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### **Sec. 16-1. - Adoption of state law for levying, assessing and collecting taxes.**

The city does hereby adopt and incorporate the provisions for the levying, assessing and collecting of taxes provided for the collection of taxes that are available in the Property Tax Code section 1.01 et seq., and all the amendments thereto; except, that no provisions in the state law that are inconsistent with any charter provisions are incorporated or adopted.

(Ord. No. 1471, § 11; Ord. No. 4902, § 1, 2-20-86)

### **Sec. 16-2. - Fee for issuance of tax certificate.**

When a tax certificate is requested and issued pursuant to section 31.08 of the Property Tax Code, a fee or charge as allowed by statute shall be collected by the director of taxation for the city and placed in the general fund of the city.

(Ord. No. 205; Ord. No. 4902, § 2, 2-20-86)

### **Sec. 16-2.1. - Gross receipts tax on bingo.**

The City of Irving, Texas, pursuant to the authority vested in it by Article 179d V.A.T.C.S. as amended, hereby levies a one (1) percent gross receipts tax on the conduct of bingo games within the corporate limits of the City of Irving.

(Ord. No. 4272, § 1, 11-3-83)

**Editor's note**— Inclusion of nonamendatory Ord. No. 4272, § 1, adopted Nov. 3, 1983, as § 16-2.1 has been at the discretion of the editor.

**Cross reference**— Amusement centers, Ch. 44.

**State law reference**— Bingo tax, V.T.C.A., Occupations Code § 2001.501 et seq.

### **Sec. 16-3. - Local sales and use tax adopted; exemption of residential gas and electric usage.**

(a) The local sales and use tax is hereby imposed in the city and shall become effective as provided in Article 1066, Revised Civil Statutes.

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(b) Residential electric and gas utility usage shall be exempt from payment of the one (1) percent city sales tax effective April 1, 1979.

(Ord. No. 1536, § 2; Ord. No. 3203, § 1, 11-30-78)

**Editor's note**— Ord. No. 3203, § 1, adopted Nov. 30, 1978, did not expressly amend this Code; hence, codification as § 16-3(b) is at the discretion of the editor.

**State law reference**— Municipal Sales and Use Tax Act, V.T.C.A., Tax Code ch. 321; tax authorized, V.T.C.A., Tax Code § 321.101 et seq.; exemption for residential use of gas and electricity, V.T.C.A., Tax Code § 321.105.

**Sec. 16-3.01. - Rates of ad valorem taxes levied; purposes.**

(a) For the current expenses of the city, and for the general improvements of the city and its property, there is hereby levied and ordered to be assessed and collected for the year 1996, on all property situated within the corporate limits of the city, and not exempt from taxation by valid law, an ad valorem tax at the rate of \$0.3616 on the one hundred-dollar valuation of such property.

(b) For the purpose of paying interest and providing a sinking fund for the payment of each issue of bonds issued for various municipal purposes, including the various installments of principal falling due during the ensuing year on bonds issued for such purposes, and for the purpose of paying interest, there is hereby levied and ordered to be assessed and collected for the year 1996 on all property situated within the corporate limits of the city, and not exempt from taxation by valid law, an ad valorem tax at the rate of \$0.1470 on the one hundred-dollar valuation of such property.

(c) The city council, by this section, hereby notifies the city tax assessor the tax rate adopted for the 1996 tax year is \$0.5086 per one hundred-dollar valuation.

(d) The fact that the time for the calculation and determination of taxes to be assessed and levied in the city is rapidly approaching and it is necessary for the immediate preservation of the public health, safety and welfare of the general public an emergency is thereby created and requires that this section shall take effect immediately from and after its passage.

(Ord. No. 2894, §§ 1, 2, 9-23-76; Ord. No. 3742, §§ 1, 2, 9-24-81; No. 5042, §§ 1—3, 9-25-86; Ord. No. 5496, §§ 1—3, 9-22-88; Ord. No. 5684, §§ 1—3, 9-21-89; Ord. No. 5861, § 1, 9-20-90; Ord. No. 6019, § 1, 9-26-91; Ord. No. 6173, §§ 1—3, 9-23-92; Ord. No. 6678, §§ 1—4, 9-21-95; Ord. No. 6865, §§ 1—4, 9-5-96)

**Sec. 16-3.02. - Tax roll adopted.**

The city council hereby approves the appraisal roll and tax determinations contained therein submitted to it by the tax assessor and said document is hereby adopted as the 1995 city tax roll.

