

STATE OF ALABAMA       )  
COUNTY OF WALKER       )  
CITY OF CORDOVA        )

SALES TAX AND USE TAX ORDINANCE - 101-89

Pursuant to the provisions of Act Number 917, Regular Session of the Legislature 1969, this Ordinance levies a privilege, license or excise tax against persons, firms or corporations storing, leasing, renting, using or otherwise consuming or engaged in the business of selling at retail tangible personal property in the City of Cordova, Alabama, or within its police jurisdiction; provides for the collection of said taxes; provides penalties for the collection of the said taxes; provides penalties for the violation of this Ordinance.

Pursuant to the provisions of Act Number 917, the Regular Session Legislature of 1969, BE IT ORDAINED BY THE CITY COUNCIL OF CORDOVA IN THE STATE OF ALABAMA 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 every person, firm or corporation 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 and any association or other agency or instrumentality of such person, firm or corporation engaged or continuing within the City of Cordova, Alabama, 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 watercraft of over fifty (50) tons burden), an amount equal to one-half (1/2) per cent 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 retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged or continuing within the City of Cordova, Alabama, in the business of leasing or rental of any personal property of any kind or nature or conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and

baseball games, (EXCLUDING athletic contests conducted by or under the auspices of any educational institution whether such institution or association be a denominational, a state or county or a municipal institution or association of a state, county or city school, or other institution, association or school), skating rinks, race tracks, 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 in the City of Cordova, Alabama, an amount equal to one-half (1/2) per cent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the City of Cordova, Alabama, in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to one-half (1/2) per cent 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 therefor, 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 of Cordova, Alabama, in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one-half (1/2) per cent of the gross proceeds of sale of said automotive vehicle or

truck trailer, semi-trailer or house trailer, however, 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 *Twenty And* *no/100 (\$20.00) Dollars* per year or part thereof during which such automotive vehicle, 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 or 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 of Cordova, Alabama, 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 thereof 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, an amount equal to one-half (1/2) per cent of the gross proceeds of the sale thereof. Provided, however, the one-half (1/2) per cent 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 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.

(f) Upon every person, firm or corporation engaged or continuing within this State 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 therefor, there is hereby levied a tax equal to one-half (1/2) per cent 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.

## SECTION 2. LEVY OF THE TAX IN POLICE JURISDICTION

Upon every person, firm or corporation engaged in the doing of any act, or who shall do any act, or continuing in the doing of any act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the City of Cordova, Alabama, but beyond the corporate limits of said City of Cordova, Alabama, for which or upon which a privilege or license tax is in this Ordinance levied or required within the corporate limits of the City of Cordova, Alabama, there is hereby levied in addition to all other taxes of every kind now imposed by law or by Municipal Ordinance to be collected as herein levied within the corporate limits of the City of Cordova, Alabama, a privilege or license tax equal to one-half (1/2) of that provided, levied or required in this Ordinance for the doing of such act or the engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the City of Cordova, Alabama. Provided further that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said City of Cordova, Alabama, but without the corporate limits thereof, all the provisions of this Ordinance extend and apply to all the area within the police jurisdiction of the City of Cordova, Alabama.

SECTION 3. PROVISIONS OF STATE SALES TAX STATUTES APPLICABLE  
TO THIS ORDINANCE AND TAXES HEREIN LEVIED.

The taxes levied by Sections One (1) and Two (2) 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 State Sales Tax Statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Sales Tax Statutes enforcement and collection of taxes.

SECTION 4.

(a ) An excise tax is hereby imposed on the storage, use or other consumption in the City of Cordova, Alabama, of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail on or after the effective date of this Ordinance for storage, use or other consumption in the City of Cordova, Alabama, except as provided in subsections (b), (c), and (d) at the rate of one-half (1/2) per cent of the sales price of such property within the corporate limits of said City of Cordova, Alabama.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City of Cordova, Alabama, 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 (1/2) per cent of the sales price of any such machine, within the corporate limits of the City of Cordova, Alabama; 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 therefor, 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 Cordova, Alabama, 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 of Cordova, Alabama, at the rate of one-half (1/2) per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer, within the corporate limits of said City of Cordova, Alabama. 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 Cordova, Alabama, 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 of Cordova, Alabama, at the rate of one-half (1/2) per cent of the sales price of such property within the corporate limits of said City of Cordova, Alabama, regardless of whether the retailer is or is not engaged in the business in this City. Provided however, the one-half (1/2) per cent 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 trade 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 (1/2) 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 of Cordova, Alabama, but within the police jurisdiction.

#### SECTION 5.

The taxes levied by Section Four (4) 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 State Use Tax Statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Use Tax Statutes for enforcement and collections of taxes.

#### SECTION 6. 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 Ordinance of the City of Cordova, Alabama, but shall be held 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 of Cordova, Alabama, by its general license code or Ordinance.

SECTION 7. 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.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective on the first day of October, 1989, and the first payment of taxes hereunder shall be due and payable on the twentieth day of October, 1989. This Ordinance shall remain in full force and effect and shall apply to each month of the year 1989, beginning with the month of October and to each month of each calendar year thereafter from year to year.

SECTION 9.

ADOPTED AND APPROVED THIS THE 13<sup>th</sup> DAY OF SEPTEMBER, 1989.

B. J. "Bo" Richardson  
MAYOR

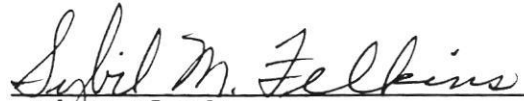
ATTESTED BY:

Lybil M. Felkins  
CLERK

C E R T I F I C A T E

I, the undersigned Clerk of the City of Cordova, Alabama, hereby certify that the foregoing is a true and correct copy of Ordinance Number 101-89, that was duly adopted and enacted by the Mayor and Board of Aldermen of the City of Cordova, Alabama, at a regular meeting in the City Hall of the City of Cordova, Alabama, held on September 19, 1989, and after being duly adopted was posted in three (3) public places in the City of Cordova, Alabama, as required by law.

This 25th day of September, 1989.

  
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City Clerk  
City of Cordova, Alabama

(SEAL)