

ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; FINDING IN SECTION 1 THAT SANDPOINT IS A RESORT CITY; PROVIDING IN SECTION 2 FOR DEFINITIONS; PROVIDING IN SECTION 3 FOR THE IMPOSITION AND RATE OF CERTAIN NONPROPERTY TAXES, TO-WIT: A ONE PERCENT (1%) TAX ON ALL SALES EXCEPT OCCUPANCY SALES SUBJECT TO TAXATION UNDER CHAPTER 36 OF TITLE 63, IDAHO CODE; PROVIDING IN SECTION 4 THAT THE TAX WILL BE IMPOSED FOR A DURATION OF FIVE (5) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING IN SECTION 5 THE PURPOSES FOR WHICH THE REVENUE DERIVED FROM THE TAX SHALL BE USED; CREATING IN SECTION 6 A PROPERTY TAX RELIEF FUND; PROVIDING IN SECTION 7 THAT THE CITY TREASURER IS AUTHORIZED TO ADMINISTER, REGULATE AND COLLECT THE TAX; PROVIDING IN SECTION 8 FOR THE ISSUANCE OF TAX PERMITS BY THE CITY CLERK; PROVIDING IN SECTION 9 FOR TAX PAYMENT METHOD AND TIMING, FILING OF TAX RETURNS, AND EXEMPTIONS; PROVIDING IN SECTION 10 FOR AUDITS AND DEFICIENCY DETERMINATION; PROVIDING IN SECTION 11 FOR A HEARING PROCESS FOR REDETERMINATION OF DEFICIENCY; PROVIDING IN SECTION 12 FOR APPEALS AND INTEREST ON DEFICIENCY; PROVIDING IN SECTION 13 FOR COLLECTIONS AND ENFORCEMENT; PROVIDING IN SECTION 14 FOR REFUNDS; PROVIDING IN SECTION 15 FOR RESPONSIBILITY FOR PAYMENT OF TAXES; PROVIDING IN SECTION 16 FOR A PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION; ESTABLISHING IN SECTION 17 FOR SUCCESSOR'S LIABILITY; PROVIDING IN SECTION 18 FOR GENERAL ADMINISTRATION BY THE CITY TREASURER; PROVIDING IN SECTION 19 FOR PENALTIES; PROVIDING IN SECTION 20 FOR PENALTY CHARGES; PROVIDING IN SECTION 21 FOR EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES; PROVIDING IN SECTION 22 FOR CONFIDENTIALITY OF INFORMATION; PROVIDING IN SECTION 23 FOR SEVERABILITY; PROVIDING IN SECTION 24 FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING IN SECTION 25 AN EFFECTIVE DATE OF THIS CHAPTER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDPOINT, IDAHO:

SECTION 1: FINDING.

The City Council of the City of Sandpoint, Bonner County, Idaho, hereby finds that Sandpoint is a resort City with a population not in excess of ten thousand (10,000), according to the most recent census within the State of Idaho, that it is organized under the general laws of the State, and that it derives the major portion of its economic well-being from businesses catering to recreational needs and meeting the needs of people traveling to Sandpoint for an extended period of time.

ORDINANCE NO. 1320

SECTION 2: DEFINITIONS.

A. IN THE CITY OF SANDPOINT: Within the municipal boundaries of the City of Sandpoint, Bonner County, Idaho.

B. PERSON: The term person means and includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, or any other group or combination acting as a unit.

C. TAXPAYER: Any person subject to or liable for any tax or payment of any tax imposed under this Chapter.

SECTION 3: IMPOSITION AND RATE OF CERTAIN NONPROPERTY TAXES, TO-WIT: A ONE PERCENT (1%) TAX ON ALL SALES EXCEPT OCCUPANCY SALES SUBJECT TO TAXATION UNDER CHAPTER 36 OF TITLE 63, IDAHO CODE.

