

AN ORDINANCE PROVIDING FOR THE LEVY OF A SALES AND USE TAX OF ONE PERCENT (1%) WITHIN THE BAKER MAIN STREET ECONOMIC DEVELOPMENT DISTRICT FOR THE CITY OF BAKER, LOUISIANA; AND FOR OTHER MATTERS WITH RESPECT THERETO ON ALL TAXABLE PROPERTY.

BE IT ORDAINED by the City Council for the City of Baker, Louisiana:

Section 1. DEFINITIONS

As used in this ordinance, the following words, terms and phrases shall have the meaning ascribed to each in this Section unless the context clearly indicates a different meaning. Other words, terms and phrases used in this ordinance, but not defined in this section, shall have the meaning ascribed by Louisiana Revised Statute 47:301 as applicable.

- a. "City" means the City of Baker as is now or as may hereafter be constituted under The Charter and Ordinances for the City of Baker in the Parish of East Baton Rouge.
- b. "Collector" means the Director of Finance ("Director") for the City of Baker, Louisiana), designated as the single sales and use tax collection office for City of Baker, or his duly authorized assistants or employees.
- c. "Taxing Jurisdiction" means the City, as herein defined, as may be appropriate.
- d. "Uniform Local Sales Tax Code" means the set of statutes in Title 47, Chapter 337 which was enacted by Act No. 73 of the 2003 Regular Session of the Louisiana Legislature.
- e. "Verifiable Records" means documents sufficient to independently support claims of sales and purchases.

Section 2. UNIFORM LOCAL SALES TAX CODE TO APPLY

The Uniform Local Sales Tax Code, Louisiana Revised Statutes Title 47, Chapter 337, and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the taxes levied herein, the provisions of which are hereby incorporated by reference.

Section 3. CREATION, PURPOSE AND GOVERNING AUTHORITY OF DISTRICT

Pursuant to the provisions of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, there is hereby created a special taxing district to be known as the "Baker Main Street Economic Development District" (the "District") for the City of Baker, Louisiana. The geographical boundaries of

the District shall be as set forth in Exhibit A attached hereto and incorporated herein by reference.

The purpose of the District is to provide for cooperative economic development between the City and private entities, to encourage commerce, industry, and overall economic growth, and to fund infrastructure improvements, public facilities, and other initiatives supporting economic development within the District.

The District is governed by the City Council of Baker, Louisiana acting as the governing authority of the District. The Council exercises all rights, powers, and authority as provided under Louisiana law for economic development districts.

Section 4. LEVY OF SALES AND USE TAX

There is hereby levied within the District, effective **April 1, 2026**, for a five (5) year period not to exceed January 31, 2031, a sales and use tax of one percent (1%) upon the sale at retail, the use, the lease or rental, the consumption, the distribution and storage as defined in Louisiana Revised Statute 47:301, and upon the storage, lease or rental of tangible personal property, and on sales of services within the District at a rate of one (1%) percent, all as defined by Louisiana law and the Uniform Local Sales Tax Code (La. R.S. 47:337.1 et seq.).

Section 5. EXEMPTIONS FROM TAX

The following transactions are exempt from all the taxes imposed by this ordinance.

- a. All exemptions specifically mandated to include municipalities or parishes by the provisions of Louisiana Revised Statutes 47:337.9 and 47:337.11.
- b. Any exemption or exclusion specifically mandated to include municipalities or parishes by the provisions of Louisiana Revised Statutes 47:301 or 47:305 - 305.71, et seq.
- c. Under the provisions of Louisiana Revised Statute 47:301(10)(a)(ii), for purposes of the imposition of the sales and use tax levied by a political subdivision or school board, "retail sale" or "sale at retail" shall mean a sale to a consumer or to any other person for any purpose other than for resale in the form of tangible personal property, or resale of those services defined in Louisiana Revised Statute 47:301(14) provided the retail sale of the service is subject to sales tax in this state, and shall mean and include all such transactions as the collector, upon investigation, finds to be in lieu of sales; provided that sales for resale be made in strict compliance with the rules and regulations. Any dealer making a sale for resale, which is not in strict compliance with the rules and regulations shall himself be liable for and pay the tax. The Collector shall accept a resale certificate issued by the Department of Revenue, provided the taxpayer includes the parish of its principal place of business

and local sales tax account number on the state certificate.

Section 6. LIMITED EXEMPTIONS FROM TAX

- a. The sales at retail, the use, the consumption, the distribution, and the storage to be used or consumed in the taxing jurisdiction of qualifying food and prescription drug transactions identified in Louisiana Revised Statute 47:305(0)(1)(j)-(u) as exempt from state sales and use tax shall be exempt from the taxes levied under the provisions of Section 2(c), 2(d), and 2(e) of this ordinance.
- b. The sales of custom computer software as provided for in Louisiana Revised Statute 47:337.10(E) and defined by Louisiana Revised Statute 47:301(23)(a) shall be exempt from the taxes levied under the provisions of Section 2(a), and 2(b) of this ordinance.
- c. The sales of diapers and feminine hygiene products for personal use as defined in Louisiana Revised Statute 47:337.10.2 shall be exempt from the taxes levied under the provisions of Section 2(a), and 2(b) of this ordinance.

Section 7. COLLECTION OF TAX

The Uniform Local Sales Tax Code specifies the guidelines for collection of tax by a dealer in Louisiana Revised Statute 47:337.17. All taxes imposed by this ordinance should be collected in accordance with the terms of that statute, as amended.

As Such, the aforesaid sales and use tax shall be collected, enforced, and remitted in accordance with the local sales tax laws of the State of Louisiana and shall be administered by the Finance Department for the City of Baker, Louisiana which is hereby designated as the collecting authority.

Section 8. RETURNS AND PAYMENT OF TAX

In accordance with Louisiana Revised Statute 47:337.18, except as hereafter provided, the taxes levied by this ordinance shall be due and shall be payable monthly on the first day of the month. For the purpose of ascertaining the amount of tax payable, all dealers shall transmit, on or before the twentieth (20th) day of the month following the month in which this tax becomes effective, to the Collector, upon forms prescribed, prepared, and furnished by the Collector, returns showing the gross sales, purchases, gross proceeds from lease or rental, gross payments for lease or rental, gross proceeds derived from sales of services, or gross payments for services, as the case may be, arising from all taxable transactions during the preceding calendar month. Thereafter, like returns shall be prepared and transmitted to the collector by all dealers on or before the twentieth day of each month for the preceding calendar month. These returns shall

show any further information the collector may require to enable him to correctly compute and collect the tax levied. These returns shall be signed by the dealer filing the same and his signature thereon shall constitute a warranty on the part of the dealer that he has read and examined the returns and that to the best of his knowledge and belief, the same are true, correct and complete. Every dealer, at the time of making the return required hereunder, shall compute and remit to the collector the required tax due for the preceding calendar month, and failure to so remit such tax shall cause said tax to become delinquent.

Section 9. USE OF TAX PROCEEDS

All funds derived from the imposition of the sales and use tax within the District shall be dedicated and applied solely to economic development purposes, including but not limited to:

- Public infrastructure improvements and capital projects;
- Incentives to encourage commerce, mixed-use developments, and business retention or expansion;
- Programs supporting workforce development, public facilities, and district services;
- Payment of any bonds or indebtedness issued in furtherance of the District's economic development purposes.
- Support the hiring, compensation, and retention of District staff and employees;
- Payments to contractors, consultants, and other labor providers whose services further the goals, operations, and development initiatives of the District.

Use of tax revenues for these purposes shall be subject to annual budget approval by the District's governing authority and in accordance with all applicable procurement and employment policies.

Section 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption, publication, and compliance with applicable statutory waiting periods.

Section 11. DELINQUENT INTEREST, PENALTY, ATTORNEY FEES; VENDOR'S COMPENSATION

Under the authorization of Louisiana Revised Statute 47:337.4, the taxing jurisdiction may set, through adoption of an ordinance, the penalty, interest and attorney fees due on the delinquent payment of sales and use tax as well as the rate of vendor's compensation allowed.

- a. If the amount of tax due by the dealer is delinquent, interest upon said delinquent amount will be due under the provisions of Louisiana Revised Statute 47:337.69.
- b. If the amount of tax due by the dealer is delinquent under the guidelines of Section 7, penalty upon said delinquent amount will be due at a rate not to exceed twenty-five (25%) percent, calculated at five (5%) percent of the tax owed for each and every thirty-day period after the return was required to be filed or the tax was required to be remitted, under the provisions of Louisiana Revised Statute 47:337.70.
- c. All taxes, interest and penalties imposed under this ordinance shall be paid to the taxing jurisdiction in the form of remittance required by the Collector.
- d. All penalties and interest imposed by this ordinance shall be payable to and recoverable by the taxing jurisdiction in the same manner as if they were part of the tax imposed. If the failure to pay such tax when due is explained to the satisfaction of the Collector, he may remit or waive payment of the whole, or any part of the penalty in accordance with Louisiana Revised Statute 47:337.71.
- e. For the purpose of compensating the dealer in accounting for and remitting the tax levied by this ordinance, each dealer shall be allowed one (1%) percent of the amount of tax due and accounted for the taxing jurisdiction in the form of a deduction in submitting his sales and use tax report and paying the amount due by him, provided the amount due was not delinquent at the time of payment, as authorized by Louisiana Revised Statute 47:337.18(A)(3).

Section 12. RECORDS

The Uniform Local Sales Tax Code specifies the guidelines for maintenance of records by a dealer in Louisiana Revised Statutes 47:337.29 - 31, et seq. All records pertaining to taxes levied by this ordinance should be maintained in accordance with the Uniform Local Sales Tax statutes, as amended.

Section 13. COLLECTOR'S AUTHORITY TO EXAMINE AND AUDIT

The Uniform Local Sales Tax Code specifies the authority of a Collector to audit a dealer in Louisiana Revised Statute 47:337.36-40, et seq. Audits initiated relative to taxes levied by this ordinance will be performed under the authority of the Uniform Local Sales Tax statutes, as amended.

Section 14. COLLECTOR'S AUTHORITY TO DETERMINE THE TAX

The Uniform Local Sales Tax Code specifies the authority of a Collector to determine the amount of tax due in certain cases in Louisiana Revised Statute 47:337.28 and 47:337.48. Tax estimates or other determination of liability of taxes levied by this ordinance will be calculated under the authority of the Uniform Local Sales Tax statutes, as amended.

Section 15. LEGAL REMEDIES OF COLLECTOR

The Uniform Local Sales Tax Code specifies multiple remedies available to the Collector to aid in the collections of delinquent sales and use taxes due in Louisiana Revised Statutes 47:337.33 and 47:337.45. Delinquent sales and use taxes levied by this ordinance will be collected under the authority of the Uniform Local Sales Tax statute, as amended.

Out of the proceeds from a distraint procedure under the Uniform Local Sales Tax Code, the Collector shall first pay all costs of the sale and then apply so much of the balance of the proceeds as may be necessary to pay the assessment. Any balance beyond this shall be paid to the dealer.

The City Police for the City of Baker and the Sheriff for the Parish of East Baton Rouge shall enforce all injunctions prohibiting the further pursuit of business when a valid injunction and judgment has been obtained from a court of competent jurisdiction involving delinquent sales and use tax under the provision of this ordinance until such time as the delinquent tax, interest, penalties and costs have been paid by the dealer.

Section 16. LEGAL REMEDIES OF DEALER

The Uniform Local Sales Tax Code specifies multiple remedies available to a taxpayer to aid in the dispute of sales and use taxes levied by the taxing jurisdiction in Louisiana Revised Statutes 47:337.49 - 52.

Section 17. NOTICE REQUIREMENTS

The Collector is required by Louisiana Revised Statute 47:337.48, 47:337.51, 47:337.53, 47:337.55 and 47:337.58 to issue notices to taxpayers who fail to make and file any return or report required by the provisions of the local ordinance. The method of notification required varies dependent upon the type of notice being issued.

Section 18. TAXING AUTHORITY RECORDS

All public bodies having control of public records must maintain such records in accordance with Louisiana Revised Statute 44:36. In accordance with Louisiana Revised Statute 47:1508, except as otherwise provided by law, the records and files maintained pursuant to a tax ordinance, excluding ad valorem property taxes and

ad valorem property tax assessment rolls, of any political subdivision are confidential and privileged, and no person shall divulge or disclose any information obtained from such records and files except in the administration and enforcement of the tax laws of this state or of a political subdivision of this state.

Section 19. AUTHORITY TO HIRE EXPERTS

The Collector may, on behalf of the taxing jurisdiction, contract with and hire expert consultants for the purpose of evaluating and appraising equipment and machinery and related work necessary in connection with sales and use tax audits by the Finance Department. Any such contracts of employment shall be subject to the approval of the City Council.

Section 20. AUTHORITY FOR INSTALLMENT AGREEMENTS

The Collector may enter into a formal installment payment agreement with a taxpayer for the collection of past due tax, penalty and interest, when in his opinion it is in the best interest of the taxing jurisdiction to do so.

Section 21. CLAIMS FOR REFUND

- a. Whenever the unpaid balance of an account due to the dealer for the purchase of tangible personal property or the sale of services subject to sales taxation has been found to be bad in accordance with Section 166 of the United States Internal Revenue Code and has actually been charged off for federal income tax purposes, the dealer shall be entitled to reimbursement of the amount of tax previously paid by the dealer on such amounts, in the manner prescribed by Louisiana Revised Statute 47:337.34(B).
- b. In the case of a payment of tax, penalty or interest when none was due; the excess of the amount of tax, penalty or interest paid over the amount due; or the payment of a penalty that is later waived or remitted by the Collector, shall be refunded by the Collector in the manner prescribed in Louisiana Revised Statute 47:337.77.
- c. In accordance with Louisiana Revised Statute 47:337.78, before refunding any overpayment, the Collector may first determine whether the taxpayer who made the overpayment owes any other liability under any ordinance administered by him. If such be the case, the Collector may credit the overpayment against such liability and notify the taxpayer of the action taken.
- d. The prescriptive period in which a claim for refund or credit of taxes overpaid can be made is defined in Louisiana Revised Statute 47:337.79.
- e. Interest shall be paid on refunds or credits in the manner prescribed by Louisiana Revised Statute 47:337.80.

- f. If a dealer wishes to appeal a denial of a refund, he may do so in the manner prescribed by Louisiana Revised Statute 47:337.81.
- g. Claims for credit or refunds as mentioned herein without council approval will be limited to \$50,000 in accordance with the City Parish Code of Ordinances Title 1, Chapter 4, Part I, Section 1:507.

Section 22. DEALER LIABILITY

The Uniform Local Sales Tax Code addresses the personal liability of Collectors, officers or purchasers of ongoing businesses in relation to delinquent in sales and use taxes in Louisiana Revised Statutes 47:337.46 and 47:337.21. Delinquent sales and use taxes levied by this ordinance will be collected under the authority of the Uniform Local Sales Tax statutes, as amended.

Section 23. CRIMINAL PENALTIES

Criminal penalties may be levied against a dealer for failing to account for local tax monies or for evasion of tax in the manner prescribed in Louisiana Revised Statutes 47:337.83 and 47:337.84. Any criminal penalties pursued relative to taxes levied by this ordinance will be collected under the authority of the Uniform Local Sales Tax statutes, as amended.

Section 24. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance be held invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Baker City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be so declared invalid.

This Ordinance having been submitted to a vote; the vote thereon was recorded as follows:

YEAS:	Collins, Dunn, Murphy, Young
NAYS:	None
ABSENT:	None
ABSTAIN:	Vincent

ATTEST:

/s/Angela Canady Wall, LCMC, Clerk of the Council

/s/Darnell Waites, Mayor