

MUNICIPAL GROSS RECEIPTS TAX  
ON PRIME CONTRACTORS ENGAGED IN  
REALTY IMPROVEMENT CONTRACTS

ORDINANCE NO. 253

AN ORDINANCE IMPOSING A MUNICIPAL EXCISE TAX ON THE GROSS RECEIPTS OF PRIME CONTRACTORS ENGAGED IN REALTY IMPROVEMENT CONTRACTS IN THE CITY OF Alexandria, Hanson COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF Alexandria, Hanson COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this ordinance is to provide additional needed revenue for the city of Alexandria, South Dakota, by imposing a municipal gross receipts tax on realty improvement contracts pursuant to the powers granted to the municipality by the state of South Dakota by SDCL 10-52 Uniform Municipal Non-Ad Valorem Tax Law, acts amendatory thereto and SDCL 10-46A-11.

Section 2. EFFECTIVE DATE. Commencing with the first calendar quarter following the effective date of this ordinance, there is hereby imposed as a municipal gross receipts tax, a tax of one-half of one percent on the gross receipts of all prime contractors and other persons engaged in realty improvement contracts within the jurisdiction of the City of Alexandria, Hanson County, South Dakota who are subject to the South Dakota Realty Improvement Contract Gross Receipts Tax, SDCL 10-46A, and acts amendatory thereto.

Section 3. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52, acts amendatory thereto, and SDCL 10-46A and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the Realty Improvement Contract Gross Receipts Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Section 4. EXEMPTIONS. Pursuant to SDCL 10-46A-6, the gross receipts of subcontractors or retailers from sales of materials or services which are to be used in realty improvement contracts subject to the tax imposed by this municipality upon retail sales are hereby exempt from such retail sales and use taxes providing a state exemption certificate is presented to the supplier at the time of purchase.

Section 5. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all section of the South Dakota Improvement Contract Gross Receipts Tax, SDCL 10-46A and acts amendatory thereto and that this tax shall be considered a similar tax except for the rate thereof to the tax.

Section 6. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be fined not more than \$100.00 dollars. In addition, all such collection remedies authorized by SDCL 10-46A and act amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 7. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this 11<sup>th</sup> day of July, 1979.

/S/ Clifford Sherard  
Mayor

First Reading 7-11-79  
Second Reading 8-6-79  
Adopted 8-6-79

ATTEST:

/S/ Janice Wolf  
Auditor

(CORPORATE SEAL)