The City of Sandpoint hereby imposes and shall collect, as set forth herein, certain nonproperty taxes as follows:

A. A tax is hereby imposed at the rate of one percent (1%) on all sales subject to taxation under Chapter 36 of Title 63, Idaho Code, except occupancy sales subject to taxation under Chapter 11 of Title 3, Sandpoint City Code.

B. All monies collected under the provisions of this chapter shall be held in trust for the City of Sandpoint and for payment thereof to the City Treasurer in the manner and at the times provided herein.

SECTION 4: DURATION OF TAXES.

The nonproperty taxes authorized and collected under this chapter are hereby imposed for a duration of five (5) years from the effective date of this ordinance.

SECTION 5: PURPOSES FOR WHICH THE REVENUE DERIVED FROM THE TAX SHALL BE USED.

The nonproperty tax revenue derived from and collected under this chapter shall be used for the following purposes:

Priority One: For completion of War Memorial Field Grandstand project as designed by Sewell and Associates. If funds remain, then,

Priority Two: To replace drainage and field surface at War Memorial Field infrastructure. If funds remain then,

ORDINANCE NO. 1320

Priority Three: For repair and replacement of War Memorial Field infrastructure. If funds remain, then,

Priority Four: To improve parks infrastructure, such as City Beach parking lot and Travers Park parking lot.

The City will retain the actual cost of collecting and administering the tax.

SECTION 6: CREATION OF A PROPERTY TAX RELIEF FUND.

There is hereby created in the office of the City Treasurer a fund to be designated as "Municipal Property Tax Relief Fund." All monies collected under this chapter, and not otherwise budgeted by the City Council, shall be placed by the City Treasurer into the municipal property tax relief fund. All monies collected and placed into said fund shall be used to replace City property taxes in the ensuing fiscal year.

SECTION 7: AUTHORIZATION FOR CITY TREASURER TO ADMINISTER, REGULATE AND COLLECT NONPROPERTY TAXES.

The City Treasurer of the City of Sandpoint is hereby authorized and empowered to administer, regulate and collect payment of all nonproperty taxes adopted and imposed by this ordinance. The Treasurer shall have all of the powers set forth in this chapter, together with those additional powers necessary and proper to carry out the provisions of the Ordinance.

SECTION 8: PERMITS - ISSUANCE.

A. Every person desiring to engage or conduct business in the City of Sandpoint shall file with the City Clerk an application for a municipal nonproperty tax permit for each place of business. A separate permit is required for each place of business within the City. Application shall be made on a form prescribed by the City Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of the business or places of business, and such other information as the City Clerk may require. The application shall be signed by the owner, if he is a natural person, or, in the case of an association or partnership, by a member or partner, or, in the case of a corporation, by an executive officer or other person authorized by the corporation to sign the application.

B. Upon filing an application meeting the requirements set forth above, the City Clerk shall issue to each applicant a permit for each place of business. A permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall, at all times, be conspicuously displayed at the location for which it was issued. Issuance of a permit may be subject to additional requirements as set forth in this chapter.

ORDINANCE NO. 1320

C. On the face of the permit shall be fixed a municipal nonproperty tax number, which shall be used by the applicant as an identifying number on all filing, payment and correspondence with regard to the tax imposed under this chapter.

SECTION 9: METHOD FOR PAYMENT OF TAXES.

A. The taxes imposed by this chapter shall be computed and paid for each calendar month and shall be due and payable to the City Treasurer on or before the 20th day of the succeeding month. The amount of tax paid shall be computed on the total dollar value of charges. Each person required to hold a municipal nonproperty tax permit and number shall file a municipal nonproperty tax return and a copy of their Idaho state sales tax return for the month at the same time taxes are paid to the City Treasurer, unless that person has been permitted in writing by the Idaho State Tax Commission to file quarterly sales or use tax returns. Persons who have been permitted to file other than quarterly returns shall notify the City Treasurer in writing, and the City Treasurer thereupon may require reporting of State tax returns over some other period.

B. The first payment of taxes under this chapter shall be due and payable together on the 20th day of February 2016 for that period beginning January 1, 2016, and ending January 31, 2016. Thereafter, all payments shall be made monthly.

C. A municipal nonproperty tax return shall be filed each and every month by every person engaging in retail sales, regardless of whether or not any tax is due. Returns shall be signed by the person required to file the return or by a duly authorized agent.

D. A valid sales tax exemption certificate issued by the Idaho State Tax Commission, upon filing a copy thereof with the City Clerk, shall have the same effect to exempt the sale from the taxes imposed hereunder as in the Idaho Sales Tax Act.

SECTION 10: AUDITS. DEFICIENCY DETERMINATION.

A. The City Treasurer may order an audit of any taxpayer under this chapter for the purpose of ascertaining the correctness or completeness of any return or payment.

B. If any error or omission is discovered in such audits or in any other way, the City Treasurer may compute and determine the amount of tax due upon the basis of facts obtained from such information within his/her possession and assert a deficiency. One or more deficiency determinations may be made for the amount due for one or for more than one period. In making such determinations, the City Treasurer may offset over payments against amounts due. Further, determinations shall be made for the period or periods during which the person fails to make a return and shall be based upon any information in the City Treasurer's possession.

C. The City Treasurer shall provide written notice of his/her determination and the amount of deficiency, including interest at the rate of twelve percent (12%) per annum or such other rate as may be allowed by Idaho Code and as set by resolution adopted by the City Council from the

ORDINANCE NO. 1320

date due, to the person from whom such deficiency amount is due. Such notice may be given personally or mailed to the person at the address furnished to the City Clerk in the nonproperty tax permit application.

SECTION 11: REDETERMINATION OF DEFICIENCY.

A. Any person against whom a deficiency determination is made under this chapter, or any person directly interested, may petition the City Clerk in writing for a redetermination within thirty (30) days after service upon the person of notice thereof. If the petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

B. If a petition for redetermination is filed within the thirty (30) day period, the City Treasurer shall reconsider the determination and, if requested in the petition, the City Treasurer shall grant the person an oral hearing and provide the person ten (10) days notice of the time and place of the hearing personally or by mail addressed to the person at the address furnished to the City Clerk in the person's application for a nonproperty tax permit.

SECTION 12: APPEALS. INTEREST ON DEFICIENCY.

A. When a redetermination is made, the City Treasurer shall give notice to the taxpayer against whom the redetermination is made. Within thirty (30) days of the date upon which the notice of redetermination is mailed or served, the taxpayer may file with the City Treasurer an appeal to the City Council or may file a complaint with the district court for review of the City Treasurer's redetermination. There shall be no right of review to the City Council or to the district court on the determination of taxes due made by the City Treasurer unless a petition for redetermination has been timely filed. No assessment of a deficiency in respect to the tax imposed by this chapter or proceeding to collect for its collection shall be made, begun, or prosecuted until notice has been mailed to the taxpayer and expiration of the thirty (30) day period after notice of redetermination, or, if a protest is filed, until a decision on the protest becomes final. If the taxpayer does not protest to the City Council or file an action in district court within the time prescribed in this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the City Treasurer.

B. Interest upon any deficiency shall be assessed at the same time as the deficiency, shall become due and payable upon notice and demand from the City Treasurer, and shall be collected as part of the tax at the rate of twelve percent (12%) interest per annum from the date prescribed for payment of the tax or at the maximum rate of interest allowed by Idaho Code or set by resolution adopted by City Council.

SECTION 13: COLLECTIONS AND ENFORCEMENT.

A. As soon as practical after the monthly municipal nonproperty tax return and payment is filed, the City Treasurer shall examine the same and determine the correct amount of the tax. For the

ORDINANCE NO. 1320

purpose of ascertaining the correctness of any payment determining the amount of tax due where none has been made, determining liability of any person for any tax payable under this chapter, or the liability at law or in equity of any person in respect to any tax provided by this chapter or collecting any such liability, the City Treasurer or his/her appointed deputy or other representative is authorized to (1) examine the books, papers, records or other data which may be relevant or material to the inquiry and (2) summon the person liable for the tax or any officer, agent or employee of such person, or any person having possession, custody or care of books of accounting containing entries relating to the business of the person liable or the tax, to appear before the City Treasurer or his/her appointed deputy or other representative at a time and place named in a summons to produce such books, papers, records or other data and/or give such testimony under oath as may be relevant or material to such inquiry.

SECTION 14: REFUNDS, LIMITATIONS AND INTEREST.

A. If the City Treasurer determines that any amount due under this chapter has been paid more than once or has been erroneously or illegally collected or computed, the City Treasurer shall set forth that fact in his/her records, and the excess amount paid or collected may be credited on any amount due or payable to the City Treasurer for nonproperty taxes from that person, and any balance refunded to the person by whom it was paid or to his successors, administrators or executors.

B. No credit or refund shall be allowed or made after one year from the time the payment was made unless, before the expiration of this period, a claim is filed by the taxpayer.

C. Interest shall be allowed on the amount of any credits or refunds at the rate of twelve percent (12%) interest per annum from the date the tax was paid or the maximum rate of interest allowed by Idaho Code or set by resolution adopted by City Council.

D. Appeal from the City Treasurer's decision denying in part or in whole a claim for refund shall be made in accordance with the laws of the State of Idaho with regard to claims against municipalities.

SECTION 15: RESPONSIBILITY FOR PAYMENT OF TAXES.

Every person with a duty to account for or pay over any tax imposed by this chapter on behalf of a corporation as an officer employee of the corporation, or on behalf of any limited liability company or on behalf of a partnership as a member employee of the partnership shall be personally liable for payment of such tax, plus penalties and interest.

SECTION 16: PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION.

A. The amount of taxes imposed under this chapter shall be assessed within three (3) years of the time the return upon which the tax asserted was due or should have been filed, whichever is later; provided, however, if a deficiency determination or assessment has been made within the

ORDINANCE NO. 1320

prescribed time, the tax may be collected within a period of six (6) years after assessment. The running of limitations provided by this section shall be suspended for the period during which the City Treasurer is prohibited from making the assessment or from collecting or proceeding in court due to a petition for redetermination or an appeal therefrom and for thirty (30) days thereafter.

B. In the case of tax due during the lifetime of a decedent, the tax shall be assessed any proceedings for collection begun within six (6) months after written request therefore (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, unless the assessment is stayed by a petition for redetermination or any appeal therefrom.

C. In the case of a false or fraudulent return with intent to evade tax or failure to file a return, the tax may be assessed or a proceeding in court for collection of such tax may begin without assessment at any time within three (3) years after the date of the discovery of the facts constituting fraud.

SECTION 17: SUCCESSORS' LIABILITY.

A. If a vendor liable for any amount of tax under this chapter sells out his business or stocks and goods, the vendee shall make an inquiry to the City Treasurer and withhold from the purchase price any amount of tax that may be due under this chapter until such time as the vendor produces receipt stating that no amount is due.

B. If the purchaser of business or stock of goods fails to withhold from the purchase price as above required, he is personally liable for the payment of the amount required to be withheld by him.

SECTION 18: GENERAL ADMINISTRATION BY CITY TREASURER.

A. The City Treasurer shall enforce the provisions of this chapter and may prescribe, adopt and enforce rules and regulations relating to its administration and enforcement. The City Treasurer may employ qualified auditors for examination of taxpayers' books and records, shall employ such accountants, investigators, assistants, clerks, and other personnel as are necessary for the efficient administration of this chapter, and may delegate authority to its representatives to conduct hearings, or perform other duties imposed by this chapter.

B. Every taxpayer in this City shall keep such records, receipts, invoices and other pertinent papers as the City Treasurer may require. Every taxpayer who files tax payments required under this chapter shall keep all such records for not less than four (4) years after making such payment, unless the City Treasurer, in writing, authorizes their destruction.

C. The City Treasurer, or any person authorized in writing by the Treasurer, may examine the books, papers, records, and equipment of any taxpayer or any person liable for any tax, and may

ORDINANCE NO. 1320

investigate the character of the business of the person in order to verify the accuracy of any return made or, if no return is made by the person, to ascertain and determine the amount required to be paid. Any taxpayer whose pertinent records are kept outside of the City must bring the records to the City for examination by the City Treasurer upon request or, by agreement with the City Treasurer, permit an auditor designated by the City Treasurer to visit the place where the records are kept and there audit the records.

SECTION 19: PENALTIES.

A. Any person who violates any provision of this chapter shall be guilty of a misdemeanor, punishable by up to six (6) months in jail and/or a fine of three hundred dollars (\$300). Furthermore, each month a person fails to report or intentionally fails to accurately compute or disclose the total amount of sales or rentals or the amount of tax to be paid as imposed under this chapter shall be considered a separate offense.

B. Any person who violates any provision of this chapter shall have his municipal nonproperty tax permit and tax number revoked. The City Clerk shall send written notice of revocation of the tax permit and number to the permit holder by certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date said notice is mailed to file a written request of appeal with the City Council, challenging the revocation. If no appeal is timely made, the revocation becomes final. Whenever a person subject to this chapter has had their permit and tax number revoked, the City Clerk shall not reissue the permit or issue a new permit to the person until the person places with the City Clerk a bond or other sufficient security in the amount equal to three (3) times the actual, determined, or estimated average monthly amount of tax payable by the person, pursuant to this chapter.

C. The City Clerk, whenever it is deemed necessary to ensure compliance, may require any person subject to this chapter to place with the City Clerk such security as the City Clerk may determine. Security shall not be greater than three (3) times the estimated average monthly amount payable by persons pursuant to this chapter. The amount of the security may be increased or decreased by the City Clerk at any time, subject to the limitations set forth above.

D. Any amount of tax due under this chapter which a person fails to report or accurately compute shall become a lien upon the property of the taxpayer on the date that the same becomes due, and the City may seek to enforce the lien and collect all taxes and interest due, together with the reasonable costs of collection, including attorney fees, in a court of competent jurisdiction.

E. For the purposes of proper administration of this chapter, and to prevent evasion of nonproperty taxes, the burden of proving that a sale is not a sale under this chapter is upon the person who makes the sale in question.

ORDINANCE NO. 1320

SECTION 20: PENALTY CHARGES.

A. Any person who is required to collect and pay over any tax imposed by this chapter and fails or refuses to pay over to the City the same when due in accordance with this chapter shall be liable for a penalty on the tax not paid. The penalty charge shall may be modified by resolution adopted by City Council but shall initially be equal to five percent (5%) of the tax not paid or a minimum of \$10, whichever is greater. The City Treasurer shall assess and collect the fee at the time any delinquent tax payment is tendered. The permit holder shall have ten (10) days from the date payment is made to file a written appeal with the City Council challenging the penalty determination. If no appeal is timely made as herein provided, the penalty determination shall be final.

B. Any person who is required to collect, truthfully account for, and pay over any tax imposed by this chapter and who willfully fails to do so or willfully attempts in any manner to evade or defeat the tax or payment thereof shall, in addition to the other penalties provided by law, be liable to a penalty equal to the amount of the tax evaded, not collected, or not accounted for and paid over. The City Treasurer shall determine and assess the penalties, and the same shall become due and payable upon notice and demand from the City Treasurer. The City Treasurer shall send written notice of the penalty charge to the permit holder by certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date the notice is mailed to file a written request of appeal with the City Council challenging the penalty charge determination. If no appeal is timely made, the penalty charge determination becomes final.

SECTION 21: EXEMPTIONS.

All transactions by the City of Sandpoint, Bonner County, Lake Pend Oreille School District, and State of Idaho otherwise subject to imposition of the municipal nonproperty tax are exempt from the provisions of this chapter.

