

ORDINANCE NO. 3504

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXEMPTING QUALIFIED CHARITABLE ORGANIZATIONS FROM AD VALOREM TAXATION AS DEFINED IN AND AUTHORIZED BY STATE LAW; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Seventy-Seventh Texas Legislature in its regular session enacted House Bill 1689 (the "Bill") for the purpose of exempting from ad valorem taxation certain organizations engaged primarily in performing charitable functions; and

WHEREAS, a charitable organization qualified for the exemption is defined in the Bill and includes but is not limited to fraternal organizations; and

WHEREAS, said exemption may not be granted unless the exemption is adopted either by the governing body of the taxing unit or by majority voter approval by the qualified voters of the taxing unit in an election called by the governing body based on a petition of at least 20 percent of the qualified voters who voted in the preceding election; and

WHEREAS, in order to obtain the exemption, the charitable organization must apply for a determination letter from the State Comptroller's Office. If the determination letter is approved, the organization then files an exemption application with the local appraisal district. The local appraisal district then determines if the charitable organization's property qualifies for exemption; and

WHEREAS, if granted, the exemption expires at the end of the fifth tax year after the year in which the exemption is granted. The charitable organization must obtain a new determination letter and reapply for the exemption to continue to receive an exemption after the fifth tax year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That there is hereby granted beginning with the tax year starting January 1, 2002, an exemption from ad valorem taxation to qualified charitable organizations, as defined in and authorized by *Vernon's Texas Codes Annotated, Property Tax Code, Section 11.184*.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for exemption from ad valorem taxation which creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.

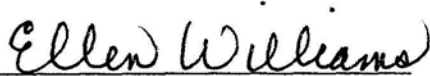
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of June, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney