

TITLE 3
FINANCE AND TAXATION

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CHAPTER 1
FINANCES GENERALLY

SECTION:

- 3-1-1: Investments
- 3-1-2: Depositories Designated; Disposition Of Funds
- 3-1-3: Funds Secured
- 3-1-4: Purchasing Procedure
- 3-1-5: Competitive Bidding; Purchases And Sales
- 3-1-6: Payment Of Claims

3-1-1: **INVESTMENTS:** The town clerk-treasurer or any other person authorized to invest public monies shall invest the same in those investments authorized by the town board of trustees or authorized by state law in a manner authorized by either or both such board of trustees and statutes. (1999 Code § 7-101)

3-1-2: **DEPOSITORIES DESIGNATED; DISPOSITION OF FUNDS:**

A. Depositories; Funds:

1. All banks and financial institutions as are designated by the town board of trustees shall be designated as depositories for the funds of the town.

2. The town clerk-treasurer shall deposit daily all public funds received by him/her in these banks.

3. Funds may be transferred from one depository to another upon direction of the clerk-treasurer.

B. Authority Of Clerk-Treasurer: The town clerk-treasurer is given blanket authority on a continuing basis during the fiscal year to invest and reinvest available funds; provided, that the income received from the investments be placed in the fund from which the

investment was made, with the exception of sinking fund interest earned which may be placed in the general fund. (1999 Code § 7-102)

3-1-3: **FUNDS SECURED:** The deposits of the town shall be secured by the provisions of the security for local public deposits act, 62 Oklahoma Statutes section 517.1 et seq., which is hereby adopted by reference, insofar as such provisions are applicable to the town. (1999 Code § 7-103; amd. 2013 Code)

3-1-4: **PURCHASING PROCEDURE:**

A. Purchasing Authority: The town purchasing authority shall contract for and purchase all supplies, material and equipment for the offices, departments and agencies of the town. The purchasing authority may also transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment.

B. Supervision: All purchases of supplies, materials, equipment and contractual services, and any sales of the town, shall be made by the board of trustees or pursuant to authorizations granted by it, and subject to its supervision and control. (1999 Code § 7-104)

3-1-5: **COMPETITIVE BIDDING; PURCHASES AND SALES:**

A. Purchases:

1. Bidding Required: Before the town makes any purchase of, or contract for, supplies, materials, equipment or contractual services, except as otherwise provided in this subsection, the town purchasing officer shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; or publish notice of the proposed purchase in a newspaper of general circulation within the town. The town purchasing officer shall favor a person, firm or corporation in the town when this can be done without additional cost to the town; but the town purchasing officer shall submit requests for quotations to those outside the town when this may be necessary to secure bids or to create competitive conditions, or when the town purchasing

officer thinks that by so doing the town purchasing officer can make a saving for the town; and shall purchase from them when the town purchasing officer can make a saving for the town. All bids shall be sealed and shall be opened in public at a designated time and place. The town purchasing officer may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, or again publish notice of the proposed purchase. The town purchasing officer may purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the town.

2. Bidding Not Required: The following may be purchased without giving an opportunity for competitive bidding: (1999 Code § 7-105)

a. Supplies, materials, equipment or contractual services whose cost does not exceed the maximum amount designated by state statute in a single transaction; (1999 Code § 7-105; amd. 2013 Code)

b. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;

c. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;

d. Contractual services, including, but not limited to, natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the state corporation commission or other governmental authority;

e. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such price is determined by a contract negotiated with a vendor or otherwise; and

f. Contractual services of a professional nature, such as engineering, architectural and medical services unless competitive

bidding is required by applicable law or regulations. (1999 Code § 7-105)

B. Sales:

1. Bidding Required: No surplus or obsolete supplies, materials or equipment of any value may be sold until the town board shall have declared them obsolete or surplus. Before the town sells any surplus or obsolete supplies, materials or equipment of a value of more than the maximum amount designated by state statute, except as otherwise provided in this subsection, the town shall advertise them for sale in a newspaper of general circulation in the town or give notice in such other manner as the town deems necessary adequately to reach prospective buyers to give them opportunity to make necessary bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The town may repeatedly reject all bids and advertise or give notice again. The town shall sell such supplies, materials or equipment to the highest responsible bidder. In case of a tie, if necessary, the town shall cast lots to determine to whom to sell, or the town may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders.

