State of Alabama
Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

May 14, 2018

TO: ALL PERSONS, FIRMS, AND CORPORATIONS making sales at retail and/or purchasing tangible personal property for use, storage, or other consumption in the City of Tallassee (within Tallapoosa County - Locality Code 9363), Alabama, and its police jurisdiction.

Sections 11-51-200, 11-51-202, & *11-51-208,* et seq., **Code of Alabama 1975**, authorize and empower municipalities to levy a true sales and use tax identical to the State Sales and Use Tax Laws except for the rates of tax and require the Alabama Department of Revenue upon request of the municipality to collect the tax.

On April 10, 2018, the governing body of the City of Tallassee (within Tallapoosa County - Locality Code 9363) adopted Ordinance No. 2018-546 levying a sales and use tax **effective June 1, 2018**, with a due date of July 20, 2018.

Sales & Use Tax Rates:	**Old Rates**	**New Rates**
General Rate	4.00%	4.00%
Admissions to places of amusement and entertainment	4.00%	4.00%
Retail selling price of food for human consumption sold through vending machines	4.00%	4.00%
Net difference paid for machines, machinery, and equipment used in planting, cultivating, and harvesting farm products	0.60%	0.60%
Machines, parts, and attachments for machines used in manufacturing tangible personal property	0.60%	0.60%
Net difference paid for all automotive vehicles, truck trailers, semi-trailers, and house trailers	0.60%	0.60%
Withdrawal fee for automotive vehicle dealers only.....	$3.32	$3.32

If sales are made and delivered to consumers, or purchases made for use, storage, or other consumption, outside the corporate limits of the City of Tallassee (within Tallapoosa County - Locality Code 9363) but within the police jurisdiction, the rates of sales and use tax are one-half the rates shown above.

The Law requires that the City of Tallassee (within Tallapoosa County - Locality Code 9363) sales and use taxes be collected, reported and remitted in the same manner as the State sales and use taxes. When you file and pay electronically, the City of Tallassee (within Tallapoosa County - Locality Code 9363) sales and use taxes are to be included on the electronic city/county tax return assigned to you (City and County Tax Return, form 9501). Simply enter the gross amounts and deductions, and all calculations will be done automatically for you. You may file these taxes through My Alabama Taxes (MAT) at https://myalabamataxes.alabama.gov.

Please direct all questions regarding the City of Tallassee (within Tallapoosa County - Locality Code 9363) sales and use taxes to this office:

Alabama Department of Revenue
Sales and Use Tax Division
Post Office Box 327710
Montgomery, Alabama 36132-7710
334-242-1490 or 866-576-6531

ORDINANCE NO. 2018-546

PURSUANT TO THE PROVISIONS OF THE CODE OF ALABAMA, 1975, SECTIONS 11-51-200 THROUGH 11-51-206 THIS ORDINANCE LEVIES A PRIVILEGE, LICENSE, OR EXCISE TAX AGAINST PERSONS, FIRMS, OR CORPORATIONS STORING, USING, OTHERWISE CONSUMING OR ENGAGED IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACES OF AMUSEMENT IN THE CITY OF TALLASSEE, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; PROVIDES FOR THE COLLECTION OF THE SAID TAXES; PROVIDES PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALS PRIOR ORDINANCES LEVYING SIMILAR TAXES.

Pursuant to the provisions of the Code of Alabama, 1975, Sections 11-51-200 through 11-51-206 be it ordained by the City Council of the City of Tallassee, State of Alabama, as follows:

Section 1. There is hereby levied by the City of Tallassee ("City"), 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:

(a) 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 such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such 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 sale or sales of material and supplies to any person to use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and 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 percent (5%) of the gross proceeds of sales of the business in Elmore County, Alabama except where a different amount is expressly provided herein; and an amount equal to four percent (4%) of the gross proceeds of sales of the business in Tallapoosa County, Alabama 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 or such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(b) Upon every person, firm, or corporation engaged, or continuing with 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 such 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 percent (5%) of the gross receipts of any such business in Elmore County, Alabama except where a different amount is expressly provided herein and an amount equal to four percent (4%) of the gross proceeds of sales of the business in Tallapoosa County, Alabama except where a different amount is expressly provided herein. 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 or nonpublic primary or secondary school or any athletic event 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 said public or nonpublic primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

(c) Upon every person, firm, or corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to six-tenths of one percent (6/10 of 1%) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, process, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm, or corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to six-tenths of one percent (6/10 of 1%) of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him, or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of $3.32 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer, or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the cast may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, or house trailer shall remain the property of such person.