SECTION 22: CONFIDENTIALITY OF INFORMATION.

A. No City Clerk, Deputy City Clerk, other City employee, or agent of the City shall divulge or make known to any persons, in any manner, any information whatsoever submitted or obtained directly or indirectly pursuant to this chapter or permit any nonproperty tax return or information supplied with regard thereto, or any copy thereof, or any paper or book so obtained, to be seen or examined by any person except as provided by law; provided that, in any action or proceeding brought for the collection, remission, cancellation, or refund of the whole or any part of a tax imposed under this chapter, or for enforcing the penalties prescribed for making false or fraudulent returns, any and all information contained in or provided with said returns may be made accessible to the elected and appointed officials, officers and representatives of the City who are charged with enforcing or defending same and all such returns, information, statements and correspondence relating thereto may be produced into evidence in any action, civil or criminal, directly pertaining to such returns or the tax imposed on the basis of such returns.

ORDINANCE NO. 1320

B. City Council, as provided by law or under such rules and provisions as it may prescribe, may permit, notwithstanding the provisions of this chapter as to secrecy, the Commissioner of Internal Revenue of the United States or his delegate or the proper officer of any state imposing a tax to inspect the nonproperty tax returns or information provided or obtained in connection therewith or may furnish to such officer or his authorized agent copies or an abstract thereof.

C. Nothing in this chapter shall prohibit a taxpayer or authorized representative, upon proper identification, from inspecting and copying his own nonproperty tax returns and information supplied therewith.

SECTION 23: SEVERABILITY.

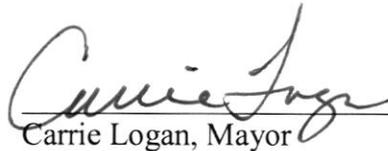
It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this chapter shall be severable. Should any section, subsection, paragraph, clause or phrase of this chapter, or any particular application thereof, be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of the section, subsection, paragraph, clause or phrase of this chapter.

SECTION 24: REPEALER CLAUSE.

All Ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 25: EFFECTIVE DATE. This chapter shall be in full force and effect on January 1, 2016, following voter approval, passage by the City Council, and publication according to law.

PASSED AND ADOPTED AS AN ORDINANCE OF THE CITY OF SANDPOINT, IDAHO, AT A REGULAR SESSION OF THE SANDPOINT CITY COUNCIL ON December 2, 2015.


Carrie Logan, Mayor

ATTEST:


Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO. 1320
Local Option Nonproperty Tax Ordinance

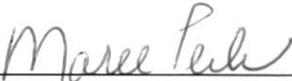
AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; FINDING IN SECTION 1 THAT SANDPOINT IS A RESORT CITY; PROVIDING IN SECTION 2 FOR DEFINITIONS; PROVIDING IN SECTION 3 FOR THE IMPOSITION AND RATE OF CERTAIN NONPROPERTY TAXES, TO-WIT: A ONE PERCENT (1%) TAX ON ALL SALES EXCEPT OCCUPANCY SALES SUBJECT TO TAXATION UNDER CHAPTER 36 OF TITLE 63, IDAHO CODE; PROVIDING IN SECTION 4 THAT THE TAX WILL BE IMPOSED FOR A DURATION OF FIVE (5) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING IN SECTION 5 THE PURPOSES FOR WHICH THE REVENUE DERIVED FROM THE TAX SHALL BE USED; CREATING IN SECTION 6 A PROPERTY TAX RELIEF FUND; PROVIDING IN SECTION 7 THAT THE CITY TREASURER IS AUTHORIZED TO ADMINISTER, REGULATE AND COLLECT THE TAX; PROVIDING IN SECTION 8 FOR THE ISSUANCE OF TAX PERMITS BY THE CITY CLERK; PROVIDING IN SECTION 9 FOR TAX PAYMENT METHOD AND TIMING, FILING OF TAX RETURNS, AND EXEMPTIONS; PROVIDING IN SECTION 10 FOR AUDITS AND DEFICIENCY DETERMINATION; PROVIDING IN SECTION 11 FOR A HEARING PROCESS FOR REDETERMINATION OF DEFICIENCY; PROVIDING IN SECTION 12 FOR APPEALS AND INTEREST ON DEFICIENCY; PROVIDING IN SECTION 13 FOR COLLECTIONS AND ENFORCEMENT; PROVIDING IN SECTION 14 FOR REFUNDS; PROVIDING IN SECTION 15 FOR RESPONSIBILITY FOR PAYMENT OF TAXES; PROVIDING IN SECTION 16 FOR A PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION; ESTABLISHING IN SECTION 17 FOR SUCCESSOR'S LIABILITY; PROVIDING IN SECTION 18 FOR GENERAL ADMINISTRATION BY THE CITY TREASURER; PROVIDING IN SECTION 19 FOR PENALTIES; PROVIDING IN SECTION 20 FOR PENALTY CHARGES; PROVIDING IN SECTION 21 FOR EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES; PROVIDING IN SECTION 22 FOR CONFIDENTIALITY OF INFORMATION; PROVIDING IN SECTION 23 FOR SEVERABILITY; PROVIDING IN SECTION 24 FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING IN SECTION 25 AN EFFECTIVE DATE OF THIS CHAPTER.

SECTION 1 finds that Sandpoint is a resort city of fewer than 10,000 residents; SECTION 2 provides for definitions; SECTION 3 imposes a temporary 1% local sales tax; SECTION 4 provides that the duration of the tax will be five years; SECTION 5 states the purposes for which the revenue will be used; SECTION 6 creates a property tax relief fund; SECTION 7 authorizes the City Treasurer to administer and collect the tax; SECTION 8 provides for the issuance of tax permits; SECTION 9 provides for method of payment; SECTIONS 10 through 12 provide for audits, deficiency determination, and appeals; SECTION 13 provides for collection and enforcement; SECTION 14 provides for refunds; SECTION 15 provides for payment responsibility; SECTION 16 provides for assessment and collection limitations; SECTION 17 provides for successors' liability; SECTION 18 provides for general administration; SECTIONS 19 and 20 provide for penalties and charges; SECTION 21 provides for exemptions; SECTION 22 provides for confidentiality; SECTION 23 provides for severability; SECTION 24 provides for repeal of conflicting sections; and SECTION 25 provides for publication and an effective date.

SUMMARY OF ORDINANCE NO. 1320
Local Option Nonproperty Tax Ordinance

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated the 2nd day of December, 2015.

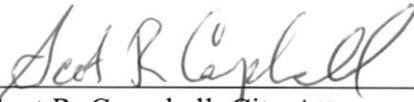


Maree Peck, City Clerk

Publication Date: December 9, 2015

STATEMENT OF LEGAL ADVISER

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. 1320 and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.



Scot R. Campbell, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Rucker, being first duly sworn on oath, deposes and states:

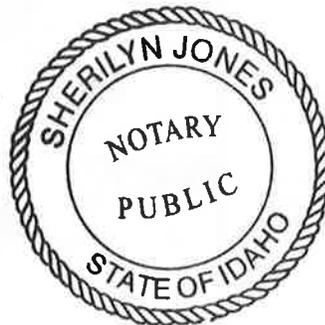
1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Summary of Ordinance No 1320
My business address is P.O. Box 159, Sandpoint, Idaho.
2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 1 consecutive weeks, commencing on the 9 day of December, 2015, and ending on the 9 day of December, 2015.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 9th day of December, in the year of 2015, before me, Sherilyn Jones, Notary Public, personally appeared Danielle Rucker, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Sherilyn Jones
Notary Public
Residing at: Sandpoint
Comm. Exp.: 2/24/17



