

ORDINANCE 532

BE IT ORDAINED by the Mayor and Council of the CITY OF HAMILTON, ALABAMA, as follows:

ORDINANCE ADOPTING USE TAX

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Section 1. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property, not including, however materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama department of conservation and natural resources, 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 one-half percent (.5%) of the sales price of such property within the corporate limits of the City.

(b) An excise 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 one-half percent (.5%) of the sales price of any such machine, 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 therefor, which are made of 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 automobile 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 one-half percent (.5%) 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 machine, 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 therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, 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 one-half (.55) of the sale 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 one-half percent (.52) 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 machine, 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 a sale of a new or used machine, 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 machine, machinery or equipment taken in trade.

An excise tax is hereby imposed on tangible personal property at one-half the rates specified in subsections (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the City, but within the police jurisdiction.

SECTION 2. The taxes levied by Section 1 of this Ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments and deductions that are applicable to the taxes levied by the tax statutes of the State of Alabama, except where inapplicable or where herein otherwise provided, including all provisions of the State use tax statutes for enforcement and collection of taxes.

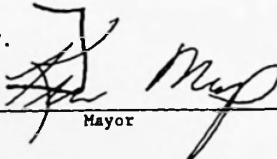
SECTION 3. This Ordinance cumulative to General License Code or Ordinance. This Ordinance shall not be construed to repeal any of the provisions of the general license code or ordinances of the City but shall be added to be cumulative, and the amounts of the taxes herein shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinances.

SECTION 4. Severability. 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 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.

SECTION 5. Allocation of Proceeds. All proceeds of the taxes levied and assessed by this Ordinance shall be paid into the general fund of the City and shall be expended for such purposes as the governing body of the City shall deem necessary and advisable.

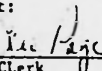
SECTION 6. Effective Date and Termination. This Ordinance shall become effective on the first day of April, 1997, and shall remain in full force and effect and shall apply to each month of the year 1997, beginning with the month of April, 1997, and to each month of each calendar year thereafter from year to year until March 31, 2000.

SECTION 7. Adopted and approved this 17th day of March, 1997.



Mayor

Attest:



City Clerk

Neal Childers made a motion that Ordinance 532 be approved. Stanley Nixon seconded the motion. Voting was as follows: For: Mayor Mays, Neal Childers, Wade Williams, Stanley Nixon. Against: Watha Williams, John Tuck. Motion carried by majority vote.