

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA
CALHOUN COUNTY

I, Antonia R. Rispoli Fanning, City Clerk of the City of Jacksonville, Alabama, a municipal corporation, and custodian of the official records of the City, do hereby certify that the attached and foregoing is a true and correct copy of Ordinance O-600-18, an Ordinance of the City of Jacksonville, Amending Section 7-27 Gasoline of Chapter 7 – Businesses of the Code of Ordinances of the City of Jacksonville, Alabama.

Ordinance O-600-18 was adopted on the 9th day of October 2017, by the City Council of the City of Jacksonville, Alabama, a municipal corporation.

WITNESS my hand and seal of office this 11th day of October 2017.



CITY SEAL

Antonia R. Rispoli Fanning
ANTONIA R. RISPOLI FANNING
CITY CLERK OF THE CITY OF
JACKSONVILLE, ALABAMA,
a municipal corporation.

**AN ORDINANCE AMENDING SECTION 7-27 GASOLINE OF CHAPTER 7 - BUSINESSES OF THE
CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE, ALABAMA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE:

SECTION I. Section 7-27 of the Code of Ordinances of the City of Jacksonville is hereby amended, to read as follows:

Sec. 7-27 - Gasoline.

(a) *Definitions.* As used in this section, the term "gasoline" shall include *gasoline*, naphtha, diesel fuel and other motor fuels commonly used in combustion engines, but shall exclude kerosene. The word "person" shall include every person, firm, corporation, individual, partnership, company, agency, or association. The word "distributor" and the word "seller" shall include every person as herein defined, who shall engage in the selling, shipping, transporting and/or delivering of *gasoline*, as herein defined, at or from its storage point or place of business from without or from within the city to any place within the city and/or its police jurisdiction thereof.

(b) *License and fees.* Every distributor and/or seller, as defined in subsection (a) of this section shall pay a license tax to the city and a license is hereby fixed and created which license tax shall be a sum and amount equal to 2-cents (\$.02) on each and every gallon of gasoline sold, delivered, stored and or consumed in the corporate limits of the City of Jacksonville, and or 1-cent (\$.01) on each and every gallon of gasoline sold, delivered, stored, and or consumed in the city's police jurisdiction. In addition such persons selling merchandise at retail and/or wholesale shall pay a license tax in accordance with ordinance.

(c) *Dealers.* Dealers in oxygen, acetylene, compressed air and all other gaseous substances, except butane gas shall pay a license tax in the amount established by the city council.

(d) *Monthly statement.* Each distributor as herein defined shall, on or before the 20th day of each month hereafter; file with the finance director/city treasurer, a sworn written statement showing the amount of *gasoline* and quantity and place of delivery of all *gasoline* sold and/or delivered, stored or consumed within the corporate limits or its police jurisdiction. This sworn statement shall be accompanied by payment of the license tax as provided in this section.

(e) *Penalties for failure to file.* The license tax herein fixed must be paid by each person against whom the same is levied and fixed as herein provided, or who is liable for such license under the provisions of this article on or before the 20th day of each calendar month, being the time fixed for filing of said statement based on sales or deliveries during the preceding month, and any person failing or omitting to pay said license within said time shall be guilty of an offense against the city, and shall, upon conviction, be fined not less than \$50.00 nor more than \$100.00, and each day said license is not paid shall constitute a separate offense, and in addition to said punishment, said license tax shall be increased by the additional punishment, thereto, of a penalty of 20 percent of said license for the first 30 days of delinquency, payable and collectible as all other penalties. On or after the 31st

day of delinquency, the finance director/city treasurer may cause a legal proceeding to be instituted for collection of the delinquent tax.

(f) *Percentage of sales per annum.* On all butane or propane gas, liquid petroleum or like or similar gas sold or delivered within the city, one percent of gross sales, and on all sold or delivered within the police jurisdiction, one-half of one percent of the gross sales, provided that the minimum annual license, regardless of gross sales, shall be \$50.00 per annum. Such persons selling merchandise shall pay in addition in accordance with the retail or wholesale merchants.

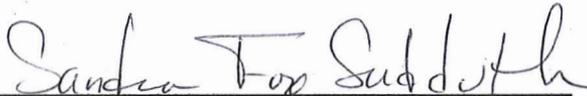
SECTION II. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION III. Effective upon adoption of this ordinance to the extent that all other ordinances or parts of ordinances of the City of Jacksonville conflicting herewith or inconsistent with the provisions in this ordinance are hereby repealed to the extent of such conflict.

SECTION IV - Effective date.

This Ordinance shall become effective December 1, 2017 following its publication as required by law.

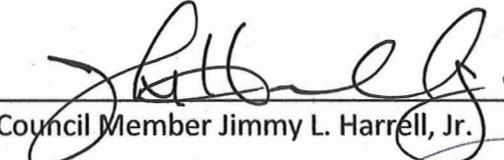
PASSED AND ADOPTED this the 9th day of October, 2017.



Council President Sandra Fox Sudduth

(ABSENT)

Council Member Jerry Parris



Council Member Jimmy L. Harrell, Jr.



Council Member Tony Taylor



Council Member Coty Galloway



Approved by Mayor Johnny L. Smith

ATTEST:



Antonia R. Rispoli Fanning, City Clerk

