

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, *BUSINESS REGULATIONS*, CHAPTER 3-10, *USER FEES*, SECTION 3-10-001-0006, *CITY CLERK*, BY INCREASING THE LIQUOR LICENSE FEE FROM \$560.00 TO \$815.00; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, A.R.S. § 4-201 requires a city to review any application for a state liquor license within the city, hold a public hearing; and provide a recommendation to the state liquor board as to whether the board should grant or deny a license; and

WHEREAS, pursuant to A.R.S. §§ 9-240(b)(18) and 4-223 a city may impose a license tax, permit or fee on the business of selling spirituous liquor at retail within the city; and

WHEREAS, the City of Flagstaff desires to increase recovery of its costs related to administration of liquor licenses and has published notice of a proposed increase in the liquor license fee on its website pursuant to A.R.S. § 9-499.15.

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 3-10, *User Fees*, Section 3-10-001-0006, *City Clerk*, is hereby amended as set forth below (deletions shown as stricken, and additions shown as capitalized text):

3-10-001-0006 City Clerk

The user fees of the City Clerk's Division shall be as follows:

Fee type	Fee per Each
Off-track betting fee – initial	\$480
Off-track betting fee - renewal	\$380
Liquor license	\$560 –\$815

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 jail for a period not to exceed ninety (90) days for any one offense, all in accordance with the Flagstaff City Code Chapter 1-04. 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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.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 typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 6. Effective Date.

This ordinance shall become effective on July 1, 2015.

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