

**City of Seward, NE**  
**Tuesday, September 20, 2016**  
**Regular Session**

**Item G5**

**CONSIDERATION OF AN ORDINANCE INCREASING THE  
ELECTRIC UTILITY OCCUPATION TAX TO 10% AND  
ESTABLISHING QUARTERLY PAYMENTS- City  
Administrator Smith**

**Administrative Report:** Per the budget discussions and proposed budget, we are requesting an increase in the Electric Utility Occupation tax from 5% to 10%. The proposed Ordinance also allows for quarterly payments rather than annual payments under the current Ordinance.

**Following review and discussion, a motion to approve the increase in Electric Utility Occupation tax to 10% and allowing for quarterly payments would be in order.**

**Staff Contact:**

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE 10-901 AND ARTICLE 10-904 OF THE SEWARD CITY CODE RELATING TO MUNICIPAL ELECTRICAL SYSTEM; OCCUPATION TAXES; TO ESTABLISH THAT THE PAYMENT DATE IS QUARTERLY DURING THE FISCAL YEAR; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. Amendment. Section 10-901 of the City Code of the City of Seward Nebraska is amended to read as follows:

§10-901 OCCUPATION TAX, AMOUNTS.

Sale of Alcoholic Beverages:

Alcoholic Beverages as authorized by Section 53-132(4) of the Nebraska Liquor Control Act, the occupation taxes for Liquor License Holders of the City of Seward Nebraska will be two-times the amount of the license fees established by the Nebraska Liquor Control Commission. For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the Nebraska Liquor Control Commission.

Sale of fireworks as authorized by Sections 6-335 and 6-336 of the City Code:

Local Non Profit Organizations.....\$ 100.00  
Retail vendors.....\$ 500.00

(\$400.00 of Retail fee to be donated to  
Seward Fourth of July Celebration)

Telephone Companies:

Four percent (4%) of annual gross revenues derived from Intrastate business to, from, and within City limits.

Mobile Telecommunications Services:

Four percent (4%) of annual gross revenues derived from mobile telecommunications services which shall mean a wireless communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

Both one-way and two-way wireless communications services;  
A mobile service which provides regularly interacting group of base, mobile, portable, and associated control and relay stations, whether on an individual, cooperative, or multiple basis for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and  
Any personal communications service.

Natural Gas Companies:

Four percent (4%) of annual gross revenues derived by the grantee from sales of natural gas delivered within the City limits.

Cable TV Companies:

Five percent (5%) of the annual Gross Revenues, due and payable on March 1 of each year for the previous calendar year.

Electric Utilities:

~~Five percent (5%)~~ Ten percent (10%) of annual gross revenues from the use of its plant and properties within the City of Seward. ~~(Previously City Code —)~~ due and payable quarterly during the fiscal year.

Water Utilities:

Five percent (5%) of annual gross revenues from the use of its plant and properties within the City of Seward.

Sewer Utilities

Five percent (5%) of annual gross revenues from use of its plant and properties within the City of Seward.

Section 2. Amendment. Section 10-904 of the City Code of the City of Seward Nebraska is amended to read as follows:

§10-904 OCCUPATION TAX; COLLECTION DATE. All occupation taxes except as otherwise provided for in Section 10-901, shall be due, and payable on the first (1st) day of May of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid; provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of November. Further provided that occupation taxes collected from telephone companies shall be due and payable semiannually, on or before May 31 of each year for the preceding six (6) month period ending April 30 and on or before November 30 of each year for the preceding six (6) month period ending October 31. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him. All forms, and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction.

Section 3. Repeal. Any ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance in conflict with its provision is hereby repealed.

Section 4. Pamphlet form, publication; when operative. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication or posting as required by law and city ordinance.

Passed and approved this \_\_\_\_\_ day of September, 2016.

CITY OF SEWARD, NEBRASKA

ATTEST:

\_\_\_\_\_  
Joshua Eickmeier, Mayor

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Bonnie Otte  
Assistant Administrator/  
Clerk-Treasurer/  
Budget & HR Director