

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 240

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS ADOPTING AND LEVYING A SALES AND USE TAX WITHIN THE CITY AT THE RATE OF ONE-HALF OF ONE PERCENT (1/2 of 1%) PURSUANT TO CHAPTER 505, TEX. LOC. GOV. CODE, A PORTION OF THE DEVELOPMENT CORPORATION ACT, AND IMPOSING AN EXCISE TAX AT THE SAME RATE ON THE USE, STORAGE, OR OTHER CONSUMPTION WITHIN THE CITY OF TANGIBLE PERSONAL PROPERTY PURCHASED, LEASED OR RENTED FROM A RETAILER; PROVIDING THAT THE TAX SHALL BE USED FOR THE PURPOSES SET FORTH IN THE PROPOSITION APPROVED AT THE NOVEMBER 8, 2011 ELECTION AND THE DEVELOPMENT CORPORATION ACT; DIRECTING THE CITY SECRETARY TO NOTIFY THE STATE COMPTROLLER OF PUBLIC ACCOUNTS OF THE RESULTS OF THE SALES AND USE TAX ELECTION HELD WITHIN THE CITY ON NOVEMBER 8, 2011; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a special election held on November 8, 2011 (the "Election") pursuant to and in accordance with law there was submitted to the duly qualified voters of the City of Lowry Crossing, Texas (the "City") a proposition ("Proposition") pertaining to the adoption and use of a one-half of one percent (1/2 of 1%) sales and use tax for the purposes set forth in the Proposition and in Chapters 505 and 501 of Subtitle C1 of Title 12 of the Texas Local Government Code ("Code") (the said subtitle C1 being the Development Corporation Act (the "Act")); and

WHEREAS, on November 8, 2011 the returns from the Election were duly canvassed in accordance with law and it was determined by the adoption of Ordinance No. 240 that a majority of the voters of the City voting at the Election voted for the sales and use tax and by such vote approved the said sales and use tax; and

WHEREAS, Section 505.251 of the Local Government Code provides that the City Council may, by ordinance, adopt a sales and use tax for the benefit of a corporation governed by Chapter 505 of the Local Government Code (a "Type B corporation") if the tax is approved by a majority of the voters of the City voting at the Election; and

WHEREAS, the City Council, by the adoption of this Ordinance, desires to adopt and levy a sales and use tax at the rate of one-half of one percent (1/2 of 1%) to be used for the purposes set forth in the Proposition, the Act, and in the articles and bylaws of the Type B corporation to be created pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. Tax Adopted. There is hereby adopted, levied and imposed a tax on the receipts from the sale at retail of taxable items within the City at the rate of one-half of one percent (1/2 of 1%). In accordance with Section 505.253 of the Code, there is also levied and imposed an excise tax at the same rate on the use, storage, or other consumption within the City of tangible personal property purchased, leased or rented from a retailer during the period that the tax adopted in the first sentence of this Section 1 is effective within the City. The tax adopted, levied and imposed hereby is to be used in accordance with and for the purposes authorized by the Proposition, the Act, and in the articles and bylaws of the Type B corporation to be created pursuant to the Act, and is for the benefit of the said Type B corporation.

Section 2. Notification to Comptroller. The City Secretary is hereby directed to take all steps necessary to notify the Comptroller of Public Accounts of the State of Texas of the results of the Election described in the recitals above to ensure collection of the tax. The said Comptroller is authorized to assess and collect the said sales and use tax employing the above rate pursuant to applicable provisions of the Code and other law.

Section 3. Incorporation of Recitals. The above and foregoing recitals of this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 4. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Effective date. This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Lowry Crossing, Texas this the 6th of December, 2011.

Derek Stephens, Mayor

ATTEST:

By: _____
Janis Cable, City Secretary