

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, ADOPTING A LOCAL PROPERTY TAX EXEMPTION FOR QUALIFYING CHILD-CARE FACILITIES, AS DEFINED BY TEXAS TAX CODE SECTION 11.36, AND AMENDING CHAPTER 90 "TAXATION," OF THE SAGINAW CITY CODE, BY AMENDING ARTICLE III "TAX EXEMPTIONS," BY ADDING A NEW DIVISION 4 "TAX EXEMPTION FOR CHILD-CARE FACILITIES;" PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City is authorized by Senate Bill 1145 of the 88th Texas Legislature, adopted in Chapter 11, Section 11.36 of the Texas Tax Code, to adopt a local property tax exemption for qualified child-care facilities; and

WHEREAS, Section 11.36(c) of the Texas Tax Code authorizes the governing body of a municipality to adopt an exemption from taxation as a percentage of the appraised value of a qualifying child-care facility, as defined under the Texas Tax Code; and

WHEREAS, the City Council of the City ("City Council") hereby desires to adopt a 100 percent (100%) tax exemption of the appraised value of real property used for qualifying child-care facilities, as defined under the Texas Tax Code, beginning with the 2024 tax year.

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

The City Council hereby adopts the exemption, as authorized and described in Texas Tax Code Section 11.36, of 100 percent (100%) of the city's ad valorem property taxes for real property used for qualifying child-care facilities, as defined therein.

SECTION 3.

Chapter 90 "Taxation," of the Saginaw City Code is hereby amended to amend Article III "Tax Exemptions," to add a new Division 4 "Tax Exemption for Child-Care Facilities," which Division shall read as follows:

"DIVISION 4. — TAX EXEMPTION FOR CHILD-CARE FACILITIES.

Sec. 90-111. - Tax exemption granted.

Upon compliance with all requirements of any applicable laws and regulations of the state and the city, including, but not limited to, Section 11.36 of the Texas Tax Code, and subject to the limitations and regulations therein, 100 percent (100%) of the appraised value of (i) real property a person owns and operates as a qualifying child-care facility, or (ii) the portion of the real property that a person owns and leases to a person who uses the property as a qualifying childcare facility, for the tax year 2024, and for each year thereafter, shall be exempt from ad valorem taxes levied by the city.

Secs. 90-112—90-130. - Reserved."

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6.

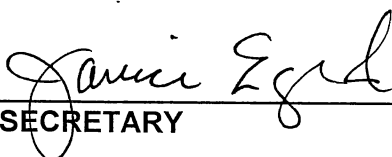
This Ordinance shall be in full force and effect from and after its passage and it is so ordained, except that the exemption adopted by this Ordinance applies to the tax year beginning January 1, 2024.

PASSED AND APPROVED ON THIS 4TH DAY OF JUNE, 2024.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY