

ORDINANCE NO. 11-18

A ORDINANCE OF THE CITY OF COMMERCE, TEXAS PROVIDING FOR THE TAXATION OF GOODS-IN-TRANSIT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Senate Bill 1 passed by the 82nd Texas Legislature, First Called Special Session, inter alia, amended Section 11.253 of the Tax code regarding the exemption for “Goods-in-Transit”; and

WHEREAS, Section 11.253, Tax Code, was amended to prohibit a taxing unit from taxing Goods-in-Transit in a tax year that begins on or after January 1, 2012, unless the governing body of the taxing unit takes action on or after October 1, 2011, to provide for the taxation of the Goods-in-Transit; and

WHEREAS, the governing body is required by the new legislation to take action to tax Goods-in-Transit after public hearing even if the governing body previously took action to tax Good-in-Transit; and

WHEREAS, the governing body may choose to opt out of the local exemption for Goods-in-Transit by holding a public hearing and taking action to continue to tax such goods on or after October 1, 2011, but prior to January 1, 2012; otherwise, such property will be exempt from taxation, and

WHEREAS, the governing body of the City of Commerce, Texas desires to continue to tax Good-in-Transit beginning in tax year 2012; and

WHEREAS, the governing body of the City of Commerce, Texas has conducted a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution, at which citizens were provided an opportunity to speak;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COMMERCE, TEXAS :

SECTION 1. That beginning in tax year 2012, and continuing thereafter until further action is taken by the City Council of the City of Commerce, Texas, “Goods in Transit”, as defined by Tax Code, Section 11.253, shall be subject to property taxation by the City of Commerce, Texas.

SECTION 2. That should any sentence, paragraph subdivision, clause, phrase or section of this Ordinance be adjudged or held to unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining parts of this Ordinance as a whole or any part or provision thereof other than the part so determined to be unconstitutional, illegal or invalid.

SECTION 3. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas, on this 15 day of November, 2011.

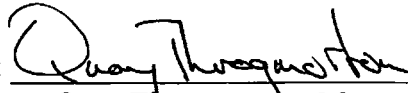
ATTEST:



Marty Cunningham, City Secretary

(Seal)

CITY OF COMMERCE:

By: 
Quay Throgmorton, Mayor