

ORDINANCE NO. 2019-9

AN ORDINANCE AMENDING SECTIONS 1, 3, AND 15 OF AN ORDINANCE OF THE CITY OF FLORENCE, ALABAMA, LEVYING A PRIVILEGE LICENSE OR EXCISE TAX AGAINST PERSONS, FIRMS, OR CORPORATIONS STORING, USING, OR OTHERWISE CONSUMING OR ENGAGING IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACES OF AMUSEMENT IN THE CITY OF FLORENCE, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN THE STATE OF ALABAMA AS FOLLOWS:

I. Amendment of Section 1.

Section 1 of an ordinance of the City of Florence which was adopted by the Board of Commissioners of said City on October 5, 1971, as amended, is hereby amended so that said Section 1 shall read in its entirety as follows:

“Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the City in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft of over fifty tons burden), an amount equal to four and one-half percent (4 1/2%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business.

(b) Upon every person, firm, or corporation engaged or continuing within the City in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within the City or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, racetracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to four and one-half percent (4 1/2%) of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to three-eighths of one percent (3/8 of 1%) of the gross proceeds of the sale of such machines; provided, that the term "machines" as

herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to three-eighths of one percent ($\frac{3}{8}$ of 1%) of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle or truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automobile vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail any machines, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines, machinery, or equipment, and which are necessary to and customarily used in the operation of such machines, machinery, or equipment, an amount equal to three-eighths of one percent ($\frac{3}{8}$ of 1%) of the gross proceeds of the sale thereof. Provided, however, the three-eighths of one percent ($\frac{3}{8}$ of 1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machines, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on the sale of new or used machines, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machines, machinery, or equipment taken in trade.

(f) Upon every person, firm, or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to four and one-half percent ($4\frac{1}{2}\%$) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business. ”

II. Amendment of Section 3.

Section 3 of an ordinance of the City of Florence which was adopted by the Board of Commissioners of the said City on October 5, 1971, as amended, is hereby amended so that the said Section 3 shall read in its entirety as follows:

“Section 3. (a) An excise tax is hereby imposed on the storage, use, or other consumption in the City of tangible personal property (not including materials and supplies brought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other water craft of more than 50 tons burden) purchased at retail on or after the effective date of this ordinance for storage, use, or other consumption in the City, except as provided in

Subsections (b), (c), and (d), at the rate of four and one-half percent (4 1/2%) of the sales price of such property within the corporate limits of said City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of three-eighths of one percent (3/8 of 1%) of the sales price of any such machines, within the corporate limits of the City, provided that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this ordinance for storage, use, or other consumption in the City at the rate of three-eighths of one percent (3/8 of 1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer within the corporate limits of said City. Where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machines, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines, machinery, or equipment, and which are necessary to and customarily used in the operation of such machines, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of three-eighths of one percent (3/8 of 1%) of the sales price of such property within the corporate limits of said City regardless of whether the retailer is or is not engaged in the business in this City. Provided, however, the three-eighths of one percent (3/8 of 1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machines, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used machines, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machines, machinery, or equipment taken in trade."

III. Amendment of Section 15.

Section 15 of an ordinance of the City of Florence which was adopted by the Board of Commissioners of the said City on October 5, 1971, as amended, is hereby amended so that the said Section 15 shall read in its entirety as follows:

"Section 15. The proceeds of the taxes fixed and levied by this ordinance in the City of Florence, Alabama, shall be held and applied as follows:

(a) The City has heretofore from time to time pledged said taxes to certain bond and warrant issues. The City recognizes that said pledges constitute and will constitute prior liens and claims on the proceeds of the taxes fixed and levied by this ordinance in accordance with the provisions of the respective ordinances or resolutions of the City authorizing the issuance of said bonds and warrants, and does hereby order and direct that the first proceeds from said taxes shall be applied in payment and discharge of said pledges.

(b) Subject to full compliance with the requirements of all pledges of said taxes as

provided in the preceding subsection (a) of this Section 15, two-thirds (2/3) of the proceeds of the first one and one-half percent (1 1/2%) of the taxes collected each year under Sections 1(a) and (f) and two-thirds (2/3) of the proceeds of the three-eighths percent (3/8%) taxes collected each year under Sections 1(c) and (e) shall be deposited in the City's General Fund and one-third (1/3) of the proceeds of the first one and one-half percent (1 1/2%) of the taxes collected each year under Sections 1(a) and (f) and one-third (1/3) of the proceeds of the three-eighths percent (3/8%) taxes collected each year under Sections 1(c) and (e) shall be paid to the City Board of Education of the City of Florence for public school purposes; provided, however, that there shall be deducted from the amount paid to the City Board of Education the sum of \$25,000.00 for administration of such taxes. All of the proceeds of the taxes collected each year under Section 1(b) and all of the proceeds of the taxes collected under Section 1(d) and all of the proceeds collected under Sections 3(a), (b), (c), and (d) shall be deposited in the City's General Fund.

(c) Subject to full compliance with the requirements of all pledges of said taxes as provided in the preceding Subsection (a) of this Section 15, eighteen and one-third percent (18 1/3%) of the proceeds of the next three percent (3%) of the taxes collected each year under Sections 1(a) and (f) shall be paid to the City Board of Education of the City of Florence for public school purposes in the City. The remaining eighty-one and two-thirds percent (81 2/3%) of such three percent (3%) of the taxes collected each year under Sections 1(a) and (f) shall be deposited in the City's General Fund.

IV. Ratification.

The ordinance adopted on October 5, 1971, as heretofore amended and as hereby amended is hereby ratified, approved and confirmed.

V. Repeal of Conflicting Provisions.

All ordinances, resolutions and orders or parts thereof in conflict with this ordinance are to the extent of such conflict, hereby repealed.

VI. Publication of Ordinance.

A copy of this ordinance shall be published one time in the *TimesDaily*, a newspaper published and of general circulation in the City of Florence.

VII. Effective Date.

This ordinance shall become effective on the 1st day of March, 2019.

VII. Severability.

Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

ADOPTED this 15TH day of JANUARY, 2019.

[Signature]
[Signature]
[Signature]
[Signature]



Att

CITY COUNCIL

APPROVED this 15TH day of JANUARY, 2019.

Steve Holt

MAYOR

ADOPTED & APPROVED this 15TH day of JANUARY, 2019.

Robert M. Seyde

CITY CLERK