

**ORDINANCE O-14-09**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, RELATING TO INCREASING THE TRANSIENT LODGING (BED) TAX LEVIED BY THE CITY OF BISBEE BY AN ADDITIONAL ONE PERCENT OF THE GROSS REVENUES OR VALUES THAT ARE SUBJECT TO SUCH TAX, IN ADDITION TO THE APPLICABLE TRANSACTION PRIVILEGE TAX RATE, WITH ALL THESE ADDITIONAL REVENUES TO BE DEDICATED TO PROMOTING THE CITY OF BISBEE AS AN OVERNIGHT VISITOR DESTINATION, AND WITH THIS INCREASE TO REMAIN IN EFFECT FOR A PERIOD NOT TO EXCEED FOUR (4) YEARS; AMENDING THE CITY TAX CODE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; DESIGNATING EFFECTIVE AND TERMINATION DATES; MAKING PROVISION FOR EXISTING AGREEMENTS; AND PROVIDING FOR REPEAL AND SEVERABILITY.**

WHEREAS, the City Council of the City of Bisbee, County of Cochise, State of Arizona did cause, to be submitted to the qualified electors of the City at a General Election held in and for the City on the 4<sup>th</sup> day of November, 2014, pursuant to the City Charter, Article VI., Section 6.02(g), the question of a One Percent (1%) increase in the Transient Lodging (Bed) Tax, which would increase this tax rate from Two and One Half Percent (2.5%) to Three and One Half Percent (3.5%) in addition to the applicable transaction privilege tax rate; and

WHEREAS, the election returns have been presented to and have been canvassed by the City Council; and

WHEREAS, election results show that the majority of qualified electors approved this transient lodging (bed) tax increase;

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AS FOLLOWS:**

**SECTION I:** The tax rate in the following section of the Tax Code of the City of Bisbee is increased from Two and One Half Percent (2.5%) to Three and One Half Percent (3.5%):

Section 8A-447          Rental, leasing, and licensing for use of real property: additional tax upon transient lodging

**SECTION II:** The proceeds from the additional tax imposed pursuant to this ordinance shall be dedicated to promoting the City of Bisbee as an overnight visitor destination.

**SECTION III:** Any person found guilty of violating any provision of this amendment to the tax code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

**SECTION IV:** The provisions of this Ordinance shall become effective on March 1, 2015.

**SECTION V:** The authority to levy the tax imposed by this Ordinance shall expire on February 28, 2019.

**SECTION VI:** The tax increase imposed pursuant to Section 1 of this ordinance shall not apply to contracts entered into prior to the effective date of this Ordinance.

**SECTION VII:** If any section or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance, to the full extent that it can be enforced, consistent with applicable law.

**SECTION VIII:** All ordinances and parts of ordinances in conflict with this ordinance are repealed upon the effective date of this ordinance, to the extent of any such conflict.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, on this 16<sup>th</sup> day of December, 2014.

**APPROVED:**

  
\_\_\_\_\_  
Ron Oertle, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Anne Carl, City Attorney