

ORDINANCE NO. 089-028

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 17 "TAXATION" OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR ALLOCATION TO BONDS OF CERTAIN HOTEL FUND RECEIPTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Addison, Texas (the "Town") pursuant to the authority granted by Chapter 351, Tax Code, Vernon's Texas Code Annoated, as amended (the "Act"), has heretofore and currently levies a tax for the use or occupancy of hotel rooms within the limits of the Town at a rate of seven percent (7%) of the cost thereof; and

WHEREAS, Section 351.103(a) of the Act provides that the requirement that the Town allocate an amount of revenue derived from such tax at a rate of one percent (1%) of the cost of a room for the purposes set forth in Section 351.101(a)(3) of the Act, does not apply if prior to October 1, 1989 the Town Council adopts an ordinance providing for an allocation in excess of fifty percent (50%) of the tax collected for one or more specific purposes provided by Section 351.101(a)(1) of the Act until such ordinance is repealed or expires or until the revenue is no longer used for the specific purpose;

WHEREAS, the Town Council has heretofore found and determined and hereby finds and determines that a portion of the

revenue received from such tax is needed in order to secure the payment of bonds to be issued for the specific purpose of acquiring and constructing civic center facilities, including a civic theater, in order to promote tourism and the hotel and convention industry, which is a purpose set forth in Section 351.101(a) of the Act;

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF  
ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, is hereby amended by adding a section to be numbered 17-63 which section reads as follows:

17-63. Allocation of Certain Hotel Fund Receipts to Bonds.

(a) That the findings and determinations set forth in the preamble hereof are hereby officially adopted, restated and made a part of this ordinance as if repeated herein;

(b) From and after the effective date hereof, all the receipts collected as a result of the hotel occupancy tax to the extent necessary and appropriate (but in no event less than fifty percent (50%)) shall be allocated and pledged to bonds of the Town to be issued for the purpose of acquiring, constructing, operating, and maintaining convention center facilities, including a civic/theatre. Such allocation shall continue for so long as any bonds, including any bonds issued on a parity therewith, payable from such source are outstanding.

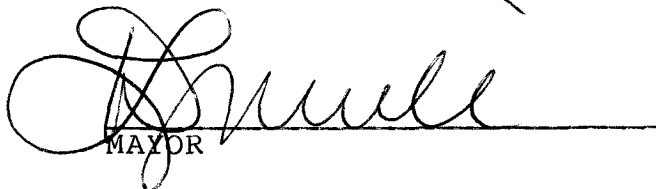
SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.


SECTION 4. The fact that the present code of Ordinances does not provide for allocation of hotel funds to bonds and therefore, is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 12th day of September, 1989.

APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

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