

ORDINANCE NO. \_\_\_\_\_ 2010-03 \_\_\_\_\_

**AN ORDINANCE TO AMEND ORDINANCE 2003-22**

**WHEREAS**, the City of Springville, Alabama (the "City") has the authority and exercises the authority through Ordinance 2003-22 (the "Ordinance") to levy license taxes to those engaged in the business of selling, storing or delivering certain tobacco products within the corporate limits of the City of Springville, Alabama (the "City"); and

**WHEREAS**, it is the intent and desire of the City Council for the City to promote and protect the public welfare; and

**WHEREAS**, the City desires to amend the Ordinance to better protect and serve the general public and the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Springville, Alabama, while in regular session, on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, as follows:

**Section 1:** That Section 1, of the Ordinance, "Definitions," is hereby amended as follows:

"Package" means any collection of twenty-four (24) tobacco products whether contained together in as a single item or in individual loose items or any combination thereof.

**Section 2:** That Section 3, of the Ordinance "Tax Levied – In City," is hereby amended as follows:

In addition to all other taxes no imposed by law, every person who sells, stores or delivers tobacco products shall pay a license to the city, and a license tax is hereby fixed and levied, for the sale, storage or delivery of tobacco products in the corporate limits of the city, which license tax shall be in an amount equal to 08/100 Dollars (\$0.08) for each package of tobacco products so sold, stored or delivered. Said tax shall be assessed to the closest 01/100 Dollars (\$0.01) and any rounding necessary shall be rounded down to the nearest 01/100 (\$0.01).

**Section 3:** That Section 4, of the Ordinance "Same – In Police Jurisdiction," is hereby amended as follows:

In addition to all other taxes no imposed by law, every person who sells, stores or delivers tobacco products in the police jurisdiction of the city shall pay a license tax to the City, and a license tax is hereby fixed and levied, for the sale, storage or delivery of tobacco products in the police jurisdiction of the City, which license tax shall be in an amount equal to 04/100 Dollars (\$0.04) for each package of tobacco products so sold, stored or delivered. Said tax shall be assessed to the closest 01/100 Dollars (\$0.01) and any rounding necessary shall be rounded down to the nearest 01/100 (\$0.01).

**Section 4:** That Section 6, of the Ordinance “Same – Affixing; Cancelling,” is hereby amended as follows:

Before any tobacco products shall be sold, stored or delivered within the corporate limits of the City or its police jurisdiction by any dealer, such dealer shall affix to each package or container of tobacco products a stamp or stamps obtained from the city clerk in the amounts set out in this article in payment of the license taxes imposed by this article. Every dealer shall, within one hour after receipt of any tobacco product within the city or its police jurisdiction, unless sooner offered for sale, cause stamps to the requisite amount of the tax to be affixed as herein provided and shall cause the same to be canceled by writing or stamping with waterproof ink across the face of each stamp such registered number as shall be furnished to such dealer by the city clerk. After such stamping has been begun it shall be continued with reasonable diligence by such dealer until all unstamped tobacco products shall have been stamped and the stamps canceled as herein provided, but no stamp required to be affixed to any package or container of tobacco products shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied under this article.

Such stamps shall be affixed in such a manner that their removal will require continued application of water or steam. In the case of tobacco products sold by retail in packages, the stamps shall be affixed to each individual package in such a way that such stamps shall be torn in two or mutilated when such package is opened. In the case of tobacco products sold by retail in individual units, the stamps shall be affixed to the container in which the individual tobacco products are held.

**Section 5:** That Section 8 of the Ordinance, “Illegal Acts,” subsection 6, is hereby amended as follows:

- (6) It shall be unlawful for any person to reuse or refill with tobacco products any package or container from which tobacco products have been removed and with respect to which the tax has theretofore been paid.

**Section 6:** That Section 10 of this Ordinance, “Penalty,” is hereby amended as follows:

Any person, firm, corporation or entity of any type found to be violating the provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than \$500.00 but in no case less than \$25.00.

**Section 7:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 8:** That this ordinance shall become effective as provided by law after passage, approval and publication.

ADOPTED and APPROVED this the 3rd day of May, 2010.

CITY OF SPRINGVILLE, ALABAMA

\_\_\_\_\_  
William Isley,  
Mayor

ATTEST:

\_\_\_\_\_  
Kelli Lee,  
City Clerk

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Springville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on \_\_\_\_\_, 2010 and as same appears of record in Minute Book of said City, and approved by the City Council on the \_\_\_ day of \_\_\_\_\_, 2010.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Springville, Alabama, this \_\_\_ day of \_\_\_\_\_, 2010.

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