

RECOMMENDED BY: MAYOR LARRY P. LANGFORD

SUBMITTED BY: MAYOR LARRY P. LANGFORD

ORDINANCE NO. 07-218

**THE BIRMINGHAM ECONOMIC AND COMMUNITY
REVITALIZATION ORDINANCE**

BUSINESS LICENSE FEES AND DESIGNATIONS

BE IT ORDAINED by the City Council of the City of Birmingham, Alabama as follows:

Section 1. Captions. The captions given to various provision of this ordinance are for the purposes of convenience only and are to have no impact upon the interpretation of any such provisions.

Section 2. Resolution of Intent. It is the council's intent to resolve to designate and when the funds become available appropriate the items as set forth herein so long as the funding sources set forth herein are levied and collected.

Section 3. Effective Date of Ordinance. This ordinance shall become effective immediately upon its publication in accordance with City and State law.

Section 4. Business Licenses. Effective as set forth herein, and pursuant to Section 3-1-18 of the Birmingham City Code and The Business License Code 2004 as amended (adopted by Ordinance No. 97-183 on December 23, 1997 and amended thereafter), the schedule of license fees due to the City of Birmingham is hereby increased in each and every category by one hundred percent (100%) or to the extent provided by law.

Section 5. Transit Appropriation. In accordance with Section 5.15 of the Mayor Council Act, upon institution of the business license fees pursuant to Section 4 above, the Council hereby designates and when the funds are received appropriates seventeen million dollars (\$17,000,000.00) per year to be used for capital improvements in the transit system within the City of Birmingham.

Section 6. Dome Stadium Appropriation. In accordance with Section 5.15 of the Mayor Council Act, upon institution of the business license fees pursuant to Section 4 above, the Council hereby designates and when the funds are received appropriates nineteen million dollars (\$19,000,000.00) per year for thirty (30) years to fund a dome stadium. The funds designated and appropriated herein are authorized to be used in a manner to maximize the dollars in conjunction with the dome stadium to be built in the City of Birmingham.

Section 7. Exclusions. Provided, however, that the tax levied in this ordinance shall not apply to the State, or any municipality or county in the State or any public corporation organized under the laws of the State of Alabama, including without limiting the generality of the foregoing, any corporation organized under the provision of Sections 11-54-80 through 11-54-101 Code of Alabama 1975 as set forth in Section 11-51-200 Code of Alabama 1975. The tax and fees levied in this ordinance shall also be subject to, and shall not supercede, alter or amend, any existing statutory exclusion or limitation provided by the Alabama Code.

Section 8. Severability. The provisions of this ordinance are severable only by a court of competent jurisdiction. If any provision, section, paragraph, sentence, or part thereof, or the application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

Section 9. Repeal of Inconsistent Ordinance or Resolution. To the extent that any ordinance or resolution is in conflict with this ordinance, it is hereby repealed to the extent of such conflict.