

**CITY OF ELK POINT SOUTH DAKOTA  
ORDINANCE NO 356**

**AN ORDINANCE OF THE CITY OF ELK POINT, SOUTH DAKOTA  
AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY  
BY ADDING CHAPTER 10.03, MUNICIPAL SALES AND SERVICE TAX  
AND USE TAX REFUND**

BE IT ORDAINED BY THE CITY OF ELK POINT, SOUTH DAKOTA:

Section 1. That the Revised Municipal Ordinances of Elk Point, South Dakota are hereby amended by adding a chapter to be numbered 10.03 to read as follows:

**CHAPTER 10.03 – MUNICIPAL SALES AND SERVICE TAX AND USE TAX REFUND**

- 10.0301     Purpose. The purpose of this Chapter is to establish criteria for Municipal Sales and Service Tax and Use Tax refunds within the City of Elk Point in order to stimulate business and commercial activity within the City of Elk Point.
- 10.0302     Minimum Expenditures Required. A minimum of \$750,000 for improvements or new construction within the boundaries of the City of Elk Point shall be required in order to apply for Municipal Sales and Service Tax and Use Tax refunds.
- 10.0303     Eligible Taxes. The City may agree to a refund, in whole or part, of its Municipal Sales and Service Tax and Use Tax paid by business or person:
- A. On the purchase of material for use in remodeling, rehabilitation, or constructing a structure;
- B. On the purchase of equipment and furnishings for a structure.
- 10.0304     Separate Agreements Required. Any person desiring to claim a refund shall make application to the City Finance Officer at least thirty days prior to the earlier of the construction commencement or the ordering of equipment to be used in the business facility. The City Council will, by separate Agreement, consider rebating the eligible Municipal Sales and Service Tax and Use Tax paid for a period to be determined by the Agreement but not to exceed two (2) years.
- 10.0305     Documentation Required. Business or persons entitled to a refund of Municipal Sales and Service Tax and Use Tax under this Chapter shall pay the entire amount of State and Municipal Sales and Service Tax and Use Tax at the time of purchase. A business or person entitled to a refund of Municipal Sales and Service Tax and Use Tax must provide documentation necessary to support a refund claim in a form prescribed by the City's Finance Officer.

Dated this 3<sup>rd</sup> day of December, 2012.

THE GOVERNING BODY OF THE CITY  
OF ELK POINT, SOUTH DAKOTA

By: \_\_\_\_\_  
Isabel Trobaugh, Mayor

ATTEST:

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Erika Hammitt, Finance Officer

(CITY SEAL)

First Reading: December 3, 2012  
Second Reading and Adoption: December 17, 2012  
Publication: December 27, 2012  
Effective Date: January 16, 2013