2. Bidding Not Required: The town may sell the following without giving an opportunity for competitive bidding after it has declared them obsolete or surplus:

a. Surplus or obsolete supplies, materials or equipment whose total value does not exceed the maximum amount designated by state statute in a single transaction; and

b. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same. (1999 Code § 7-106; amd. 2013 Code)

3-1-6: **PAYMENT OF CLAIMS:**

A. Review And Approval Of Claims: The town clerk-treasurer shall be responsible for review and approval for payment of claims for all expenditures of the town. The clerk-treasurer shall be authorized to pay an amount not to exceed the encumbered amount of each purchase order submitted if:

1. The encumbered amount of each purchase order has been previously approved by the town board of trustees; and
 2. The creditor has submitted proper documentation reflecting an itemized statement of the charges incurred or the services rendered.
- B. Purchase Orders Required; Monthly Report: All claims shall be made on purchase orders properly issued by the town clerk-treasurer which shall certify that the amount is within the approved budget for the account charged. All claims must be signed by the town clerk-treasurer and the designated purchasing officer initiating the purchase or expenditure prior to approval of the town clerk-treasurer. A monthly report shall be prepared listing all approved payments made for the preceding month. A copy of the payment listing shall be forwarded to each member of the board of trustees prior to each regularly scheduled monthly meeting of the town board of trustees.
- C. Regular Payment Schedule: All payments shall be made on regular schedules which shall assure payment of bills in a timely manner. Exceptions to regular payment schedules must be authorized by the town clerk-treasurer. (1999 Code § 7-107)

CHAPTER 2
SALES TAX

SECTION:

- 3-2- 1: Title
- 3-2- 2: Definitions
- 3-2- 3: Classification Of Taxpayers
- 3-2- 4: Subsisting State Permits
- 3-2- 5: Purpose Of Revenues
- 3-2- 6: Tax Rate; Sales Subject To Tax
- 3-2- 7: Exemptions From Tax
- 3-2- 8: Due Date
- 3-2- 9: Payment Of Tax; Brackets
- 3-2-10: Tax Constitutes Prior Claim
- 3-2-11: Collection By Vendors
- 3-2-12: Returns, Remittances And Discounts
- 3-2-13: Delinquencies; Interest And Penalties
- 3-2-14: Erroneous Payments; Claim For Refund
- 3-2-15: Failure To File; Fraudulent Returns
- 3-2-16: Tax Records Confidential
- 3-2-17: Provisions Cumulative
- 3-2-18: Amendments To Chapter

3-2-1: **TITLE:** This chapter shall be known and may be cited as the *TOWN OF ARNETT SALES TAX ORDINANCE*¹. (1999 Code § 7-201)

3-2-2: **DEFINITIONS:**

- A. Generally: The definitions of words, terms and phrases contained in the Oklahoma sales tax code, 68 Oklahoma Statutes section 1352, are hereby adopted by reference and made a part of this chapter. (1999 Code § 7-202; amd. 2013 Code)

1. 68 OS § 1350 et seq.

B. Tax Collector Defined: The term "tax collector", as used in this chapter, shall mean the department of the town 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. (1999 Code § 7-202)

3-2-3: **CLASSIFICATION OF TAXPAYERS:** For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma sales tax code. (1999 Code § 7-203)

3-2-4: **SUBSISTING STATE 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 chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose. (1999 Code § 7-204)

3-2-5: **PURPOSE OF REVENUES:** It is hereby declared to be the purpose of the revenues generated by the first cent sales taxes levied herein to provide revenues for the support of the functions of the municipal government of the town. (1999 Code § 7-205)

3-2-6: **TAX RATE; SALES SUBJECT TO TAX:** There is hereby levied an excise tax of three percent (3%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code. (1999 Code § 7-206; amd. 2013 Code)

3-2-7: **EXEMPTIONS FROM TAX:** Exemptions from the sales tax levied in this chapter shall include all those allowed under the Oklahoma sales tax code. (2013 Code)

3-2-8: **DUE DATE:** The tax levied under this chapter shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the sales tax law of the state. (1999 Code § 7-213)

3-2-9: PAYMENT OF TAX; BRACKETS:

- A. The tax herein levied shall be paid to the tax collector at the time in form and manner provided for payment of state sales tax under the sales tax law of the state.
- B. The bracket system for the collection of the town sales tax by the tax collector shall be as the same is hereafter adopted by the agreement of the town and the tax collector, in the collection of both the town sales tax and the state sales tax. (1999 Code § 7-214)

