

FILED

ORIGINAL

AUG 25 2006

BILL NO. 3659

JANET C. McMILLIAN  
COUNTY CLERK OF JEFFERSON COUNTY, MO.

ORDINANCE NO. 3659

**AN ORDINANCE OF THE CITY OF FESTUS, MISSOURI, IMPOSING A SALES TAX FOR THE PURPOSE OF PROVIDING FUNDING FOR CAPITAL IMPROVEMENTS RELATED TO ITS MUNICIPAL WATER AND SANITARY SEWER SYSTEMS WHICH MAY INCLUDE THE RETIREMENT OF DEBT UNDER PREVIOUSLY AUTHORIZED BONDED INDEBTEDNESS EXCLUSIVELY FOR THESE PURPOSES ON ALL RETAIL SALES MADE IN THE CITY OF FESTUS AT THE RATE OF ¼ OF 1% ON THE RECEIPTS FROM THE SALE AT RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES AT RETAIL WITHIN SAID CITY, IF SUCH PROPERTY AND SERVICES ARE SUBJECT TO TAXATION BY THE STATE OF MISSOURI UNDER THE PROVISIONS OF CHAPTER 144.010 TO 144.525, RSMO., AS AMENDED, SAID SALES TAX TO BECOME EFFECTIVE UPON APPROVAL OF A MAJORITY OF THE QUALIFIED VOTERS VOTING THEREON AT AN ELECTION TO BE HELD WITHIN THE CITY OF FESTUS, MISSOURI, PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTION 94.577, RSMO., AS AMENDED, SAID SALES TAX TO BECOME EFFECTIVE ON THE FIRST DAY OF THE SECOND QUARTER AFTER THE DIRECTOR OF REVENUE RECEIVES NOTICE OF ADOPTION OF THE TAX UPON APPROVAL OF THE ABOVE DESCRIBED CITY SALES TAX BY A MAJORITY OF THE QUALIFIED VOTERS VOTING THEREON AT AN ELECTION TO BE HELD WITHIN THE CITY OF FESTUS, MISSOURI, AND PROVIDING FOR SUBMISSION OF THIS ORDINANCE TO THE QUALIFIED VOTERS OF SAID CITY FOR THEIR APPROVAL AT AN ELECTION CALLED AND TO BE HELD IN SAID CITY ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2006.**

WHEREAS, under the provisions of Section 94.577 of the Revised Statutes of Missouri ("RSMo."), as amended, the municipalities of this State are empowered to impose by Ordinance for the purpose of providing funding for capital improvements which may include the retirement of debt under previously authorized bonded indebtedness for capital improvements for the municipality, on all sellers for the privilege in engaging in the business of selling tangible personal property or rendering taxable services at retail, a sales tax not to exceed one-half (1/2) of one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within said municipality adopting such tax, if such property and services are subject to taxation by the State of Missouri under the provisions of Chapter 144 RSMo., as amended, and the City of Festus, Missouri, desires to avail itself of such authorization subject to the limitations of Section 94.577 RSMo. and of this Ordinance, and

WHEREAS, the City Council of the City of Festus is of the opinion that revenues generated for the City through imposition of the above-described sales tax will provide funding of much needed capital improvements for its water and sanitary sewer systems which may include retirement of existing debt on previously authorized bonded indebtedness related to its municipal water and sanitary sewer systems and thereby stabilize water and sanitary sewer rates for City residents and customers now and in the future.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Festus, Missouri, as follows:

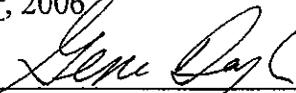
Section I. Imposition of City Sales Tax. Pursuant to the authority granted by and subject to the provisions of Section 94.577 RSMo., as amended, a tax for capital improvements related to its municipal water and sanitary sewer systems which may include the retirement of debt under previously authorized bonded indebtedness exclusively for these expressed purposes is hereby imposed on all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent said sales are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., as amended, and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of tax shall be one-fourth (1/4) of one percent (1%) on the receipts from sale at retail of all tangible personal property or taxable services at retail within the city limits of the City of Festus, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Chapter 144.010 to 144.525, RSMo., as amended. The tax shall become effective as provided in Section 94.577, RSMo., as amended.

Section II. Effective Date. This Ordinance shall be submitted to the qualified voters of the City of Festus, Missouri, for their approval as required by the provisions of Section 94.577, RSMo., as amended, at the general election established pursuant to Section 115.121, RSMo., as amended, and to be held in said City on the 7<sup>th</sup> day of November, 2006. The ballot title shall be:

Read three times and passed this 23 day of August, 2006.

  
\_\_\_\_\_  
President, City Council  
City of Festus

Approved this 23 day of August, 2006

  
\_\_\_\_\_  
Mayor  
City of Festus

ATTEST:

  
\_\_\_\_\_  
City Clerk



SHALL THE ORDINANCE IMPOSING A CAPITAL IMPROVEMENT SALES TAX FOR ITS MUNICIPAL WATER AND SANITARY SEWER SYSTEMS BE APPROVED?

- YES      Shall the City of Festus, Missouri, impose a sales tax of One-Fourth (1/4) of One Percent (1%) for the purpose of funding capital improvements to its municipal water and sanitary sewer systems which may include the retirement of debt under previously authorized bonded indebtedness for these expressed purposes.
- NO

The voter who desires to vote in favor of said Ordinance shall place a cross mark (x) in the square opposite the word "YES". The voter who desires to vote against said Ordinance shall place a cross mark (x) in the square opposite the word "NO".

If the majority of the qualified voters voting at said election shall vote in favor of the approval of this Ordinance, then the same shall be binding and in full force and effect.

Section III. Certification. Within ten (10) days after the approval of this Ordinance by the qualified voters of the City of Festus, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri, by United States Registered Mail or Certified Mail, a certified copy of this Ordinance, together with the certifications of the election returns, and accompanied by a map of the City clearly showing the boundaries thereof.

Section IV. Severability. If any Section, Sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section V. Emergency Clause. The City Council of the City of Festus, Missouri, hereby declares this Ordinance to be an emergency Ordinance in order to protect the health, safety and welfare of the citizens of the City of Festus, Missouri.

Section VI. Effective Date. This Ordinance shall take effect and be in force from and after the date of its passage by the Council and approval by the Mayor, subject to voter approval as hereinabove set forth.