(e) Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade. Upon every person, firm, or corporation engaged or continuing within the City in the business of selling at retail any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to six-tenths of one percent (6/10 of 1%) of the gross proceeds of the sale thereof. Provided, however, the six-tenths of one percent (6/10 of 1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm, or corporation engaged or continuing within 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 therefore, there is hereby levied a tax equal to five percent (5%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business in Elmore County, Alabama and four percent (4%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business in Tallapoosa County, Alabama.

Section 2. **Levy of the Tax in Police Jurisdiction**. Upon every person, firm, or corporation engaged in the doing of an act, or who shall do an act, or continuing in the doing of an act, or engaged in the operation of any business or who shall engage in the operation of any business, within the police jurisdiction of the City but beyond the corporate limits of said City, for which or upon which a privilege or license tax is in the ordinance levied or required within the corporate limits of the City, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the City, a privilege or license tax equal to one-half of that provided, levied or required in this ordinance for the doing of such act, or the engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the City. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City but without the corporate limits thereof all the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the City.

Section 3. **Provisions of State Sales Tax Statutes Applicable to this Ordinance and Taxes herein Levied**. The taxes levied by Section 1 and 2 of this Ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State sales tax statutes for enforcement and collection of taxes.

Section 4. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships, and 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 ordinance for storage, use or other consumption in the City, except as provided in subsections (b), (c), and (d), at the rate of five percent (5%) in Elmore County, Alabama of the sales price of such property or the amount of tax collected by the seller, whichever is greater and four percent (4%) in Tallapoosa County, Alabama of the sales price of such property or the amount of tax collected by the seller, whichever is greater.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of six-tenths of one percent (6/10 of 1%) of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments, and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City on any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes, and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City at the rate of six-tenths of one percent (6/10 of 1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies or the amount of tax collected by the seller, whichever is greater. Where any used automotive vehicle or truck trailer, semi-trailer, or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a

new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of six-tenths of one percent (6/10 of 1%) of the sales price of such property or the amount of tax collected by the seller, whichever is greater. Provided, however, the six-tenths of one percent (6/10 of 1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b), (c) and (d) of this section, on the storage, use, or other consumption in the performance of a contract in the City of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the City, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsection (a), (b), or (c) of this section apply.

(f) An excise tax is hereby imposed on tangible personal property at one-half of the rates specified in subsections (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the City, but within the police jurisdiction.

Section 5. The taxes levied by Section 4 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State use tax statutes for enforcement and collection of taxes.

Section 6. **Use of Proceeds**. The proceeds from the tax levied herein remaining after payment of the cost of collecting said tax, including all charges for administration for such collection and paid over to and received by the City, shall be applied as follows: one quarter (1/4) of theproceeds derived from the application of the 4% general/amusement/vending rates of sales and use tax in the city limits of the City of Tallassee located in Elmore County, Alabama and Tallapoosa County, Alabama, and one quarter (1/4) of the proceeds derived from the application of the 2% general/amusement/vending rates of sales and use tax in the police jurisdiction of the City of Tallassee located in Elmore County, Alabama and Tallapoosa County, Alabama, shall be applied for the purpose of acquiring, providing, constructing, equipping, supplying, maintaining, and improving public schools in the City; and, one half (1/2) of the proceeds derived from the application of the additional 1% general/amusement/vending rates of sales and use tax in that portion of the city limits of the City of Tallassee located in Elmore County, Alabama, , and one half (1/2) of the proceeds derived from the application of the additional .5% general/amusement/vending rates of sales and use tax in that portion of the police jurisdiction of the City of Tallassee located in Elmore County, Alabama, shall be applied for the purpose of acquiring, providing, constructing, equipping, supplying, maintaining, and improving public schools in the City. All other sales and use tax proceeds shall be distributed to the General Fund of the City for any lawful purpose.