3-2-10: TAX CONSTITUTES PRIOR CLAIM: 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. (1999 Code § 7-215)

3-2-11: COLLECTION BY VENDORS:

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor; and each and every vendor shall collect from the consumer or user the full amount of the tax levied, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- 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 at law in the same manner as other debts.
- C. No vendor shall wilfully or intentionally fail, neglect or refuse to collect the full amount of the tax levied; or wilfully or intentionally fail, neglect or refuse to comply with the provisions of this chapter; or remit or rebate to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied; or make in any form of advertising, verbally or otherwise, any statement which infers 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. (1999 Code § 7-216)

3-2-12: **RETURNS, REMITTANCES AND 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 state sales tax code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for collection of state sales taxes. (1999 Code § 7-217)

3-2-13: **DELINQUENCIES; INTEREST AND PENALTIES:**

A. Delinquencies:

1. 68 Oklahoma Statutes section 217 is adopted and made a part of this chapter.

2. Interest and penalties at the rates and in amounts specified in the state statute cited in subsection A of this section are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter.

3. 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 chapter shall cause such tax to be delinquent.

4. If such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter. (1999 Code § 7-218)

B. Waiver Of Interest And Penalties:

1. The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in 68 Oklahoma Statutes section 220.

2. To accomplish the purposes of this subsection, the applicable provisions of 68 Oklahoma Statutes section 220 are adopted by reference and made a part of this chapter. (1999 Code § 7-219)

3-2-14: ERRONEOUS PAYMENTS; CLAIM FOR REFUND:

- A. Refund of erroneous payment of the town 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 Oklahoma Statutes section 227.
- B. To accomplish the purposes of this section, the applicable provisions of 68 Oklahoma Statutes section 227 are adopted by reference and made a part of this chapter. (1999 Code § 7-220)

3-2-15: FAILURE TO FILE; FRAUDULENT RETURNS:

- A. Prohibited Acts: No person shall:
 - 1. Intentionally fail or refuse to make tax reports and remittances as required under this chapter; or
 - 2. Intentionally make false and fraudulent tax reports for the purpose of avoiding or escaping payment of any tax or portion thereof due under this chapter.
- B. State Sales Tax Permit Number Required: Any person required to collect and remit sales tax pursuant to the state sales tax code or this code, and engaging in any of the callings, trades, avocations, professions, businesses or occupations for which a license is required by the town, and applying for such license, must submit proof as a condition precedent to issuing such license of a valid sales tax permit number issued by the state.
- C. License Suspension Or Revocation: Any license issued by the town to any person engaging in any of the callings, trades, avocations, businesses, professions or occupations for which a license is required by this code may be suspended or revoked for failure to maintain a lawful sales tax license or collect and remit sales tax if and as required by the state sales tax code or this code.
- D. Penalties And Civil Remedies: In addition to all civil penalties provided by this chapter, any violation of this section shall subject the offending taxpayer to the penalty set forth in section 1-4-1 of this code. Each day of such violation shall be considered a separate offense and charged separately. (1999 Code § 7-221)

3-2-16: **TAX RECORDS CONFIDENTIAL:** The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared; and to protect the same, the provisions of 68 Oklahoma Statutes section 205 of the state sales tax code, and all subsections thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full. (1999 Code § 7-222)

3-2-17: **PROVISIONS CUMULATIVE:** The provisions of this chapter shall be cumulative and in addition to any and all other taxing provisions of town ordinances. (1999 Code § 7-223)

3-2-18: **AMENDMENTS TO CHAPTER:** The board of trustees, by ordinance duly enacted, is authorized to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter 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 electors of the town as provided by law. (1999 Code § 7-224)

CHAPTER 3

USE TAX

SECTION:

- 3-3- 1: Title
- 3-3- 2: Definitions
- 3-3- 3: Classification Of Taxpayers
- 3-3- 4: Subsisting State Permits
- 3-3- 5: Tax Levied; Transactions Subject To Tax
- 3-3- 6: Purpose Of Revenues
- 3-3- 7: Exemptions
- 3-3- 8: Due Date
- 3-3- 9: Tax Constitutes Debt
- 3-3-10: Collection Of Tax By Retailer Or Vendor
- 3-3-11: Revocation Of Permit
- 3-3-12: Remunerative Deductions Allowed Vendors Of Other States
- 3-3-13: Delinquencies; Interest And Penalties
- 3-3-14: Erroneous Payments; Claim For Refund
- 3-3-15: Fraudulent Returns
- 3-3-16: Records Confidential
- 3-3-17: Provisions Cumulative

