

(e) Operator shall mean any person operating a hotel in this city, including, but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

(f) Rent shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

(g) Return shall mean any return filed or required to be filed as herein provided.

(h) Room shall mean any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is not capable of being occupied for lodging purposes and which is used for educational, recreational, or amusement purposes and shall include: dance halls; cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties, or weddings; lodge and meeting halls or rooms; skating

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rinks; gymnasiums; swimming pools; billiards, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar type of occupancy.

(i) Tax shall mean the tax levied pursuant to this Ordinance.

(Ord. 886, § 1, 2-28-01)

17-105. Use of Funds.

Funds collected pursuant to the provisions of this article shall be set aside and used exclusively for one or more of the following purposes:

1. encouraging, promoting and fostering conventions, conferences and tourism development in the City of Pauls Valley.

2. promotion of cultural, recreational, commercial, industrial, educational and economic events or development for the City of Pauls Valley including, but not limited to, the purchase, construction, maintenance and/or operation of facilities relating to such activities.

3. solicitation of visitor attractions, events, tourism, conferences, conventions and meetings in the City of Pauls Valley.

(Ord. 886, § 1, 2-28-01)

Sec. 17-106. Tax Levied.

There is hereby levied an excise tax of five percent (5%) of the gross rental receipts derived from all sales taxable under the Oklahoma Sales Tax Code upon the service of furnishing rooms by hotels or motels within the City of Pauls Valley, Oklahoma, except that the tax shall not be assessed where the rent is less than \$5.00 per day. This excise tax shall be in addition to any existing sales taxes imposed by the City of Pauls Valley or the State of Oklahoma.

(Ord. 886, § 1, 2-28-01)

Sec. 17-107. Exemptions.

Officers, agents, representatives, or employees of any government, corporation, organization, or association that is legally exempted from Oklahoma Sales Taxation or City of Pauls Valley Sales Taxation and whose occupancy of the room is required in connection with the official business or affairs of said government, corporation, organization, or association, shall be exempt from the tax levied by this article.

(Ord. 886, § 1, 2-28-01)

Sec. 17-108. Proof of Exemption Required.

Any person claiming to be exempt from the tax pursuant to Section 7-407 shall display proof of exemption and tax identification number certifying that the corporation, organization, or association with which he is affiliated is exempt from the tax.

(Ord. 886, § 1, 2-28-01)

Sec. 17-109. Tax to be designated.

The operator shall separately designate, charge, and show all taxes on all bills, statements, receipts, or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

(Ord. 886, § 1, 2-28-01)

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Sec. 17-110. Operator responsibility for collection.

The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the City for the tax.

(Ord. 886, § 1, 2-28-01)

Sec. 17-111. Discount.

In order to compensate an operator for keeping tax records, filing reports, and remitting the tax when due, a discount equal to that allowed by the Oklahoma Tax Commission for the collection of sales tax shall be allowed upon all taxes paid prior to the time they become delinquent.

(Ord. 886, § 1, 2-28-01)

Sec. 17-112. Records.

It shall be the duty of every operator required to make a return and pay any tax under this article to keep and preserve suitable records of the gross daily rentals together with other pertinent records and documents which may be necessary to determine the amount of tax due hereunder and such other records as will substantiate and prove the accuracy of such returns. All records shall remain in the City and be preserved for a period of three (3) years, unless the Treasurer, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Treasurer or by any of his duly authorized agents. The burden of proving that a sale was not a taxable sale shall be upon the operator who makes the sale.

(Ord. 886, § 1, 2-28-01)

Sec. 17-113. Returns.

(a) The tax levied hereunder shall be due and payable to the Treasurer on the first day of each month, except as herein provided, by any person liable for the payment of any tax due under this article. For the purpose of ascertaining the amount of the tax payable under this article, it shall be the duty of all operators, on or before the 15th day of each month, to deliver to the Treasurer, upon forms prescribed and furnished by him, returns, under oath, showing the gross receipts or gross proceeds arising from rents received from occupancy of hotel rooms during the preceding calendar month. Such returns shall show such further information as the Treasurer may require to correctly compute and collect the tax herein levied. In addition to the information required on returns, the Treasurer may request and the operator shall furnish any information deemed necessary for a correct computation of the tax levied herein. Such operator shall compute and remit to the Treasurer the required tax due for the preceding calendar month. The remittance or remittances of the tax shall accompany the returns herein required. If not paid on or before the 15th of such month, the tax shall be delinquent after such date; provided, that no interest or penalty shall be charged on such return filed on or before the 20th day of such month.

