

Washington County, Minnesota Ordinances

Ordinance No. 33 Aggregate Removal Tax Ordinance

Date Approved: 09/28/1982
Effective Date: 01/01/1983

An Ordinance, imposing a production tax on the removal of aggregate from pits, quarries, or deposits located within the County;

- establishing reporting requirements;
- providing penalties for failure to comply with the provisions of this ordinance;
- and providing for distribution of revenues collected under this ordinance, pursuant to Minnesota Laws 1980, Chapter 607, Article 19, sections 5-6 and Minnesota Laws 1981, First Special Session, Chapter 1, Article 10, sections 1 7-19 as amended by Minnesota Laws 1982, Chapter 523, Article XIII, sections 1-4.

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The County Board of Washington County Ordains:

1.00. Definitions.

The following words and phrases, when used in this ordinance, unless the content clearly indicates otherwise, shall have the meanings given them in this section.

1.01. County

shall mean the County of Washington.

1.02. County Board

shall mean the Washington County Board of Commissioners and their authorized representatives.

1.03. Aggregate

shall mean non-metallic natural mineral aggregate including, but not limited to, sand, silica sand, gravel, building stone, crushed rock, limestone and granite. Aggregate shall not include dimension. stone and dimension granite.

1.04. Person

shall mean any individual, firm., partnership, corporation, organization, trustee, association or other entity.

1.05. Operator

shall mean any person engaged in the business of removing aggregate from the surface or subsurface of the soil, for the purpose of sale, either directly or indirectly, through the use of the aggregate in a marketable product or service.

1.06. Extraction Site

shall mean a pit, quarry, or deposit containing aggregate and any contiguous property to the pit, quarry or deposit which is used by the operator for stockpiling the aggregate.

2.00. Imposition of Tax

2.01.

A production tax on the removal or aggregate from pits, quarries, or deposits located within this County is hereby imposed. The rate of tax shall be ten (10) cents per cubic yard or seven (7) cents per ton of aggregate removed.

2.02.

Any operator who removes aggregate from a pit, quarry, or deposit located within this County shall pay a production tax thereon. The tax shall be imposed when the aggregate is transported from the extraction site, provided however, that when in the case of storage the stockpile is within the State of Minnesota and the highways are not used for transporting the aggregate, the tax shall be imposed when the aggregate is sold.

2.03.

In the event that the aggregate is transported directly from the extraction site to a waterway, railway, or another mode of transportation other than highway, road, or street, the tax imposed by this section shall be apportioned equally between the county where the aggregate is extracted and the county to which the aggregate is originally transported. If that destination is not located in Minnesota, then the county where the aggregate was extracted shall receive all of the proceeds of the tax.

3.00. Reporting Requirements

3.01.

By the 14th day following the last day of each calendar quarter every operator shall make and file with the County Auditor a correct report under oath, in such form and containing such information as the Auditor shall require relative to the quantity of aggregate removed during the preceding calendar quarter. The report shall be accompanied by a remittance of the amount of tax due. If any of the proceeds of the tax are to be apportioned

as provided in section 2.03, the operator shall also include on the report any relevant information concerning the amount of aggregate transported, the tax, and the county of destination. The County Auditor shall notify the County Treasurer of the amount of such tax and the county to which it is due. The County Treasurer shall remit the tax to the appropriate county within 30 days.

3.02.

If any operator fails to make the report required by section 3.01 or files an erroneous report, the County Auditor shall, by the fifth working day after the date the report became due, determine the amount of tax. due and notify the operator by registered mail of the amount of tax so determined. An operator may, within 30 days from the date of mailing the notice, file in the office of the County Auditor a written statement of objections to the amount of taxes determined to be due. The statement of objections shall be deemed to be a petition within the meaning of Minnesota Statutes Chapter 278, and shall be governed by sections 278.02 to 278.13.

4.00. Violations and Penalties

4.01.

Failure to file the report shall result in a penalty of \$5 for each of the first 30 days, beginning on the 14th day after the date when the County Auditor has sent notice to the operator as provided in section 3.02 during which the report is overdue and no statement of objection has been filed. For each subsequent day during which the report is overdue and no statement of objection has been filed, a penalty of \$10 shall be assessed against the operator who is required to file the report. The penalties imposed by this section shall be collected as part of the tax. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from' the date when the notice was sent, the operator who is required to the report is guilty of a misdemeanor.

4.02.

It is a misdemeanor for any operator to remove aggregate from a pit, quarry, or deposit unless all taxes due under this ordinance for the previous reporting period have been paid or objections thereto have been filed pursuant to section 3.02.

5.00. Distribution of Revenues

5.01.

All moneys collected as taxes under this ordinance shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) Sixty (60) percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges;

(b) Thirty (30) percent to the road and bridge fund of those towns as determined by the county board and to the general fund or other designated fund of those cities as determined by the county board, to be expended for maintenance construction and reconstruction of roads, highways and bridges; and

(c) Ten (10) percent to a special reserve fund which is hereby established, for expenditure for the restoration of abandoned pits, quarries, or deposits located upon public and tax forfeited lands within the county.

In the event that there are no abandoned pits, quarries or deposits located upon public or tax forfeited lands within the county, this portion of the tax shall be deposited in the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges.

6.00. Severability

6.01.

It is hereby declared to be the intention of the County Board that this ordinance, and every provision thereof, shall be severable in accordance with the following:

(a) If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included. in said judgment.

(b) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular pit, quarry, deposit, or operator, such judgment shall not affect the application of said provision to any other pit, quarry, deposit, or operator not specifically included in said judgment.

7.00. Provisions Are Accumulative

7.01.

The provisions of this ordinance are cumulative to all other. laws, ordinances, and regulations heretofore passed,; or which may be passed hereafter. covering any subject matter in this ordinance.

8.00 Effective Date.

8.01.

This ordinance shall be effective January 1, 1983.

8.02.

Passed by the Washington County Board of Commissioners, September 28, 1982. An official copy of this Ordinance is on file in the office of the Washington County Administrator, 14900 - 61st Street North, Stillwater, Minnesota.
