ORDINANCE NO. 2011-04

AN ORDINANCE OF THE TOWN OF GUADALUPE, ARIZONA, AMENDING ORDINANCE 2011-03 RELATING TO AN INCREASE TO THE GENERAL SALES TAX RATE; PROVIDING FOR SEVERABILITY; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature passed S.B. 1160 titled "City Sales Tax; Residential Rental" during the 2011 legislative session; and

WHEREAS, S.B. 1160 prohibits a city or town that levies a transaction privilege, sales, gross receipts, use, franchise or other similar tax or fee, however denominated, from imposing or increasing the rate of tax applied to the business of renting or leasing real property for residential purposes unless approved by the qualified lectors of the city or town at any regular municipal election; and

WHEREAS, S.B. 1160 does not apply to health care facilities, long-term care facilities or hotel, motel or other transient lodging business; and

WHEREAS, the Legislature provided that the restrictions in S.B. 1160 are retroactive to January 1, 2011; and

WHEREAS, the Town of Guadalupe, on April 28, 2011, duly passed Ordinance 2011-03 "relating to an increase to the general sales tax rate", and

WHEREAS, Ordinance 2011-03 Section 1-445 is now in violation of S.B. 1160.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF GUADALUPE, ARIZONA:

Section 1. Part one, Section 1-445 entitled "Rental, leasing and licensing for use of real property", which purported to raise the general sales tax rate to four percent (4%) instead of the existing three percent (3%) is hereby rescinded. The general sales tax rate for Section 1-445 remains at three percent (3%). All other provisions of Ordinance 2011-03 remain in full force.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 3. The provisions of this ordinance shall be come effective on July 1, 2011.

PASSED AND ADOPTED by the Mayor and Council of the Town of Guadalupe, Arizona, this 9 day of June, 2011.

Hon. A. Yolanda Solarez, Mayor

ATTEST:

Rosemary Arellano, Town Clerk

APPROVED AS TO FORM:

David E. Ledyard, Esq., Town Attorney