(Ord. No. 5043, § 1, 9-25-86; Ord. No. 6679, § 1, 9-21-95)

**Sec. 16-3.03. - Homestead exemption adopted.**

In compliance with the requirements of Section 11.13(n) of the Texas Property Tax Code, the city council hereby adopts a twenty (20) percent homestead exemption for the 1988 ad valorem tax year and each ad valorem tax year thereafter until changed.

(Ord. No. 5417, § 1, 4-14-88)

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**Sec. 16-3.1. - Homestead tax exemption for persons sixty-five years of age or older.**

Pursuant to Article VIII, Section 1-b, of the Texas Constitution, thirty thousand dollars (\$30,000.00) of the assessed value at one hundred (100) per cent of fair market valuation or thirty thousand dollars (\$30,000.00) of fair market value of resident homesteads of persons sixty-five (65) years of age or older shall be exempt from city ad valorem taxes when taxes are levied for the year 1981, and all subsequent levies, upon the owner's compliance with the following requirements:

- (a) The owner of the resident homestead, or one of the spouses if the resident homestead is owned by a married couple, shall be sixty-five (65) years of age or older as of January 1, of each tax year, beginning with 1981.
- (b) The owner of a resident homestead shall submit to the tax assessor and collector for the city, before April 1 of each year, an affidavit that the owner, or one of the spouses if the resident homestead is owned by a married couple, is sixty-five (65) years of age or older. The initial exemption claim shall be accompanied by adequate proof of such age, but subsequent renewals of the exemption may be by affidavit only.
- (c) Should the tax exemption reduce the assessed value or market value of the homestead below zero, there shall be no right to claim credit against any other city ad valorem tax nor shall the owner be entitled to claim a tax-refund or credit for the difference between zero and the amount reduced below zero.

(Ord. No. 2478, § 1, 3-15-73; Ord. No. 3161, § 1, 9-21-78; Ord. No. 3411, § 1, 12-20-79; Ord. No. 3571, § 1, 12-18-80)

**Editor's note**— Ord. No. 2478, § 1, did not expressly amend this Code; hence, inclusion herein as § 16-3.1 was at the discretion of the editors.

**Sec. 16-3.2. - Homestead tax exemption for the disabled.**

Pursuant to Article VIII, Section 1-b of the Texas Constitution, ten thousand dollars (\$10,000.00) of the assessed value or ten thousand dollars (\$10,000.00) of market value of resident homesteads of persons who are under a disability for purposes of payment of liability insurance benefits under the federal old-age, survivors or disability insurance or its successor shall be exempt from city ad valorem taxes when taxes are levied for the year 1981, and all subsequent levies, upon the owners' compliance with the following requirements.

- (a) The owner is not receiving a homestead exemption from the city based upon old age (age sixty-five (65)) as provided in section 16-3.1 hereof.
- (b) The owner of the resident homestead, or one of the spouses if the resident homestead is owned by a married couple, shall be under a disability for purposes of payment of disability insurance benefits under the federal old-age, survivors and disability insurance or its successor, beginning with 1981.
- (c) The owner of a resident homestead seeking exemption hereunder shall submit to the tax assessor and collector for the city an affidavit that the owner, or one (1) of the spouses if the resident homestead is owned by a married couple, is under a disability for purposes of payment of disability insurance benefits under the federal old-age, survivors and disability insurance or its successor. The initial exemption claim shall be accompanied by adequate proof of such disability, but subsequent renewals of the exemption may be by affidavit only. Said affidavit shall be in the form prescribed by the tax assessor-collector.
- (d) Should the ten thousand dollars (\$10,000.00) assessed value (ten thousand dollars (\$10,000.00) market value) tax exemption reduce the assessed value of the homestead below zero, there shall be no right to claim credit against any other city ad valorem tax nor shall the owner be entitled to claim a tax refund or credit for the difference between zero and the amount reduced below zero.
- (e) Only one (1) disabled exemption under this section shall be granted per residential homestead.

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(Ord. No. 3455, § 1, 3-20-80; Ord. No. 3572, § 1, 12-18-80)

**Editor's note**— Ord. No. 3455, § 1, adopted Mar. 20, 1980, did not expressly amend this Code; hence, codification as § 16-3.2 is at the discretion of the editor.

**Sec. 16-3.3. - Penalty to defray costs of collecting delinquent taxes.**

(a) An additional penalty on delinquent taxes, as provided by section 33.07, TEX. TAX CODE, is hereby authorized and imposed for tax years 1986 through 2005 in the amount of fifteen (15) percent and for tax years 2006 and subsequent years in the amount of twenty (20) percent of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year but not later than May 1 of that year and remains delinquent on July 1 of the year in which they become delinquent.

