

THE RETAIL SALES TAX ACT

MUNICIPALITIES, MUNICIPAL GOVERNMENTS AND LOCAL GOVERNMENT DISTRICTS

This bulletin summarizes the Retail Sales Tax (RST) exemptions provided to municipalities and local government districts (LGDs), including cities, towns and villages. It also provides examples of items usually purchased by municipalities and LGDs on which tax is payable and outlines when you must register with the Taxation Division for remittance of the tax.

Section 1 – GENERAL INFORMATION

- Municipalities and LGDs are required to pay the 7 per cent RST on most purchases of goods and services, except those specifically exempted by the Act and summarized below.
- The RST is not payable on contracts to purchase real property, or services to real property, e.g. construction of roads and bridges, snow removal, grass cutting, etc. Contractors must pay the applicable tax on any materials they supply themselves in the performance of real property contracts. Municipalities and LGDs must pay the tax on any construction materials they purchase and provide to the contractor, except sand and gravel as outlined later in this bulletin.
- Municipalities and LGDs are only required to be registered with the Taxation Division in the situations described later in this bulletin (See Section 4 – Requirement To Be Registered).

Section 2 – SUMMARY OF TAX EXEMPTIONS

Ambulances and related equipment

- Ambulances (including air ambulances) and related equipment carried in the ambulances, such as stretchers, wheel chairs, resuscitators, oxygen equipment, blankets, stethoscope, cervical collars, splints and 2-way radios installed in the vehicle (but not including portable 2-way radios, cellular phones, pagers or a base station). The exemption applies to these items and other medical equipment carried in an ambulance even if these items are otherwise not eligible for exemption.
- Other medical equipment, supplies and drugs that are exempted by the

Note: Revisions to contents of previous Bulletin (July 2001) have been identified by shading ().

Act, e.g. medical oxygen, I.V. solutions, sutures and catheters, but not supplies such as bandages and dressings.

- The exemption applies to the original and replacement purchases of related equipment carried in the ambulance, but not on repair and maintenance services or parts for the related equipment. The repair of certain medical equipment, that is exempted because it is designed solely for the use of physically handicapped people or chronic invalids, is not subject to the tax. See Bulletin No. 002 - Drugs, Medical Equipment & Supplies for additional information.
- Where parts and services are purchased to refurbish an existing ambulance body for installation on a new chassis, the total costs including the refurbishing, lettering, installation costs and the cost of the new chassis are considered to be an acquisition of a new ambulance and exempt from tax. Similarly where an ambulance is assembled from component parts, the cost of the component parts and installation are exempt from tax.

Please Note: The cost of replacement parts, or repair services for general maintenance and upgrades of ambulances does not qualify for the exemption.

Fire trucks and related equipment

- Fire trucks, and related fire fighting equipment that is carried on the fire trucks, including:
 - Vehicles that are used directly for fighting fires - i.e. pumpers, air foam units, ladder and water trucks, rescue vans and trailers designed for firefighting use , but not including vehicles used mainly to transport fire fighters.
 - Fire fighting equipment carried on an exempt fire fighting vehicle - i.e. air breathing and life saving devices, 2-way radios installed in the vehicle (but not including portable 2-way radios, pagers or a base station), ladders, aerial equipment, hoses, nozzles, axes, crow bars, jacks and other forcible entry tools, portable pumps and generators, fans, carbon dioxide detectors, lights, tarps, fire extinguishers (including foam and other chemicals used to recharge fire extinguishers), gas masks and resuscitators. Fire fighters' turn out gear, such as boots, gloves, rubber rescue suits, helmets, etc. and other supplies such as kitty litter are not exempt.
 - Related equipment that qualifies for the exemption when carried in ambulances also qualifies for the exemption when carried in fire trucks.
- The exemption applies to the original and replacement purchases of related equipment carried in the fire truck, but not on repair and maintenance services or parts for the related equipment.
- Where parts and services are purchased to refurbish an existing fire truck body for installation on a new chassis, the total costs including the

refurbishing, lettering, installation costs and the cost of the new chassis are considered to be an acquisition of a new fire truck and exempt from tax. Similarly where a fire truck is assembled from component parts, the cost of the component parts and installation are exempt from tax.

Please Note: The cost of replacement parts, or repair services for general maintenance and upgrades of fire trucks does not qualify for the exemption.

Sand and gravel

- Sand, gravel and crushed rock taken from your own pits, or purchased from an outside supplier directly for your own use. The exemption also applies to services purchased to screen, clean, crush or otherwise process sand or gravel for your own use.
- This exemption includes sand and gravel that you purchase and pay a contractor to install for your own use, but does not apply to sand or gravel supplied and installed by contractors in the performance of real property contracts, e.g. road construction and repairs. In these circumstances, the contractor is the consumer of the sand or gravel provided and must pay tax on its value.

Sand treated with salt

- Purchases of sand treated with salt, or other similar material are generally taxable. However, if the supplier bills you for each item separately on your invoice, i.e., the sand, the salt and the mixing service, the charge for the sand is exempt from RST. The charge for the salt supplied and the mixing service is taxable.

Sandbags

- Bags designed and purchased for use as sandbags for the purpose of flood control.

Other tax exempt supplies

- Non-chemical fertilizers, such as peat moss, top soil, loam and manure.
- Lime and other chemicals that are added to water or used in direct contact with water treated for sale to ratepayers.

Please note: Water softener salt does not come in direct contact with the water being processed and is taxable.

