

**Gadsden**  
Posted 10/13/17

Effective November 1, 2017.

The City of Gadsden has increased their sales and use taxes as shown below:

<b>Sales &amp; Use Taxes:</b>	<b>OLD RATES</b>	<b>NEW RATES</b>
General Rate .....	4.000	5.000
Admissions to places of amusement and entertainment .....	4.000	5.000
Retail Selling Price of food for human consumption sold through vending machines .....	4.000	5.000
Net difference paid for machines, machinery, and equipment used in planting, cultivating and harvesting farm products .....	1.500	1.500
Machines and parts and attachments for machines used in manufacturing tangible personal property .....	1.500	1.500
Net difference paid for all automotive vehicles, truck trailers, semi-trailers and house trailers .....	1.000	1.000
Withdrawal fee for automotive vehicle dealers only .....	5.00	5.00

Your City of Gadsden sales, use, rental and lodgings taxes may be remitted online through the Alabama Department of Revenue's online filing system My Alabama Taxes (MAT), the 'ONE SPOT' to file: <http://revenue.alabama.gov/salestax/efiling.html>. If you have any questions about your Gadsden taxes, please contact:

RDS  
P. O. Box 830725  
Birmingham, AL 35283-0725  
1-800-556-7274

If you have any questions regarding this notice, please contact this office:

ALABAMA DEPARTMENT OF REVENUE  
Sales & Use Tax Division  
P.O. Box 327710  
Montgomery, Alabama 36132-7710  
(334) 242-1490

2017/058

ORDINANCE NO. O-27-17

**Amending Sections 74-231(1), (2) & (6) and 74-261(a) of the Gadsden Code  
to Increase Rates for Sales and Use Taxes**

WHEREAS, Sections 11-51-200 through 11-51-207, 1975 Alabama Code, authorize a city council to provide by ordinance for the levy and assessment of sales taxes and use taxes, parallel to the state levy of sales taxes and use taxes; and

WHEREAS, the federal and state governments continue to significantly reduce funding to the city; and

WHEREAS, the federal and state governments have imposed unfunded mandates upon the City by passing laws or regulations that require the city to provide services and programs, with no complementary funding provided for fulfilling those requirements; and

WHEREAS, in order to provide for the economic stability, increased development and the capacity to undertake strategic projects, increased revenue is vital; and

WHEREAS, the city must upgrade its infrastructure, including major street and drainage improvements, deferred maintenance projects, landfill improvements, as well as provide for future economic development; and

WHEREAS, to stimulate growth the City needs to implement housing redevelopment programs and business incentive programs; and

WHEREAS, the city requires new revenue to further develop Riverfront property, new entertainment venue and associated commercial development, new community centers, as well as construct a new municipal complex, which increase efficiency; and

WHEREAS, these investments are needed to reach the City's full potential and continue our investment in public education, economic and workforce development, and quality of life.

Now, Therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, as follows:

Section 1. Section 74-231(1), (2) & (6) of The Code of Ordinances of the City of Gadsden is amended by increasing the local sales and use taxes as follows:

**Sec. 74-231. Levy of tax.**

There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be as follows:

(1) *Retail sales.* Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University, and all other institutions of higher learning in the state, whether the institutions be denominational, state, county, or municipal institutions, and any association or other agency or instrumentality of the institutions) engaged or continuing within the city in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, other watercraft, and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to five (5) percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of the business at the rates specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not so kept he or she shall pay the tax as a retailer on the gross sales of the business.

(2) *Amusements and entertainment.* Upon every person, firm, or corporation engaged or continuing within the city in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the city or any athletic association thereof, or other association whether the institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the city, an amount equal to five (5) percent of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior

portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school or any football playoff conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by the public primary or secondary school but shall be retained by the school which collected it and shall be used by the school for school purposes.

(6) *Coin-operated machines.* Upon every person, firm, or corporation engaged or continuing within the city in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products, and substitutes therefor, there is levied a tax equal to five (5) percent of the cost of the food, food products, and beverages sold through the machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of the business.

The provisions of this Amended Section shall be effective as of the first day of November, 2017. The first payment of taxes under Section 74-231(1), (2) & (6) shall be due and payable on the twentieth day of December, 2017.

Section 2. Section 74-261(a) of The Code of Ordinances of the City of Gadsden is amended by increasing the sales and use taxes as follows:

**Sec. 74-261 (a). Tax levied.**

(a) *Retail purchases.* An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail on or after the effective date of this article, for storage, use or other consumption in the city, except as provided in subsections (b), (c) and (d), at the rate of five (5) percent of the sales price of such property within the corporate limits of the city.

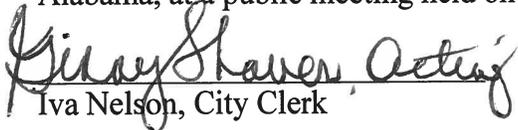
The provisions of this Amended Section 74-261(a) shall be effective as of the first day of November, 2017. The first payment of taxes under Section 74-261(a) shall be due and payable on the twentieth day of December, 2017.

Section 3. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the city, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the city by its general license code or ordinance.

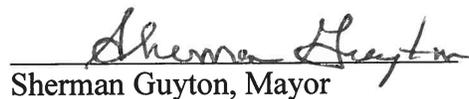
Section 4. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof. It is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which may be held invalid.

Section 5. The City Clerk is directed to send a certified copy of this ordinance to the State Department of Revenue Sales and Use Tax Office and to AlaTax.

I hereby certify that this ordinance was duly adopted by the City Council of Gadsden, Alabama, at a public meeting held on September 26, 2017.

  
Iva Nelson, City Clerk

Approved on September 27, 2017

  
Sherman Guyton, Mayor