

**ORDINANCE NO. 2015-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, *BUSINESS REGULATIONS*, BY ADOPTING “*THE 2015 CITY TAX CODE AMENDMENTS*” AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK RELATING TO TRANSFER OF LOCAL TRANSACTION PRIVILEGE AND USE TAX ADMINISTRATION AND COLLECTION TO THE ARIZONA DEPARTMENT OF REVENUE; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, Arizona cities and towns have authority to levy local transaction privilege and use taxes (“Local Taxes”);

WHEREAS, Arizona cities and towns have had a Model City Tax Code since 1987, to provide uniformity related to Local Taxes, and administration and collection of the same;

WHEREAS, the Arizona State Legislature in 2013 adopted new laws, requiring the Arizona Department of Revenue to assume responsibility for administration and collection of Local Taxes effective January 1, 2015;

WHEREAS, the City desires to adopt changes to the City Tax Code to conform with changes to the Model City Tax Code required by state law and/or the Unified Audit Committee;

WHEREAS, notice of the proposed changes to the City Tax Code have been published on the City website prior to adoption of this ordinance and a public hearing has been held;

WHEREAS, the proposed changes to City Tax Code include numerous amendments to Chapter 3-05-003, *Licensing and Recordkeeping* and repeal of regulations related to licensing and recordkeeping.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. In General.

The Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege and Excise Taxes*, Division 3-05-003, *Licensing and Recordkeeping*, and Division 3-05-007, *Regulations – Privilege and Excise Taxes*, is hereby amended by adoption of the amendments set forth in that document known as the “*2015 City Tax Code Amendments*,” declared a public record by Resolution No. 2015-15 and on file with the City Clerk.

SECTION 2. Penalties.

Any person convicted of a violation of this ordinance is guilty of a misdemeanor and shall be fined a sum not to exceed two thousand five hundred dollars (\$2,500.00) and may be sentenced to confinement in the County jail for a period not to exceed six months for any one offense. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Clerical Corrections.

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 6. Effective Date.

The changes to the City Tax Code as set forth in the "2015 City Tax Code Amendments" shall be effective from and after January 1, 2015. This ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY