ORDINANCE # 2021-01
INTRODUCED BY Smith
DATE INTRODUCED 02-01-2022
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BOOK # _____ PAGE # _____
RECORDATION # _____
AMENDED BY ORDINANCE # _____
DATE AMENDED _____

INTRODUCTION

ADOPTION

CITY OF COVINGTON

STATE OF LOUISIANA

ORDINANCE NUMBER 2021-

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE COVINGTON CODE OF ORDINANCES CHAPTER 90. TAXATION TO ADD ARTICLE V. ST. TAMMANY PARISH SALES AND USE TAX UNIFORM COLLECTION PROCEDURES

WHEREAS, the sales and use taxes upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption, of tangible personal property and on the sales of services, levying and providing for the assessment, collection, payment, dedication and purpose for which the proceeds of said tax may be expended, such tax having been previously authorized by elections held in the City of Covington, State of Louisiana (the "City") and are collected in accordance with the Ordinances adopted and passed by the City of Covington, State of Louisiana.

WHEREAS, the Uniform Local Sales Tax Code, LA R.S 47:337.1 et seq., was enacted in 2003, to promote uniformity in the assessment, collection, administration, and enforcement of the sales and use taxes imposed by taxing authorities; and

WHEREAS, the substantive and procedural statutes comprising the Uniform Local Sales Tax Code provide controlling authority for local Tax Collectors in the assessment, collection, administration, and enforcement of the sales and use taxes imposed by taxing authorities, except as specifically limited by LA R.S. 47:337.2; and

WHEREAS, the provisions of the Uniform Local Sales Tax Code apply in the assessment, collection, administration, and enforcement of the sales and use taxes of any political subdivision notwithstanding any conflicting provision of law or local ordinance; and

WHEREAS, in order to promote consistency in the application and enforcement of the state statutes and the City's general sales and use tax ordinance, it is necessary to adopt the St. Tammany Parish Sales and Use Tax Uniform Collection Procedures to conform with and adopt the provisions of the Uniform Sales Tax Code, LA R.S. 47:337.l et seq., the St. Tammany Parish Sales and Use Tax Uniform Collection Procedures should be adopted as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, State of Louisiana, acting as Governing Authority of said City, that the St. Tammany Parish Sales and Use Tax Uniform Collection Procedures are adopted as follows:

CHAPTER 90. TAXATION

ARTICLE V. ST. TAMMANY PARISH SALES AND USE TAX UNIFORM COLLECTION PROCEDURES

Sec. 90-245. UNIFORM LOCAL SALES TAX CODE AND DEFINITIONS

(a) Adoption of Uniform Local Sales Tax Code

Pursuant to the authority conferred by LA R.S. 47:337.4 (Levy of sales and use tax), the provisions of Chapter 2-D of Subtitle II of Title 47, Louisiana Revised Statutes 47:337.1, et seq. as amended, entitled the "Uniform Local Sales Tax Code", are hereby adopted and incorporated herein as if set out fully, and shall apply in the assessment, collection, administration, and enforcement of the tax.

(b) 1.02. Definitions

The definitions set forth in LA R.S. 47:301 (Sales Tax-Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this ordinance. All words, terms and phrases used herein, other than those specifically defined elsewhere in this ordinance, shall have the respective meanings ascribed to them in LA R.S. 47:301, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in LA R.S. 47.301, as amended. As used in this ordinance, the following words, terms and phrases have the meaning ascribed to each in this section, unless the contents clearly indicate a different meaning:

1. Collector means the Sheriff and Ex-Officio Tax Collector for the Parish of St. Tammany, State of Louisiana, and includes his duly authorized assistants.

2. Authority means the City of Covington, State of Louisiana.

Sec. 90-246. VENDOR'S COMPENSATION

For the purpose of compensating the dealer in accounting for and remitting the Tax levied by this ordinance, each dealer shall be allowed one and one-tenth percent (1.10 %) of the amount of Tax due and accounted for and remitted to the City's collector in the form of a deduction in submitting his report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

Sec. 90-247. EXCLUSIONS AND EXEMPTIONS

The City adopts none of the optional exclusions or exemptions allowed by State sales and use tax law, nor does the City adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29 (D) (1) of the Constitution of the State of Louisiana of 1974, that are not allowed as an exclusion or exemption from State sales and use tax. Included within the base of the Tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated

upon political subdivisions by the Constitution or statutes of the State of Louisiana.

Sec. 90-248. DELINQUENT TAXES

(a) Interest on Unpaid Amount of Tax Due

As authorized by LA R.S. 47:337.69, the interest on unpaid amounts of the Tax which are due shall be at the rate of one and one-fourth percent (1-1/4%) per month.

(b) Delinquency Penalty

The delinquency penalty, as provided by LA R.S. 47:337.70, shall be five percent (5%) per month on the unpaid amount of the Tax due for each thirty-day period, not to exceed five thirty-day periods.

(c) Penalty for False, Fraudulent or Grossly Incorrect Return

The penalty as authorized by LA R.S. 47:337.72 shall be fifty percent (50%) of the amount of the Tax found to be due.

(d) Negligence Penalty

The penalty as authorized by LA R.S. 47:337.73 shall be five percent (5%) of the unpaid amount of the Tax found to be due, or ten dollars ($10.00), whichever is greater.

(e) Nonsufficient Fund Checks

A service charge as authorized by LA R.S. 47:337.74 shall be an amount not to exceed twenty-five dollars ($25.00) or five percent (5%) of the face amount of the check, whichever is greater.

(f) Attorney Fees

The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this ordinance, or to represent him in any proceeding under this ordinance. If any taxes, penalties or interest due under this ordinance are referred to an attorney at law for collection, an additional charge of attorney fees, in the amount of ten percent (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor permitted under LA R.S. 47:337.13.1(A).

(g) Examination and Hearing Costs

As provided by LA R.S. 47:337.75, and under the circumstances set forth therein, a penalty shall be added to the amount of tax due in an amount as itemized by the Collector to compensate for all costs incurred in making an examination of books, records or documents, or an audit thereof, or in the holding of hearings or the subpoenaing and compensating of witnesses.

(h) Distraint Penalty

The penalty as provided by LA R.S. 47:337.76 in cases where the distraint procedure is used in the collection of the Tax shall be ten dollars ($10.00).

(i) Limits on Interest, Penalty and Attorney Fees

Should the interest, penalties or attorney fees herein, or the combined interest, penalties and attorney fees be declared to be in excess of limits provided by other law, including relevant jurisprudence, then the maximum interest, penalties and attorney fees allowed by such other law shall apply.

Sec. 90-249. POWERS OF THE COLLECTOR

The Collector is hereby authorized, empowered and directed under LA R.S. 13:5553 to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

Sec. 90-250. COLLECTION OF TAX ON VEHICLES

With regard to the collection of the Tax on any motor vehicle, automobile, truck, truck trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, the City, acting through the Sheriff, is authorized to enter into an agreement or agreements with the Vehicle Commissioner, Louisiana Office of Motor Vehicles, for the collection of the Tax on such vehicles, as provided by LA R.S. 47:303(B) and LA R.S. 13:5904.

Sec. 90-251. REVENUE OF TAX

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the Tax shall be promptly deposited by the Collector in the account established and maintained for the deposit of such proceeds, which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the Collector, provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

Sec. 90-252. SEVERABILITY

If any or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

Sec. 90-253. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately upon its adoption, being an ordinance affecting the public peace, health and safety.

Sec. 90-254. PUBLICATION AND RECORDATION

Pursuant to LA R.S. 18:1281, et seq., this ordinance shall be published in one issue of the official journal of this Governing Authority as soon as is reasonably possible. A certified copy of this ordinance shall be recorded in the mortgage records of the Parish of St. Tammany, State of Louisiana.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by Smith, seconded by Verret.

YEAS: 6 **ABSENT:** 1

NAYS: 0 **ABSTAIN:** 0

PASSED AND ADOPTED this 8th day of March, 2022.

LARRY ROLLING
COUNCIL PRESIDENT

JOANN RUCKER
COUNCIL CLERK

Presented to the Mayor on this 9th day of March, 2022, at 8:55 o'clock A.M.

JOANN RUCKER
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 9th day of March, 2022.

MARK R. JOHNSON
MAYOR

Received from the Mayor on this 9th day of March, 2022, at 9:10 o'clock A.M.

JOANN RUCKER
COUNCIL CLERK