(b) An additional penalty on delinquent taxes, as provided by section 33.08, TEX. TAX CODE, is hereby authorized and imposed for tax years 1986 through 2005 in the amount of fifteen (15) percent and for tax years 2006 and subsequent years in the amount of twenty (20) percent of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after June 1 under sections 26.07(F), 26.15(E), 31.03, 31.031, 31.032, or 31.04, TEX. TAX CODE.

(c) An additional penalty on delinquent taxes for tax years 2009 and subsequent years is hereby authorized and imposed, as provided by section 33.11, TEX. TAX CODE, in the amount of twenty (20) percent of the delinquent tax, penalty, and interest if the tax becomes delinquent on February 1 of a year and remains delinquent on the sixtieth day thereafter.

(Ord. No. 5211, § 1, 5-14-87; Ord. No. 2009-9095, § 2, 7-23-09)

**Sec. 16-3.4. - Reinvestment zone created.**

Pursuant to Subchapter B, Municipal Tax Abatement—Local Tax Code, as amended by the 70th Legislature, the city hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by the metes and bounds in Exhibit "A" attached hereto by reference and depicted on the plat attached as Exhibit "B" and such reinvestment zone is hereby designated and shall hereafter be designated as Tax Abatement Reinvestment Zone No. One (1), City of Irving, Texas.

(Ord. No. 5541, § 3, 12-1-88)

**Editor's note**— Ord. No. 5541, § 3, adopted December 1, 1988, did not specifically amend the Code; therefore, inclusion as § 16-3.4 was at the discretion of the editor. Exhibits "A" and "B" are on file in the office of the city secretary. The city elected by Resolution No. 12-1-88-560 to become eligible to participate in tax abatement.

**State law reference**— Reinvestment zone authorized, V.T.C.A., Tax Code § 312.202.

**Sec. 16-3.5. - Taxation of all freeport goods and tangible personal property.**

Pursuant to the authority granted home-rule cities by Section 1-j, Article VIII of the Texas Constitution to tax property otherwise exempted by said section of the Constitution and pursuant to Section 11.251 of the Property Tax Code, the governing body of the City of Irving, Texas, a home-rule municipality, hereby declares all freeport goods and tangible personal property and one hundred (100) percent of the appraisal value of said property exempted by Section 1-j(a), Article VIII of the Texas Constitution adopted as Amendment No. 5 by the statewide electorate on November 7, 1989, and Section 11.251 of the Property Tax Code shall be subject to and shall be taxable at one hundred (100) percent of assessed value by the City of Irving, Texas, effective December 15, 1989, for the tax year 1990 and each year thereafter.

(Ord. No. 5731, § 1, 12-14-89)

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**Editor's note**— Ord. No. 5731, § 1, adopted Dec. 14, 1989, did not specifically amend the Code; therefore, inclusion as § 16-3.5 was at the discretion of the editor.

**Sec. 16-3.6. - Taxation of tangible personal property in transit.**

(a) *Definitions.* The following terms have the same meaning as defined in section 11.253 of the Texas Tax Code, as amended.

(1) The terms "dealer's motor vehicle inventory," "dealer's vessel and outboard motor inventory," "dealer's heavy equipment inventory," and "retail manufactured housing inventory" have the meanings assigned by subchapter B, chapter 23 of the Texas Tax Code, as amended.

(2) The term "goods-in-transit" is defined to mean tangible personal property that:

a. Is acquired in or imported into this state to be forwarded to another location in this state or outside this state;

b. Is detained at a location in this state in which the owner of the property does not have a direct or indirect ownership interest for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property;

c. Is transported to another location in this state or outside this state not later than one hundred seventy-five (175) days after the date the person acquired the property in or imported the property into this state; and

d. Does not include oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory.

(3) The term "location" means a physical address.

(4) The term "petroleum product" means a liquid or gaseous material that is an immediate derivative of the refining of oil or natural gas.

(b) A person is not entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit. A person's property consisting of goods-in-transit is hereby subject to ad valorem taxation pursuant to section 11.253 of the Texas Tax Code, as amended.

(Ord. No. 8902, § 2, 12-13-07)

**Sec. 16-3.7. - Reinvestment zone number two created.**

(a) *Findings.*

(1) The facts and recitations contained in the preamble of the ordinance from which this section derives are hereby found and declared to be true and correct and are adopted as part of this section for all purposes.

(2) The city council finds and declares that the proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the city.