- The following purchases by municipalities and LGDs are exempt under The Gasoline and Motive Fuel Tax Acts:
 - Coloured gasoline to operate fire fighting equipment.
 - Coloured diesel fuel used to operate fire fighting equipment, lighting plants, hospital equipment, and stationary or portable engines or tractors that are owned and operated by the municipality or LGD for making or repairing roads, drainage works or other municipal works.

For further information regarding fuel taxes, please contact one of the Taxation Division offices listed at the end of this bulletin.

Section 3 – EXAMPLES OF TAXABLE PURCHASES

- Equipment**
- Municipalities and LGDs are required to pay the tax on most purchases. The following list of taxable items is not a complete list.
 - Cars and trucks (excluding ambulances and fire trucks).
 - Road maintenance and construction equipment, graders, scrapers, packers, water trucks, etc.
 - Processing equipment, e.g. concrete or asphalt batch plants, rock crushers, etc.
 - Sewage and water treatment plant equipment including any charges in connection with the acquisition and installation of the equipment, e.g. out of province freight, design fees, engineering fees and installation labour.
 - Street and highway signs (contractor pays the tax when it's a supply and install contract).
- Sewer and water pipe installation**
- Sewer and water pipe, pumps, valves, gauges and other related equipment and materials.
 - Sewer and water pipe lines remain tangible personal property even after installation, **they do not become real property**. Therefore the purchase of labour to install sewer and water lines and related equipment is generally subject to tax, **but not the installation charges relating to earth work**, such as trenching, excavating, coring, backfilling, etc.
- Please note:** On sewer and water contracts the cost to install the pipe is generally immaterial compared to the total contract cost, as the pipes simply fit into each other and do not require welding, wrapping or testing. To simplify the tax application on underground sewer and water contracts, contractors do not have to calculate and collect tax on the portion of the contract pertaining to the assembly of the pipe but must pay RST on their purchases of pipe and other materials used in the contract.
- Roads and bridges**
- Asphalt and concrete purchased from a supplier.
 - Timbers, pre-cast concrete and steel structural materials.
 - When asphalt or concrete is produced by a municipality or LGD for own use, the RST is payable by the municipality or LGD on the “produced value” of the concrete or asphalt. The “produced value” is the aggregate of: cost of materials (other than sand and gravel), cost of direct labour, and manufacturing overhead (you may use your actual overhead rate or 150 per cent of the cost of direct labour, whichever is less).
- Miscellaneous supplies**
- Chemicals used in sewage treatment plants.
 - Computer hardware and software and other office equipment.

- Fertilizers (but not organic fertilizers), agricultural lime, insecticides, fungicides, herbicides, rodenticides and weed control chemicals.
- Landscaping supplies, e.g. trees, plants, sod.
- Library supplies, e.g. tapes, CDs, DVDs, videos, magazines and other similar media, except if the supplies are purchased for resale or rent.

Please note: Books (printed or on electronic media) that contain no advertising and are published for educational, technical, cultural or literary purposes are not taxable.

- Lumber, paint, hardware and other building materials.
- Printed materials.
- Repair parts and services for all equipment including ambulances, fire trucks and related equipment.
- Salt, oil and other chemicals used to de-ice roads, streets and sidewalks, reduce dust or for construction of roads.
- Water softener salt.

Section 4 – REQUIREMENT TO BE REGISTERED

Requirement to collect tax or remit tax on purchases

- Municipalities are required to register for RST purposes if any of the following situations exist.
 - When taxable purchases are made from out-of-province suppliers or other persons who have not collected sales tax. In this case you should self assess the tax at 7 per cent of the laid down cost which includes the basic purchase price, transportation, handling and other related charges (but not GST).
 - When you produce concrete, asphalt or other taxable goods for own use and are required to self-assess tax on its produced value.
 - When you sell or lease taxable goods, or provide taxable services at a retail sale, e.g. sales of sand and gravel, provide gravel crushing, screening services, etc. You are required to collect tax on these sales and remit them on your monthly return. (If you on average collect/remit less than \$1,000 per month, you may file less frequently as follows: \$500 to \$999 - quarterly; \$200 to \$499 - semi-annual; less than \$200 – annually.)
- Applications can be obtained at one of the Taxation Division offices or Web Site listed at the end of this bulletin in order to register and receive returns for remittance of the tax.

FURTHER INFORMATION

This bulletin is intended as a guideline and is not all-inclusive. For the specific wording of the law, please refer to the Act and Regulation stated below. Further information may be obtained from:

Winnipeg Office

Manitoba Finance
Taxation Division
101 - 401 York Avenue
Winnipeg, Manitoba R3C 0P8
Telephone (204) 945-5603
Manitoba Toll Free 1-800-782-0318
Fax (204) 948-2087
E-mail: MBTax@gov.mb.ca
Web Site: www.gov.mb.ca/finance/taxation

Westman Regional Office

Manitoba Finance
Taxation Division
311, 340 - 9th Street
Brandon, Manitoba R7A 6C2
Telephone (204) 726-6153
Manitoba Toll Free 1-800-275-9290
Fax (204) 726-6763

**Principal
References In
Legislation:** *The Retail Sales Tax Act of Manitoba (C.C.S.M. c. R130), Section 1(1),
definition of "tangible personal property", vendor and Sections 3(1)(m),
3(1)(m.1), 3(1)(ii), 3(1)(jj), and 3(1)(mm),.
Manitoba Regulation (75/88R), Sections 3 and 23.*