

**ORDINANCE NO. 2613**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING THE DOCUMENT ENTITLED THE “2017 PROPOSED AMENDMENTS TO THE TAX CODE OF THE TOWN OF GILBERT” AS A PUBLIC RECORD; ADOPTING BY REFERENCE THAT PUBLIC RECORD KNOWN AS THE “2017 PROPOSED AMENDMENTS TO THE TAX CODE OF THE TOWN OF GILBERT” TO AMEND THE CODE OF GILBERT, ARIZONA, CHAPTER 58 TAXATION, BY: REDUCING THE TAX RATE FROM THREE PERCENT TO TWO AND EIGHT-TENTHS PERCENT ON THE RENTAL, LEASING, AND LICENSING FOR USE OF REAL PROPERTY; ADDITIONAL TAX UPON TRANSIENT LODGING TAX CLASSIFICATION – SECTION 58-447; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING EFFECTIVE DATES.

WHEREAS, the Municipal Tax Code Commission has approved amendments to the Model City Tax Code, and the Town of Gilbert desires to update the Tax Code of the Town of Gilbert in conformance therewith;

NOW THEREFORE BE IT ORDAINED BY the Common Council of the Town of Gilbert, Arizona as follows:

Section I. In General

That certain document known as the “2017 Proposed Amendments to the Tax Code of the Town of Gilbert,” three (3) copies of which shall remain on file in the office of the Town Clerk, is hereby declared to be a public record.

The Code of Gilbert, Arizona (“Code”), Chapter 58 Taxation shall be amended by adopting the “2017 Proposed Amendments to the Tax Code of the Town of Gilbert,” which public record is hereby referred to, adopted and incorporated by reference.

Section II. Providing For 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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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 III. Providing For 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 IV. Providing For Penalties

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

Section V. Effective Dates

The amended provisions of "2017 Proposed Amendments to the Tax Code of the Town of Gilbert" shall be effective from and after the dates specified within.

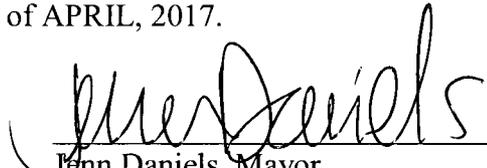
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6<sup>th</sup> day of April, 2017, by the following vote:

AYES: E. Cook, J. Daniels, V. Petersen, J. Ray, J. Taylor

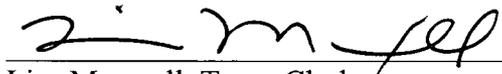
NAYES: S. Anderson, B. Peterson ABSENT: None

EXCUSED: None ABSTAINED: None

APPROVED this 6<sup>TH</sup> day of APRIL, 2017.

  
\_\_\_\_\_  
Jenn Daniels, Mayor

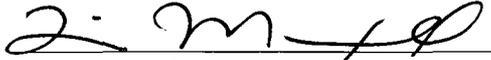
ATTEST:

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
L. Michael Hamblin  
Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2613 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6<sup>TH</sup> DAY OF APRIL, 2017, WAS POSTED IN FOUR PLACES ON THE 13<sup>th</sup> DAY OF APRIL, 2017.

A handwritten signature in black ink, appearing to read 'L. Maxwell', written over a horizontal line.

Lisa Maxwell, Town Clerk

**2017 PROPOSED AMENDMENTS TO THE  
TAX CODE OF THE TOWN OF GILBERT**

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1 **Section I. The Tax Code of the Town of Gilbert, Section 58-447 is proposed to be**  
2 **amended as follows. The reduction of the privilege tax rate from 3.0% to 2.8% imposed**  
3 **on the Rental, leasing, and licensing for use of real property; additional tax upon**  
4 **transient lodging tax classification has an effective date of July 1, 2017.**

5. **Sec. 58-447. - Rental, leasing, and licensing for use of real property: additional tax upon**  
6 **transient lodging.**

7       In addition to the taxes levied as provided in Section 58-444, there is hereby levied and  
8 shall be collected an additional tax in an amount equal to ~~three~~ TWO AND EIGHT-TENTHS  
9 percent (32.8%) of the gross income from the business activity of any hotel engaging or  
10 continuing within the Town in the business of charging for lodging and/or lodging space  
11 furnished to any transient.