(3) The city council finds the area within the zone meets the criteria for designation of a reinvestment zone and satisfies the requirement of Section 311.005 of the Act, in that the area in its present condition substantially impairs and arrests the sound growth of the city, retards the provision of housing accommodations and constitutes an economic liability and a detriment to the public health and safety

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because of (i) a substantial number of substandard, deteriorated, and deteriorating structures; (ii) the predominance of inadequate sidewalk and street layouts; (iii) faulty lot layout in relation to size, adequacy, accessibility, and usefulness; (iv) unsanitary and unsafe conditions; (v) the deterioration of site and other improvements; and (vi) conditions that endanger life and property by fire or other cause.

(4) The city council finds and declares:

a. The proposed zone is a contiguous geographic area located wholly within the corporate limits of the City of Irving;

b. The total appraised value of taxable real property in the proposed zone and in existing reinvestment zones does not exceed fifteen (15) percent of the total appraised value of taxable real property in the city;

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c. Ten (10) percent or less of the property in the zone, excluding property that is publicly owned, is used for residential purposes (defined as any property occupied by a house with fewer than five (5) living units); and

d. The development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

(b) *Designation of zone.* The city council hereby designates the zone described in the boundary description and depicted in the map, both attached hereto as Exhibit "A" and made a part of the ordinance from which this section derives for all purposes, as a reinvestment zone pursuant to and in accordance with Texas Tax Code Chapter 311. This reinvestment zone shall be known as "Tax Increment Reinvestment Zone Number Two, City of Irving, Texas—Irving Boulevard."

(c) *Zone board of directors.* A board of directors for the zone ("board") is hereby created. The board shall consist of thirteen (13) members who shall serve for terms of two (2) years each. Of these thirteen (13) members, each taxing unit other than the city that levies taxes on real property in the zone may, but is not required to, appoint one (1) member to the board. After each taxing unit other than the city designates either the name of the member that the taxing unit wishes to appoint or the fact that the taxing unit wishes to waive its right to appoint a member, the city council shall appoint whatever number of members are necessary to fill the remaining positions on the board. The mayor shall annually nominate and appoint, subject to city council approval, a member to serve as chair for a term of one (1) year beginning on the anniversary of the effective date of this section. The city council authorizes the board to elect from its members a vice chairman and such other officers as the board sees fit.

The board shall make recommendations to the city council concerning the administration, management, and operation of the zone. The board shall prepare and adopt a project plan and a reinvestment zone financing plan for the zone and submit such plans to the city council for its approval. Subject to approval of the city council, the board shall perform all duties imposed upon it by Texas Tax Code Chapter 311 and other applicable law as necessary and convenient to implement the project plan and reinvestment zone financing plan. Notwithstanding anything to the contrary herein, the board shall not be authorized to (i) issues bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the zone's project plan and financing plan.

(d) *Term of zone.* The zone shall take effect upon the adoption of this section and terminate on the earlier of (i) December 31, 2040, or an earlier termination date designated by an ordinance adopted after the effective date of this section or (ii) the date on which all project costs, tax increment bonds, and interest on those bonds have been paid in full.

(e) *Determination of tax increment base.* The tax increment base for the zone, as defined by Section 311.012(c) of the Act, shall be the total appraised value of all real property in the zone taxable by a taxing unit for the year 2010, the year in which the zone was designated as a reinvestment zone.

(f) *Tax increment fund.* A tax increment fund for the zone (the "TIF Fund") is hereby established. The TIF Fund may be divided into additional accounts and sub-accounts authorized by resolution of the city council. The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Act, that each taxing unit which levies real property taxes in the zone, other than the city, has elected to dedicate to the TIF Fund under an agreement with the city authorized by Section 311.013(f) of the Act, plus (ii) sixty-five (65) percent of the city's maintenance and operating portion of the tax increment, as defined by Section 311.012(a) of the Act, subject to any binding agreement executed at any time by the city that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment. The TIF Fund shall be maintained in an account at the depository bank of the city and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the city and secured in whole or in part from the tax increments; (ii) revenues from the sale of any property acquired as part of a tax increment financing plan adopted by the board; and (iii) other revenues dedicated to and used in the zone shall be deposited into the TIF Fund. Prior to the termination of the zone,

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money shall be disbursed from the tax increment fund only to pay project costs, to satisfy the claims of holders of tax increments bonds or notes issued for the zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose.

(g) *Tax increment agreements.* Subject to approval of the city council, the city manager and city attorney are hereby authorized to prepare tax increment agreements with taxing units that levy real property taxes in the zone.

(Ord. No. 2010-9229, §§ 1—7, 12-9-10)