3-3-1: **TITLE:** This chapter shall be known and may be cited as *TOWN USE TAX*. (1999 Code § 7-501)

3-3-2: **DEFINITIONS:** The definitions of words, terms and phrases contained in the Oklahoma use tax code, 68 Oklahoma Statutes section 1401, are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words and terms shall be defined, as follows:

TAX COLLECTOR: The department of the town 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 levied in this chapter.

TRANSACTION: Sale. (1999 Code § 7-502)

3-3-3: **CLASSIFICATION OF TAXPAYERS:** For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma use tax code. (1999 Code § 7-517)

3-3-4: **SUBSISTING STATE PERMITS:** All valid and subsisting permits to do business issued by the state tax commission pursuant to the Oklahoma use tax code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose. (1999 Code § 7-518)

3-3-5: **TAX LEVIED; TRANSACTIONS SUBJECT TO TAX:**

- A. There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the town tangible, personal property purchased or brought into the town, an excise tax on the storage, use or other consuming within the town of such property at the rate of three percent (3%) of the purchase price of such property.
- B. Such tax shall be paid by every person storing, using or otherwise consuming, within the town, tangible, personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the town 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 town, but which is stored in the town pending shipment outside the town or which is temporarily retained in the town 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 town had been levied on the sale of such goods or services. (1999 Code § 7-503)

3-3-6: **PURPOSE OF REVENUES:** It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the town, and any and all revenues derived hereunder may be expended by the governing body of the town for any purpose for which funds may be lawfully expended as authorized. (1999 Code § 7-504)

3-3-7: **EXEMPTIONS:** Exemptions from such tax as levied by this chapter shall be allowed pursuant to Oklahoma Statutes. (2013 Code)

3-3-8: **DUE DATE:** The tax levied by this chapter 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. (1999 Code § 7-506)

3-3-9: **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. (1999 Code § 7-507)

3-3-10: **COLLECTION OF TAX BY RETAILER OR VENDOR:**

A. Collection Of Tax: Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside this state for use in the town shall, at the time of making such sales, collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission, if the state tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the state tax commission the name and address of all his agents operating in the town and location of any and all distribution or sales houses or offices or other places of business in the town. (1999 Code § 7-508)

B. Vendors Maintaining Place Of Business Outside State: The state 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 the town and by the out of state place of business of any retailer or vendor maintaining places of business both within and without this state and making sales of tangible, personal property such out of state place of business for use in the town. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the state 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 the town. Such authority and permit may be canceled when at any time the state tax commission considers that such tax can more effectively be collected from the person using such property in the town. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the town 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 town sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly. (1999 Code § 7-509)

3-3-11: **REVOCAION OF PERMIT:** 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 chapter or the Oklahoma use tax code, or any orders, rules or regulations of the state tax commission, the state tax commission may, upon notice and hearing as provided for in 68 Oklahoma Statutes section 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 the 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 chapter, the Oklahoma use tax code, or any orders, rules or regulations of the state tax commission. (1999 Code § 7-510)

3-3-12: **REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OF OTHER STATES:** Returns and remittances of the tax herein levied and collected shall be made to the state 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 the code for the collection of state use taxes. (1999 Code § 7-511)

3-3-13: DELINQUENCIES; INTEREST AND PENALTIES:

- A. Delinquency: 68 Oklahoma Statutes section 217 is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. 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 chapter 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 chapter. (1999 Code § 7-512)
- B. 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 town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state use tax provided in 68 Oklahoma Statutes section 220, and to accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this chapter. (1999 Code § 7-513)

3-3-14: ERRONEOUS PAYMENTS; CLAIM FOR REFUND: Refund of erroneous payment of the town 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 Oklahoma Statutes section 227, and to accomplish the purpose of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this chapter. (1999 Code § 7-514)

3-3-15: FRAUDULENT RETURNS: In addition to all civil penalties provided by this chapter, the wilful 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 chapter shall be an offense, and, upon conviction thereof, the offending taxpayer shall be

punished as provided in section 1-4-1 of this code. Each day of noncompliance with this chapter shall constitute a separate offense. (1999 Code § 7-515)

3-3-16: **RECORDS CONFIDENTIAL:** The confidential and privileged nature of the records and files concerning the administration of the town use tax is legislatively recognized and declared, and to protect the same, the provisions of 68 Oklahoma Statutes section 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 town use tax as is herein set forth in full. (1999 Code § 7-516)

3-3-17: **PROVISIONS CUMULATIVE:** The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the town ordinances. (1999 Code § 7-519)

CHAPTER 4
UTILITIES TAX

SECTION:

- 3-4-1: Tax Levied
- 3-4-2: Franchise Excepted
- 3-4-3: Term And Payment Of Tax
- 3-4-4: Failure To Pay Tax
- 3-4-5: Tax Constitutes Lien
- 3-4-6: Permit For Furnishing Gas

3-4-1: **TAX LEVIED:** From and after the effective date hereof, there is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of power, light, heat, gas, electricity or water in the town, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the town, all as provided by 68 Oklahoma Statutes sections 2601 through 2605. (Ord. 320, 6-14-2002)

3-4-2: **FRANCHISE EXCEPTED:** The tax levied under section 3-4-1 of this chapter shall, when levied, apply to all persons, firms, associations, or corporations engaged in the business of furnishing power, light, heat, gas, electricity or water within the town limits, except that such tax shall not apply to any person, firm, association or corporation operating under a valid franchise from the town, nor to the town when providing any such services. (Ord. 320, 6-14-2002)

3-4-3: **TERM AND PAYMENT OF TAX:** The tax levied under section 3-4-1 of this chapter shall be levied for a term of not less than one year and shall be payable monthly and placed in the general revenue fund of the town. (Ord. 320, 6-14-2002)

3-4-4: **FAILURE TO PAY TAX:** Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such town; and, in addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney fees. (Ord. 320, 6-14-2002)

3-4-5: **TAX CONSTITUTES LIEN:** The tax so imposed shall constitute a first and prior lien on all the assets located within the town of any person, firm or corporation engaged in the business of selling power, light, heat, gas, electricity or water within the town limits. (Ord. 320, 6-14-2002)

3-4-6: **PERMIT FOR FURNISHING GAS:** Any person, firm, association, or corporation engaged in the business of furnishing gas within the town limits, not operating under a valid franchise from the town, and upon whom the tax provided under section 3-4-1 of this chapter is imposed, is hereby granted a revocable permit by the town for so long as this chapter remains in effect and the taxes are paid in accordance with the terms of this chapter to acquire, construct, erect, install, extend, repair, remove, relocate, replace, operate and maintain a system of works, pipes, pipelines, apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, boulevards, lanes, parks, parkways, sidewalks, parkings, driveways, rights of way, utility easements, and other public ways, places, areas and grounds, all being sometimes referred to herein as "streets, alleys, avenues, and other public ways, places and grounds", in the town, as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing and selling gas to the town, its inhabitants and the public generally for domestic, commercial and industrial uses, and for any and all other purposes for which gas, during the period of this revocable permit may be used, together with the right to enter upon the streets, alleys, avenues and other public ways, places and grounds of the town for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing and repairing said works, pipes, pipelines and all necessary apparatus, machinery, structures and appurtenances. (Ord. 320, 6-14-2002)

CHAPTER 5

TELEPHONE EXCHANGE FEE

SECTION:

- 3-5-1: Inspection Fee And Service Charge
3-5-2: Charge In Lieu Of Other License Tax

3-5-1: INSPECTION FEE AND SERVICE CHARGE:

- A. Fee And Charge Levied: There is hereby levied an annual inspection fee and service charge upon each and every person operating a telephone exchange in the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of the telephone company in the town.
- B. Amount Of Fee: The amount of the inspection fee and service charge shall be an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town.
- C. Due Date: The inspection fee and charge shall be due and payable to the town on or before April 1 of each year, for the preceding year, and shall be paid into and appropriated and expended from the general revenue fund of the town. (1999 Code § 7-301)

3-5-2: **CHARGE IN LIEU OF OTHER LICENSE TAX:** During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied by this chapter shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. This section is not intended to extinguish or abrogate any existing arrangement whereby the town is permitted to use the underground conduit, duct space or pole contracts of the company for

the fire alarm and police call systems of the town, or either of them. (1999 Code § 7-302)