

**AN ORDINANCE OF THE CITY OF WARSON WOODS, MISSOURI, IMPOSING A USE TAX FOR GENERAL REVENUE PURPOSES AT THE RATE OF 1.25 PERCENT (1.25%) PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTIONS 144.600 THROUGH 144.761 RSMO.; PROVIDING FOR THE USE TAX TO BE REPEALED, REDUCED OR RAISED IN THE SAME AMOUNT AS ANY CITY SALES TAX IS REPEALED, REDUCED OR RAISED; AND PROVIDING FOR SUBMISSION OF THE PROPOSAL TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE GENERAL MUNICIPAL ELECTION ON TUESDAY, APRIL 6, 2021.**

**WHEREAS**, the City of Warson Woods has imposed local sales taxes, as defined in Section 32.085 RSMo., at the rate of 1.25%; and

**WHEREAS**, the City is authorized, under Section 144.757 RSMo., to impose a local use tax at a rate equal to the rate of the local sales taxes in effect in the City; and

**WHEREAS**, a use tax is collected when an out-of-state vendor does not have a sufficient legal presence in Missouri to be subject to state sales tax; currently; and

**WHEREAS**, if the voters approve a local use tax, the City will begin receiving use tax revenue on sales in the City by out-of-state vendors as the State of Missouri already collects a state use tax of which the City of Warson Woods receives no portion, even for sales within the City; and

**WHEREAS**, the proposed City use tax cannot become effective until approved by the voters at an election; and

**WHEREAS**, this bill has been made available for public inspection prior to its consideration by the Board of Aldermen and read by title two times in open meeting prior to passage.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, AS FOLLOWS:**

**SECTION 1.** From and after passage of this ordinance and the favorable vote of a majority of votes cast on the proposal by qualified voters of the City of Warson Woods voting thereon, and pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has

finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

**SECTION 2.** The rate of the tax shall be 1.25 percent (1.25%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced, or raised by the same action repealing, reducing, or raising the City sales tax.

**SECTION 3.** Pursuant to Section 144.757, the use tax revenue shall be distributed pursuant to subsection 4 of section 94.890 RSMo., and the Board of Aldermen hereby selects **Option 1** as permitted in subsection 4 of Section 94.890, RSMo., for distribution of all municipal use taxes, which selection the City shall communicate to the Missouri Director of Revenue within thirty (30) days of approval of the use tax unless otherwise directed by the Board of Aldermen.

**SECTION 4.** This tax shall be submitted to the qualified voters of Warson Woods, Missouri, for their approval, as required by the provisions of Section 144.757 RSMo., at the General Municipal election hereby called and to be held in the City on Tuesday, the 6th day of April, 2021. The ballot of submission shall contain substantially the following language:

**Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced, or raised by voter approval, the respective local use tax shall also be repealed, reduced, or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.**

Yes  No

**If you are in favor of the question, place an “X” in the box opposite “Yes.”  
If you are opposed to the question, place an “X” in the box opposite “No.”**

**SECTION 5.** Per Section 144.757.2(4), RSMo., if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the local use tax imposed by this ordinance and any amendments thereto shall be in effect on the first day of the calendar quarter that begins at least forty-five days after the Missouri Director of Revenue receives notice of adoption of the city use tax.

**SECTION 6.** Within ten (10) days after the approval of this ordinance by the qualified voters of Warson Woods, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map of the city clearly showing the boundaries thereof.

**SECTION 7.** This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF JANUARY 2021

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Laurance M. Howe, Mayor

ATTEST:

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Kathy Mahany, City Clerk

APPROVED AS TO FORM:

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Paul V. Rost, City Attorney