

**ORDINANCE O-15-01**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, RELATING TO INCREASING THE TRANSACTION PRIVILEGE TAX LEVIED BY THE CITY OF BISBEE BY AN ADDITIONAL ONE PERCENT OF THE GROSS REVENUES OR VALUES THAT ARE SUBJECT TO SUCH TAX, WITH ADDITIONAL REVENUES TO BE USED FOR MAINTENANCE, REPAIR, REPLACEMENT AND IMPROVEMENT OF THE CITY STREETS AND INFRASTRUCTURE; AMENDING THE CITY TAX CODE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; DESIGNATING EFFECTIVE AND TERMINATION DATES; 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 transaction privilege tax, which would increase this tax rate from Two and One Half Percent (2.5%) to Three and One Half Percent (3.5%) for a period not to exceed eight (8) years; 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 transaction privilege tax increase; and

**WHEREAS**, on Dec. 16, 2014, the City passed an ordinance covering all provisions listed in the City Tax Code; however, because that Code is out-of-date with Article IV of the AZ Model City Tax Code (incorporated by reference), one provision was missed;

**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 of the following section, which is incorporated by reference into Article IV, Privilege Taxes, 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-462. Retail sales: food for home consumption

**SECTION II:** The proceeds from the additional tax imposed pursuant to this ordinance shall be dedicated to the maintenance, repair, replacement and improvement of the City streets and infrastructure.

**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, 2023.

**SECTION VI:** 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 VII:** 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 20<sup>th</sup> day of January, 2015.

**APPROVED:**



Ron Oertle, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
Anne Carl, City Attorney