

PART 7

FINANCE AND TAXATION

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SECTION 7-101                      DEPOSITS OF REVENUE AND FUNDS; SERVICE CHARGE.

All revenue, public funds and other sums of money received by the City or being in the custodial care of the City shall be deposited by the treasurer of the City at the highest available interest rate, according to the class and length of money deposit, as equally as practically possible among the banks, located within the City, whose deposits are insured by the Federal Deposit Insurance Corporation. With respect to any particular class of deposit account, as determined by the nature of the use of such account and by the length of the time of the deposit, the treasurer of the City shall give preference to any bank or banks offering the highest rate of interest for such class of money deposit. However, such preference given for deposits shall not affect the equal deposits of other funds upon which equal interest rates are paid by such banking institutions. There is imposed a service fee in the amount reflected by the Master Fee Schedule upon any person or organization who presents a negotiable instrument for payment of any obligation to the City and for which payment is not received on the negotiable instrument when appropriate demand for payment is made by the City. [Prior Code, Sec. 9A-1; Ord. 2273, 12/21/1998]

SECTION 7-102                      DEFINITION OF CONTRACTS.

The term "contractual services", for the purpose of this Chapter, means services performed for the City by persons not in the employment of the City, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services includes travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the City; and other services performed for the City by persons not in the employment of the City.

SECTION 7-103                      BY WHOM MADE.

All purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the City government shall be made by the City Manager or by other City personnel in accordance with purchase authorizations issued by

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the City Manager.

### SECTION 7-104                    PROCEDURE.

The City Manager, subject to any regulations which the City Council may prescribe, shall contract for and purchase all supplies, material, and equipment for the offices, departments, and agencies of the City. Every such contract or purchase exceeding an amount set by the City Council by ordinance, motion, or resolution shall require the prior approval of the City Council. The City Manager may also transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment.

### SECTION 7-105                    OBSOLETE OR SURPLUS SUPPLIES.

The City Manager may sell obsolete or surplus supplies, materials, or equipment, subject to regulations of the City Council. The City Manager may sell the same at either public auction or private sale by public bids or sealed quotations on all items for sale or otherwise dispose of such property as allowed by law.

*State Law Reference: Public competitive bidding 61 O.S. §§ 101-138.*

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Section 7-206	Effective Date.
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SECTION 7-201                      CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "City of Sapulpa Sales Tax Ordinance." (Prior Code, Chapter 26)

*State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. § 2701; State Sales Tax Code, 68 O.S. §§ 1350 et seq.*

SECTION 7-202                      DEFINITIONS.

The definitions of words, terms, and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this Chapter. [Prior Code, Chapter 26]

SECTION 7-203                      TAX COLLECTOR DEFINED.

The term "tax collector" as used in this Chapter means the department of the City or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this Chapter. [Prior Code, Chapter 26]

SECTION 7-204                      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. [Prior Code, Chapter 26]

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SECTION 7-205                    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 City permit for the same purpose. [Prior Code, Chapter 26]

SECTION 7-206                    EFFECTIVE DATE.

This Chapter became effective after approval of a majority of the registered voters of the City voting on the ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes. [Prior Code, Chapter 26]

SECTION 7-207                    ORDINANCES.

The City has adopted the following ordinances setting forth the applicable sales tax regulations and provisions operative in the City:

- Ordinance No. 1205 - effective 04/01/1967
- Ordinance No. 2229 - effective 04/01/1998
- Ordinance No. 2427 - effective 06/30/2004
- Ordinance No. 2475 - effective 11/21/2005
- Ordinance No. 2739 - effective 01/01/2017

Each of these ordinances and amendments thereto, are hereby adopted and incorporated herein by reference and are applicable in the City as fully as if set out at length herein. A copy of each of the ordinances and amendments are on file in the office of the City Clerk.

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TELEPHONE EXCHANGE TAX

Section 7-301 Fee Levied on Telephone Exchanges.  
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SECTION 7-301 FEE LEVIED ON TELEPHONE EXCHANGES.

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the City in 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 City to compensate the City for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the City. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the City on or before June 1 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the City. [Prior Code, Sec. 27-1]

*State Law Reference: City powers to levy utility tax on gross receipts, 68 O.S. §§ 2601 et seq.*

SECTION 7-302 FEE TO BE IN LIEU OF OTHER FEES, TAXES.