(b) The Treasurer may permit or require returns to be made by shorter or longer periods and upon such dates as he may specify. The form of return shall be prescribed by the Treasurer and shall contain such information as he may deem necessary for the proper administration of this article. The Treasurer may require amended returns to be filed within twenty (20) days after notice, which amended return shall contain the information specified in the notice.

(Ord. 886, § 1, 2-28-01)

Sec. 17-114. Payment of Tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the tax imposed by this article upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this article.

(Ord. 886, § 1, 2-28-01)

TAXATION

Sec. 17-115. Bond Required.

Where the Treasurer believes that any operator is about to cease business, leave the State, or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this article, he may require such operator to file with the City a bond issued by a surety company authorized to transact business in this State in such amount as the Treasurer may fix to secure the payment of any tax or penalties and interest due, or which may become due, from such operator. In the event that the Treasurer determines that an operator is to file such bond, he shall give notice to such operator specifying the amount of bond required, which shall in no event exceed twice the amount of the sum in controversy. The operator shall file such bond within five (5) days after receiving such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council at which time the necessity and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he may prescribe may be deposited with the Treasurer, who may at any time after five (5) days notice to the depositor apply them to any tax and/or any penalties due, and for that purpose the securities may be sold at private or public sale.

(Ord. 886, § 1, 2-28-01)

Sec. 17-116. Assessment and determination of tax.

If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the City Council for a hearing or unless the Treasurer upon his own initiative shall reassess the same. After such hearing the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

(Ord. 886, § 1, 2-28-01)

Sec. 17-117. Notices.

Any notice provided for under this article shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States Mail addressed to the last-known address of the operator.

(Ord. 886, § 1, 2-28-01)

Sec. 17-118. Remedies Exclusive.

The remedies provided in this article shall be exclusive remedies available to any person for the review of tax liability imposed by the article.

(Ord. 886, § 1, 2-28-01)

Sec. 17-119. Treasurer - Powers.

In addition to all other powers granted to the Treasurer, he is hereby authorized and empowered:

(a) To make, adopt, and amend rules and regulations appropriate to the collection of taxes pursuant to this article;

(b) To extend for cause shown the time for filing any return for a period not exceeding sixty (60) days; and, for cause shown, to waive, remit, or reduce penalties or interest;

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- City;
- (c) To delegate his functions hereunder to an assistant or other employee or employees of the
 - (d) To assess, reassess, determine, revise, and readjust the taxes imposed by this article;
 - (e) To prescribe methods for determining the taxable and nontaxable rents.

(Ord. 886, § 1, 2-28-01)

Sec. 17-120. Registration certificates - Certificates of Authority.

Every operator shall file with the Treasurer a registration certificate in a form prescribed by said Treasurer within ten (10) days after the effective date of this article or, in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The Treasurer shall, within five (5) days after the filing of such certificate, issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such Certificate of Authority shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel, or upon its sale or transfer.

(Ord. 886, § 1, 2-28-01)

Sec. 17-121. Interest.

If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1.5%) per month on the unpaid balance from the date of delinquency until said unpaid balance is paid in full.

(Ord. 886, § 1, 2-28-01)

Sec. 17-122. Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the tax is legislatively recognized and declared; and to protect the same, the provisions of 68 O.S. (1981) § 205 of the State Sales Tax Code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to the administration of this article as if herein set forth.

(Ord. 886, § 1, 2-28-01)

Sec. 17-123. Fraudulent returns.

The willful failure or refusal of any operator to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or a portion thereof rightfully due under this article shall be an offense against the City of Pauls Valley.

(Ord. 886, § 1, 2-28-01)

Sec. 17-124. Amendments.

The people of Pauls Valley by their approval of this ordinance at the election herein provided, hereby authorize the City Council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this article as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided shall not be changed without approval of the qualified voters of the City as provided by law.

(Ord. 886, § 1, 2-28-01)

TAXATION

Sec. 17-125. Provisions cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City ordinances.

(Ord. 886, § 1, 2-28-01)

Sec. 17-126. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence, or clause of this Ordinance is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence, or clause hereof.

(Ord. 886, § 1, 2-28-01)

Sec. 17-127. Payment of Legal Fees.

In the event a suit in a court of competent jurisdiction is caused to be filed, either on behalf of or against the City of Pauls Valley, and said cause is the direct result of the conditions, stipulations, or requirements hereinbefore set forth, an amount necessary to pay all legal fees incurred by the City, as well as fines or penalties imposed against it, shall be set aside from the monies authorized to be collected hereby in payment thereof, regardless of whether said cause was for the purpose of enforcing or defending the provision of this Ordinance.

(Ord. 886, § 1, 2-28-01)

Secs. 17-128 – 12-130. Reserved.