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124.73

TAXES, TO-WIT: A ONE PERCENT (1%) TAX ON ALL SALES EXCEPT OCCUPANCY SALES SUBJECT TO TAXATION UNDER CHAPTER 36 OF TITLE 63, IDAHO CODE; PROVIDING IN SECTION 4 THAT THE TAX WILL BE IMPOSED FOR A DURATION OF FIVE (5) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING IN SECTION 5 THE PURPOSES FOR WHICH THE REVENUE DERIVED FROM THE TAX SHALL BE USED; CREATING IN SECTION 6 A PROPERTY TAX RELIEF FUND; PROVIDING IN SECTION 7 THAT THE CITY TREASURER IS AUTHORIZED TO ADMINISTER, REGULATE AND COLLECT THE TAX; PROVIDING IN SECTION 8 FOR THE ISSUANCE OF TAX PERMITS BY THE CITY CLERK; PROVIDING IN SECTION 9 FOR TAX PAYMENT METHOD AND TIMING, FILING OF TAX RETURNS, AND EXEMPTIONS; PROVIDING IN SECTION 10 FOR AUDITS AND DEFICIENCY DETERMINATION; PROVIDING IN SECTION 11 FOR A HEARING PROCESS FOR REDETERMINATION OF DEFICIENCY; PROVIDING IN SECTION 12 FOR APPEALS AND INTEREST ON DEFICIENCY; PROVIDING IN SECTION 13 FOR COLLECTIONS AND ENFORCEMENT; PROVIDING IN SECTION 14 FOR REFUNDS; PROVIDING IN SECTION 15 FOR RESPONSIBILITY FOR PAYMENT OF TAXES; PROVIDING IN SECTION 16 FOR A PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION; ESTABLISHING IN SECTION 17 FOR SUCCESSOR'S LIABILITY; PROVIDING IN SECTION 18 FOR GENERAL ADMINISTRATION BY THE CITY TREASURER; PROVIDING IN SECTION 19 FOR PENALTIES; PROVIDING IN SECTION 20 FOR PENALTY CHARGES; PROVIDING IN SECTION 21 FOR EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES; PROVIDING IN SECTION 22 FOR CONFIDENTIALITY OF INFORMATION; PROVIDING

IN SECTION 23 FOR SEVERABILITY; PROVIDING IN SECTION 24 FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING IN SECTION 25 AN EFFECTIVE DATE OF THIS CHAPTER.

SECTION 1 finds that Sandpoint is a resort city of fewer than 10,000 residents; SECTION 2 provides for definitions; SECTION 3 imposes a temporary 1% local sales tax; SECTION 4 provides that the duration of the tax will be five years; SECTION 5 states the purposes for which the revenue will be used; SECTION 6 creates a property tax relief fund; SECTION 7 authorizes the City Treasurer to administer and collect the tax; SECTION 8 provides for the issuance of tax permits; SECTION 9 provides for method of payment; SECTIONS 10 through 12 provide for audits, deficiency determination, and appeals; SECTION 13 provides for collection and enforcement; SECTION 14 provides for refunds; SECTION 15 provides for payment responsibility; SECTION 16 provides for assessment and collection limitations; SECTION 17 provides for successors' liability; SECTION 18 provides for general administration; SECTIONS 19 and 20 provide for penalties and charges; SECTION 21 provides for exemptions; SECTION 22 provides for confidentiality; SECTION 23 provides for severability; SECTION 24 provides for repeal of conflicting sections; and SECTION 25 provides for publication and an effective date. The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated the 2nd day of December, 2015.
 Maree Peck, City Clerk
 Publication Date:
 December 9, 2015
 SNP Legal 3464
 December 9, 2015

SUMMARY OF ORNINANCE NO. 1320
 Local Option Nonproperty Tax Ordinance
 AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; FINDING IN SECTION 1 THAT SANDPOINT IS A RESORT CITY; PROVIDING IN SECTION 2 FOR DEFINITIONS; PROVIDING IN SECTION 3 FOR THE IMPOSITION AND RATE OF CERTAIN NONPROPERTY