During continued substantial compliance with the terms of this Chapter by the owner of any telephone exchange, the charge levied hereby 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. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the City is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the City. [Prior Code, Sec. 27-2]

SECTION 7-303 9-1-1 EMERGENCY TELEPHONE TAX.

- A. There is imposed a tax of five percent (5%) on the tariff charges for exchange telephone service of the local exchange telephone company or companies providing service within the City limits.
- B. No such tax shall be imposed upon more than one hundred (100) exchange access lines or their equivalent at one (1) location per service user.



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- C. The tax shall be collected monthly by the local exchange company and forwarded, within thirty (30) days of the close of the month in which such taxes were collected, to the City Clerk of the City.
- D. The funds collected from this tax shall be spent for engineering, installation, administration and other recurring or one-time costs necessary to implement, administer, operate and maintain emergency Nine-One-One (911) telephone service in the City.
- E. The City Manager or his designated representative are hereby authorized to administer the emergency Nine-One-One (911) telephone service in the City.
- F. The City Manager or his designated representative is hereby authorized to cooperate with other governing bodies who may impose a similar tax and who wish to participate in the City's emergency Nine-One-One (911) telephone service.
- G. The local exchange company or companies providing exchange telephone service within the City shall be entitled to retain as administrative fee three percent (3%) of the tax imposed and collected pursuant to this section.

[Ord. 1977, 01/19/1988; Ord. 2067, 09/03/1991; Ord. 2135, 10/17/1994; Ord. 2183, 06/17/1996]

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EXCISE TAX

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*State Law Reference: Revenue and Taxation, 68 O.S. §§ 1401 et seq.*

SECTION 7-401                      CITATION AND CODIFICATION.

This Chapter shall be known and may be cited as "City of Sapulpa Use Tax". [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-402                      DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401 of Title 68 of the Oklahoma Statutes, 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:

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"City" means the City of Sapulpa, Oklahoma;

"Tax collector" means the department of the municipality 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 herein levied; and

"Transaction" means sale.

"Use tax" means an excise tax charged on the sale of tangible personal property purchased from outside Oklahoma and brought into the state for consumption or use.

[Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-403                      EXCISE TAX ON STORAGE, USE, OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using, or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of four (4%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality 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 municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality 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 municipality had been levied on the sale of such goods or services. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994; Ord 2244, 03/16/1998]

SECTION 7-404                      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 municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

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### SECTION 7-405

### EXEMPTIONS.

The provisions of this Chapter shall not apply:

- A. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;
- B. In respect to the use of tangible, personal property purchased for resale before being used;
- C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City Use Tax, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and City Use Tax, the provision of this Chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City Use Tax, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;
- D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the municipality. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- E. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the municipality;
- F. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this

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municipality where such personal property is for such individual's personal use or enjoyment;

- G. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or
- H. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

[Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-406                      TIME WHEN DUE, RETURNS, PAYMENT.

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. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-407                      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. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-408                      COLLECTION OF TAX BY RETAILER OR VENDOR.

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 this municipality 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 therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in the City. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

SECTION 7-409                      COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE, PERMITS.

The 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 this state but who makes sales of tangible, personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining

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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 this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the 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 this municipality. Such authority and permit may be cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality 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 municipality sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-410                      REVOKING PERMITS.

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 of the Oklahoma Use Tax Code or any orders, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in Section 1408 of Title 68 of the Oklahoma Statutes, 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 Tax Commission. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-411                      REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the tax herein levied and collected shall be made to the 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. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-412                      INTEREST AND PENALTIES, DELINQUENCY.

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this Chapter, and interest and penalties at the rates and in the amounts as herein

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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. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-413                      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 municipality 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 Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of Section 220 are hereby adopted by reference and made a part of this Chapter. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-414                      ERRONEOUS PAYMENTS, CLAIM FOR REFUND.

Refund of erroneous payment of the municipality 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 Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this Chapter. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-415                      FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Chapter, the willful 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 by a fine of not more than One Hundred Dollars (\$100.00) and costs. Each day of noncompliance with this Chapter shall constitute a separate offense. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-416                      RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipality use tax is legislatively recognized and declared, and to protect the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and

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made fully effective and applicable to administration of the municipality use tax as is herein set forth in full. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-417                    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. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-418                    SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the 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 municipality permit for the same purpose. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]

### SECTION 7-419                    PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the City's ordinances. [Ord. 2011, 03/20/1989; Ord. 2125, 03/24/1994]



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UTILITY FEE

Section 7-501	Utility Tax Levied.
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Section 7-505	Tax Constitutes Lien.
Section 7-506	Record of Sales.