Section 7. **This Ordinance Cumulative to General License Code or Ordinance**. 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 8. **Repeal of Ordinances # 2011-487 and 2011-487(a)**. Ordinances # 2011-487 and 2011-487(a) of the City are hereby repealed effective first day of June 2018.

Section 9. **Severability**. 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 and invalid for any reason, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 10. **Effective Date**. This ordinance shall become effective on the first day of June, 2018, and the first payment of taxes hereunder shall be due and payable on the twentieth day of July, 2018.

Section 11. Adopted and approved this 10th day of April 2018.

John Hammock
JOHN HAMMOCK, Mayor

ATTEST:

Barbara B. Garnett
BARBARA B. GARNETT, City Clerk

CERTIFICATE AS TO PASSAGE

I, the undersigned City Clerk of the City of Tallassee, Alabama, do hereby certify that the above and foregoing ordinance was duly adopted and approved by the City Council of the City of Tallassee, Alabama, at a regular meeting of the same held on the 10th day of April 2018.

Barbara B. Garnett
BARBARA B. GARNETT, City Clerk
City of Tallassee, Alabama

CERTIFICATE AS TO PUBLICATION

I, the undersigned City Clerk of the City of Tallassee, Alabama, do hereby certify that the above and foregoing ordinance has been published in the Tallassee Tribune, Tallassee, Alabama as required by law.

Published: April 18, 2018

Barbara B. Garnett
BARBARA B. GARNETT, City Clerk
City of Tallassee, Alabama

TAX RATE CONFIRMATION
City of Tallassee – Tallapoosa County Portion
4/26/18

	Tax Rate Corporate Limits (CL)	Tax Rate Police Jurisdiction (PJ)	Unabated Education Portion (CL)	Unabated Education Portion (PJ)
Sales Tax				
General	4.00%	2.00%	1.00%	.50%
Amusement	4.00%	2.00%	1.00%	.50%
Farm	0.60%	0.30%	0.00%	0.00%
Machine	0.60%	0.30%	0.00%	0.00%
Automotive	0.60%	0.30%	0.00%	0.00%
Vending	4.00%	2.00%	1.00%	.50%
Withdrawl Fee	$3.32	$3.32	$0.00	$0.00
Use Tax				
General	4.00%	2.00%	1.00%	.50%
Farm	0.60%	0.30%	0.00%	0.00%
Machine	0.60%	0.30%	0.00%	0.00%
Automotive	0.60%	0.30%	0.00%	0.00%

I have reviewed the above tax rate table and confirm that the information in the table is correct or have made corrections as needed.

Barbara Sorrell
(Signature of Authorized Official)

City Clerk 5/7/2018
(Title/Date)

TAX RATE CONFIRMATION
City of Tallassee – Elmore County Portion
4/26/18

Sales Tax	Tax Rate Corporate Limits (CL)	Tax Rate Police Jurisdiction (PJ)	Unabated Education Portion (CL)	Unabated Education Portion (PJ)
General	5.00%	2.50%	1.50%	.75%
Amusement	5.00%	2.50%	1.50%	.75%
Farm	0.60%	0.30%	0.00%	0.00%
Machine	0.60%	0.30%	0.00%	0.00%
Automotive	0.60%	0.30%	0.00%	0.00%
Vending	5.00%	2.50%	1.50%	.75%
Withdrawl Fee	$3.32	$3.32	$0.00	$0.00
Use Tax				
General	5.00%	2.50%	1.50%	.75%
Farm	0.60%	0.30%	0.00%	0.00%
Machine	0.60%	0.30%	0.00%	0.00%
Automotive	0.60%	0.30%	0.00%	0.00%

I have reviewed the above tax rate table and confirm that the information in the table is correct or have made corrections as needed.

Barbara Barnett
(Signature of Authorized Official)

City Clerk 5/7/2018
(Title/Date)