

ORDINANCE NO. 230-87

ORDINANCE AMENDING THE 'TAXATION' CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF WILLOW PARK, TEXAS BY THE AMENDMENT OF VARIOUS SUBSECTIONS OF ARTICLE _____ THEREOF RELATING TO TAXATION OF TELECOMMUNICATIONS SERVICES: MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND NAMING OF AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1: THAT the Code of Ordinances is hereby amended by the addition of Section _____ thereto which shall read in its entirety as follows:

'Section _____ TAXATION OF TELECOMMUNICATION SERVICES

(a) A tax is hereby authorized on all telecommunications services sold within the City of Willow Park, Texas. For purposes of this section, the sale of telecommunications services is consummated at the location of the telephone or other telecommunications device from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed.

(b) The rate of the tax imposed by this section shall be the same as the rate imposed by the City of Willow Park, Texas, for all other local Sales and Use Taxes as authorized by the legislature of the State of Texas.

(c) The City Secretary shall forward to the Comptroller of the State of Texas by United States Registered Mail a copy of this ordinance along with a copy of the minutes of the City Council's vote and discussion on this ordinance.

(d) This section shall become effective as of October 1, 1987.

SECTION 2: This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Willow Park, Texas, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4: This ordinance is to be liberally construed to achieve its remedial purposes.

SECTION 5: This ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF Willow Park, TEXAS, THIS the 9th day of June, 1987

J. Mark Bumpas

MAYOR, CITY OF Willow Park, TEXAS

ATTEST:

Aref Hassan

CITY SECRETARY

How To Repeal The Telecommunications Exemption

State law provides that telecommunication services are subject to the state sales tax, but are exempt from all local sales taxes.

However, the law also says that if a city or county wants to apply its local sales tax to telecommunications, it may repeal that exemption.

October 1, 1987 is the earliest that the repeal may take effect and the tax imposed. If you want it done by this date, You must notify the Comptroller by June 30, 1987.

(Since counties can't even start collecting a sales tax until January 1, 1988, their repeal wouldn't be effective until then.)

Here's the procedure for re-pealing the exemption and placing your local sales tax on telecommunication services.

1. The city council adopts an ordinance or the commissioners court passes an order to repeal the local sales tax exemption on telecommunication services (for appropriate wording, see the box on the facing page).
2. The vote on the ordinance/order is entered into the minutes of the governing body.
3. A copy of the ordinance/order is sent to the Comptroller by United States registered or certified mail.
4. After the Comptroller receives the notice, one full calendar quarter must elapse. The re-peal of the exemption then takes effect and the tax is imposed on the first day of the next calendar quarter.

Notice must be received by

June 30, 1987

September 30, 1987

December 31, 1987

March 31, 1988

June 30, 1988

For exemption to be repealed on: (For tax to be imposed on:)

October 1, 1987

January 1, 1988

April 1, 1988

July 1, 1988

October 1, 1988

For more information, call the Comptroller toll free 1-800-252-5555.