SECTION 7-501                      UTILITY TAX LEVIED.

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 within the City of Sapulpa, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the City, in accordance with the provisions of 68 O.S. §§ 2601-2605 (1981), as amended and supplemented, and other applicable provisions of state law. [Ord. 2428, 01/20/2004]

SECTION 7-502                      NOT TO APPLY TO FRANCHISES.

The tax levied under this ordinance 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 City of Sapulpa municipal limits, except it shall not apply to any person, firm association or corporation operating under a valid franchise from the City granted pursuant to Article 18, Section 5(a) of the Oklahoma Constitution, nor shall it apply to those entities exempt from taxation under applicable provisions of state law.

SECTION 7-503                      PAYMENT OF TAX.

The tax levied under this ordinance shall be levied for a term of not less than one (1) year and shall be payable quarterly, on or prior to the tenth(10th) day of the months of January, April, July, and October of each year, as applicable, and the proceeds thereof shall be placed in the general revenue fund of the City.

SECTION 7-504                      FAILURE TO PAY TAX.

Any person firm, association or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from such City and in addition thereto, an action may be maintain against such person, firm, association, or corporation for the amount of the tax, and all expenses of collecting same, including reasonable

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attorney's fees.

SECTION 7-505

TAX CONSTITUTES LIEN.

The tax so imposed shall constitute a first and prior lien on all the assets location within the City of any person, firm, association or corporation engaged in the business of selling utility services within the municipal limits of the City.

SECTION 7-506

RECORD OF SALES.

It shall be the duty of any person, firm, association, or corporation subject to the tax levied hereunder to keep and maintain records as to the amount of gross receipts of sales of power, light, heat, gas, electricity, or water within the City, and such records shall be subject to review and audit by the City upon reasonable request. In addition, a summary of such sales for the preceding calendar quarter, including the number of customers served, the number of customers exempt from taxation under applicable Oklahoma sales tax laws, the number of units of gas, electricity, or water (cubic feet, kilowatt hours, or gallons, respectively) sold to exempt and non-exempt customers, and the amount of sales tax charged and collected with respect to such sales, shall be provided unto the City at the time of payment of the tax pursuant to Section 7-503 hereof.

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SECTION 7-601

CITATION AND CODIFICATION.

This ordinance shall be known and cited as the City of Sapulpa Hotel/Motel Ordinance of 2006, and is hereinafter referred to as "Chapter". [Ord. 2485, 03/06/2006]

SECTION 7-602

SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business by the Oklahoma Tax Commission

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pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Chapter, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional City permit for the same purpose. [Ord. 2485, 03/06/2006]

### SECTION 7-603                      EFFECTIVE DATE AND TERMINATION.

This Chapter shall become and be effective on July 1, 2006, subject to approval of a majority of the registered voters of the City of Sapulpa, Oklahoma voting on the same in the manner prescribed by law; provided that upon approval of the voters as required above, this Chapter shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Sapulpa, Oklahoma, voting to repeal same in the manner as required by its approval. [Ord. 2485, 03/06/2006]

### SECTION 7-604                      DEFINITIONS.

“Treasurer” shall mean the Treasurer of the City of Sapulpa.

“Hotel or Motel” means any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations in which three (3) or more rooms are used for the accommodation of transient guests whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, bed and breakfast inns, inns, rooming houses, trailer houses, trailer motels, apartments, and sleeping room not occupied by “permanent residents,” and all other facilities where rooms or sleeping accommodations or space are furnished for a consideration. The term shall not include hospitals, sanitariums, nursing homes, university dormitories, or other educational or charitable institutions.

“Occupancy” means the use or possession, or the right to use or possess any room or rooms in a hotel or the right to use or possession of the furnishings, or to the services and accommodations accompanying the use and possession of the room or rooms.

“Occupant” means a person who for a consideration uses, possesses, or has the right to the use of possess any room or rooms in a hotel under any lease, concession, permit, right of access, license to use, or other agreement.

“Operator” means any person operating a hotel in this City, including, but not limited to, the owner, proprietor lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

“Rent” means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the

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operator to the occupant, without any deduction therefrom whatsoever.

“Return” means any return filed or required to be filed as herein provided.

“Room” means any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, “place of assembly” means a room or space which is not capable of being occupied for lodging purposes and which is used for educational, recreational, or amusement purposes and shall include: dance halls, cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties, or wedding; lodge and meeting halls or room; skating rinks, gymnasiums; swimming pools; billiards, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets, recreation rooms; concert halls, broadcasting studios; and all other places of similar type of occupancy.

“Tax” means the tax levied pursuant to this Ordinance.

[Ord. 2485, 03/06/2006]

### SECTION 7-605

### ALLOCATION AND USE OF FUNDS.

Funds collected pursuant to the provision of this Chapter shall be set aside and used exclusively for the following three purposes:

- A. (1.) Thirty-seven and one-half percent (37.5%) of the funds shall be used to fund an Economic Development Department of the City of Sapulpa. Funds shall be earmarked for funding the salary and benefits of an Economic Development Director and the costs of operating said department.
- B. (2.) Eighteen and seventy-five hundredth percent (18.75%) of the funds collected shall be used for the sole purpose of encouraging, promoting and fostering conventions, conferences, and tourism development in the City of Sapulpa.

Eligible tourism promotion expenditures shall consist of those expenditures made for the preparation, printing, publication, and distribution of media advertising in brochures, news and publicity materials, travel posters, mailing pieces, newspapers, magazines, television, radio, billboards, and the Internet, and advertising and promotional specialties, exhibit space and displays at trade shows and conventions and the expense of manning such exhibits, the cost of travel agent, tour broker and tour operator familiarization tours into the City of Sapulpa for the purpose of attracting tourists to our community and for local, regional, national, and international tourism

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conferences. Tourism promotion shall also include festivals, sites, and events concerning ethnic history and ethnic events. For purposes of this paragraph, "ethnic" means of or relating to races or large groups of people classed according to common traits or customs. Tourism promotion also includes the costs of providing a computerized consumer-oriented traveler response information program.

- C. (3.) Eighteen and seventy-five hundredth percent (18.75%) of the funds collected shall be used by the City to make off-site and on-site capital improvements to public parks now belonging to, or hereafter acquired by, the City of Sapulpa. As used herein, off-site capital improvements shall include and mean the design, construction, extension and /or maintenance of any public utility service, including specifically water and sanitary sewer, to a public park, including acquisition of any necessary right-of-way for the same.

Funds shall be deposited into a City fund entitled the "Parks Development Fund" and used to acquire public park lands and/or construct park facilities for the purpose of attracting tournaments and sporting events to our community.

Park Development Funds shall not be used to pay for park department salaries and operations and maintenance expenses.

- D. Twenty-five percent (25%) of the funds collected shall be used by the City for the three (3) enumerated purposes as directed by the governing body.

[Ord. 2485, 03/06/2006]

### SECTION 7-606

### TAX LEVIED.

There is hereby levied a five percent (5%) tax on the gross rental receipts derived from all sales taxable under the Oklahoma Sales Tax Code upon the service of furnishing rooms by hotels or motels within the City of Sapulpa, Oklahoma.

This tax shall be in addition to any existing sales taxes imposed by the City of Sapulpa or the State of Oklahoma. [Ord. 2485, 03/06/2006]

### SECTION 7-607

### EXEMPTIONS.

Officers, agents, representatives, or employees of any government, corporation, organization, or association that are legally exempted from Oklahoma Sales Taxation or City of Sapulpa Taxation and whose occupancy of the room is required in connection with

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the official business or affairs of said government, corporation, organization, or association, shall be exempt from the tax levied by this Chapter. [Ord. 2485, 03/06/2006]

SECTION 7-608                      PROOF OF EXEMPTION REQUIRED.

Any person claiming to be exempt from the tax pursuant to Section 7-607 shall display proof of exemption and tax identification number certifying that the corporation, organization, or association with which he is affiliated is exempt from the tax. [Ord. 2485, 03/06/2006]

SECTION 7-609                      TAX TO BE DESIGNATED.

The operator shall separately designate, charge, and show all taxes on all bills, statements, receipts, or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator. [Ord. 2485, 03/06/2006]

SECTION 7-610                      OPERATOR RESPONSIBILITY FOR COLLECTION.

The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the City for the tax. [Ord. 2485, 03/06/2006]

SECTION 7-611                      DISCOUNT.

In order to compensate an operator for keeping tax records, filing reports, and remitting the tax when due, a discount equal to that allowed by the Oklahoma Tax Commission for the collection of sales tax shall be allowed upon all taxes paid prior to the time they become delinquent. [Ord. 2485, 03/06/2006]

SECTION 7-612                      RECORDS.

It shall be the duty of every operator required to make a return and pay any tax under this Chapter to keep and preserve suitable records of the gross daily rentals together with other pertinent records and documents which may be necessary to determine the amount of tax due hereunder and such other records as will substantiate and prove the accuracy of such returns. All records shall remain in the City and be preserved for a period of three (3) years, unless the Treasurer, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Treasurer or by any of his duly authorized agents. The burden of proving that a sale was not a taxable sale shall be upon the operator who makes the sale. [Ord. 2485, 03/06/2006]

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### SECTION 7-613                      RETURNS.

The tax levied hereunder shall be due and payable to the Treasurer on the first day of each month, except as herein provided, by any person liable for the payment of any tax due under this Chapter. For the purpose of ascertaining the amount of the tax payable under this Chapter, it shall be the duty of all operators, on or before the fifteenth (15th) day of each month, to deliver to the Treasurer, upon forms prescribed and furnished by him, returns, under oath, showing the gross receipts or gross proceeds arising from rents received from occupancy of hotel rooms during the preceding calendar month. Such returns shall show such further information as the Treasurer may require to correctly compute and collect the tax herein levied. In addition to the information required on returns, the Treasurer may request and the operator shall furnish any information deemed necessary for a correct computation of the tax levied herein. Such operator shall compute and remit to the Treasurer the required tax due for the preceding calendar month. The remittance or remittances of the tax shall accompany the returns herein required. If not paid on or before the (15th) of such month, the tax shall be delinquent after such date; provided, that no interest or penalty shall be charged on such return filed on or before the twentieth (20th) day of such month. [Ord. 2485, 03/06/2006]

### SECTION 7-614                      PAYMENT OF TAX.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the tax imposed by this Chapter upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this Chapter. [Ord. 2485, 03/06/2006]

### SECTION 7-615                      BOND REQUIRED.

Where the Treasurer believes that any operator is about to cease business, leave the State, or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this Chapters, he may require such operator to file with the City a bond issued by a surety company authorized to transact business in this State in such amount as the Treasurer may fix to secure the payment of any tax or penalties and interest due, or which may become due, from such operator. In the event that the Treasurer determines that an operator is to file such within five (5) days after receiving such notice unless within such five (5) days the operator shall request in writing a hearing before the City Council at which time the necessity and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he may prescribe may be deposited with the Treasurer, who may at any time after five (5) days notice to the depositor apply them to any tax and/or any penalties due, and for that purpose the securities may be sold at private or public sale. [Ord. 2485, 03/06/2006]



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### SECTION 7-616

### ASSESSMENT AND DETERMINATION OF TAX.

If a return required by this Chapter is not filed, or if a returned when filed is incorrect or insufficient, the amount of tax due shall be assessed by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the City Council for a hearing or unless the Treasurer upon his own initiative shall reassess the same. After such hearing the City Council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final. [Ord. 2485, 03/06/2006]

### SECTION 7-617

### REFUNDS.

- A. Procedure. The Treasurer shall refund or credit any tax erroneously, illegally, or unconstitutionally collected if written application to the Treasurer for such refund shall be made within ninety (90) days from the date of payment thereof. For like causes and in the same period, a refund may be made upon the initiative and the order of the Treasurer. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the Treasurer provided that the application is made within ninety (90) days of the payment by the occupant to the operator, but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for refund is made. The Treasurer, in lieu of any refund required to be made, may allow credit therefor on payments due from the applicant.
- B. Determination and Hearing. Upon application for a refund the Treasurer may receive evidence with respect thereto, and make such investigation as he deems necessary. After making a determination as to the refund, the Treasurer shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice, shall apply in writing to the City Council for a hearing. After such hearing, the City Council shall give written notice of its decision to the applicant.

[Ord. 2485, 03/06/2006]

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SECTION 7-618                      NOTICES.

Any notice provided for under this Chapter shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United State Mail addressed to the last-known Address of the operator. [Ord. 2485, 03/06/2006]

SECTION 7-619                      REMEDIES EXCLUSIVE.

The remedies provided in this Chapter shall be exclusive remedies available to any person for the review of tax liability imposed by the Chapter. [Ord. 2485, 03/06/2006]

SECTION 7-620                      TREASURER - POWERS.

In addition to all other powers granted to the Treasurer, he/she is hereby authorized and empowered:

- A. To make, adopt, and amend rules and regulations appropriate to the collection of taxes pursuant to this Chapter;
- B. To extend for cause shown the time for filing any return for a period not exceeding sixty (60) days; and, for cause shown, to waive, remit, or reduce penalties or interest;
- C. To delegate his functions hereunder to an assistant or other employee or employees of the City;
- D. To assess, reassess, determine, revise, and readjust the taxes imposed by this Chapter;
- E. To prescribe methods for determining the taxable and nontaxable rents.

[Ord. 2485, 03/06/2006]

SECTION 7-621                      REGISTRATION CERTIFICATES - CERTIFICATES OF AUTHORITY.

Every operator shall file with the Treasurer a registration certificate in a form prescribed by said Treasurer within ten (10) days after the effective date of this Chapter or, in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The Treasurer shall, within five (5) days after the filing of such certificate, issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate

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shall state the hotel to which it is applicable. Such Certificate of Authority shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel, or upon its sale or transfer. [Ord. 2485, 03/06/2006]

### SECTION 7-622                      ADMINISTRATION.

One percent (1%) of the gross receipts derived from taxes collected pursuant to this Chapter shall be retained by the Office of the Treasurer for the purpose of administering and collecting the tax. [Ord. 2485, 03/06/2006]

### SECTION 7-623                      PENALTY & INTEREST.

If any tax levied by this Chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1.5%) per month on the unpaid balance from the date of delinquency until said unpaid balance is paid in full. In addition, if any tax levied by this Chapter becomes delinquent, the person responsible and liable for such tax shall pay a penalty on such unpaid tax at the amount set by the Oklahoma Tax Commission for delinquent sales tax payments. [Ord. 2485, 03/06/2006]

### SECTION 7-624                      RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the tax is legislatively recognized and declared; and to protect the same, the provision of 68 O.S. (1981) § 205 of the State Sales Tax Code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to the administration of this Chapter as if herein set forth. [Ord. 2485, 03/06/2006]

### SECTION 7-625                      FRAUDULENT RETURNS.

The willful failure or refusal of any operator to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or a portion thereof rightfully due under this Chapter shall be an offense against the City of Sapulpa. [Ord. 2485, 03/06/2006]

### SECTION 7-626                      AMENDMENTS.

The people of Sapulpa, by their approval of this Chapter at the election herein provided, hereby authorize the City Council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of

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administering 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 voters of the City as provided by law. [Ord. 2485, 03/06/2006]

SECTION 7-627                      PROVISIONS CUMULATIVE.

The provision hereof shall be cumulative and in addition to any and all other taxing provisions of City ordinances. [Ord. 2485, 03/06/2006]

SECTION 7-628                      PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence, or clause of this Chapter is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence, or clause hereof. [Ord. 2485, 03/06/2006]

SECTION 7-629                      PAYMENT OF LEGAL FEES.

In the event a suit in a court of competent jurisdiction is caused to be filed, either on behalf of or against the City of Sapulpa, and said cause is the direct result of the conditions, stipulations, or requirements hereinbefore set forth, an amount necessary to pay all legal fees incurred by the City, as well as fines or penalties imposed against it, shall be set aside from the monies authorized to be collected hereby in payment thereof, regardless of whether said cause was for the purpose of enforcing or defending the provisions of this Chapter. [Ord. 2485, 03/06/2006]

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Chapter 7

ELECTRONIC COMMERCE

- Section 7-701 Authorization for Acceptance of Credit Cards, Debit Cards, and Electronic Commerce.  
Section 7-702 Convenience Fee Imposed.

SECTION 7-701 AUTHORIZATION FOR ACCEPTANCE OF CREDIT CARDS, DEBIT CARDS, AND ELECTRONIC COMMERCE.

All City departments are authorized to accept credit cards, debit cards, and electronic commerce for payment of City taxes, licenses, fees, permits, fines, court costs, and charges, provided for by this Code, unless specifically disapproved of by the Director of Finance. [Ord. 2655, 11/21/2011]

SECTION 7-702 CONVENIENCE FEE IMPOSED.

A convenience processing fee is imposed and applied to each credit or debit card transaction, or to any payment made electronically as authorized by Section 7-701 in an amount set forth in the Master Fee Schedule. [Ord. 2655, 11/21/2011]