

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 02/06/24
Public Hearing: 02/20/24
Adopted: 02/20/24

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 24-029**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 3.70, SERVICE AREA SALES TAX, TO CHANGE MONTHLY TALKEETNA AREA No. 36 SALES TAX RETURNS TO QUARTERLY RETURNS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 3.70.120, is hereby amended to read as follows:

**3.70.120 TAX RETURNS, CONTENTS, PENALTY FOR
DELINQUENCY**

(A) A seller shall prepare a sales tax return for each calendar [month] quarter. The sales tax return shall state the total amount of the seller's sales, rentals and services; the amounts of the seller's exempt and taxable sales, rentals and services; and the amount of sales tax that is due from the seller. The seller shall submit on or with the return such additional information as the Borough may require to determine the amount of sales tax due for the [month] quarter. The seller shall prepare the return and remit sales tax to

the Borough on the same basis, cash or accrual, that the seller uses in preparing its federal income tax return. The seller shall sign the return, and transmit the return, with the amount of sales tax that it shows to be due, to the Borough.

(B) A seller that filed or should have filed a sales tax return for any [month] quarter during a Borough fiscal year ending on June 30 shall file a return for every [month] quarter remaining in the fiscal year even though no tax may be due. The return shall show why no tax is due.

(C) A sales tax return, and the related remittance of sales tax, is due, and must be received by the Borough, not later than 5 p.m. on the last business day of the month immediately following the [month] quarter for which the return was prepared. The failure of the U.S. Postal Service or any private delivery service to make timely delivery of a sales tax return or the related remittance of sales tax shall not excuse an untimely filing or remittance.

(D) Sales tax that is not received on or before the time when due is delinquent. Delinquent sales tax bears interest at the rate of 15 percent per annum until

paid. In addition, delinquent sales tax shall be subject to a late payment penalty equal to 5 percent of the amount of the delinquent sales tax multiplied by the number of calendar months (or portions thereof) that elapse until the delinquent sales tax, interest and penalty are paid in full; provided, that the amount of penalty shall not exceed 25 percent of the amount of the delinquent sales tax. The penalty does not bear interest.

(E) The finance director may require a seller that fails to submit a sales tax return or remit taxes when due to submit tax returns and remit taxes more frequently than [month] quarter.

Section 3. Amendment of section. MSB 3.70.125 is hereby amended to read as follows:

3.70.125 APPLICATION OF SALES TAX PAYMENTS

(A) Except as this section provides otherwise, payments on sales tax accounts shall be applied to the amount due for each calendar [month] quarter, in chronological order, and within the amount due for each calendar month first to fees, accrued penalty, accrued interest and then to sales tax payments owed by the seller.

Section 4. Amendment of section. MSB 3.70.180 is hereby amended to read as follows:

3.70.180 ESTIMATED TAX


(F) The amount of sales tax finally determined to be due under this section shall bear interest and penalty as provided in MSB 3.70.120 from the date that the sales tax originally was due, plus an additional civil penalty of \$250 for each calendar [month] quarter for which the amount of sales tax that is due has been determined.

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of February, 2024.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Gamble, Fonov, and Bernier