ORDINANCE NO. 659

AN ORDINANCE PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A HOTEL OCCUPANCY TAX; REPLACING ORDINANCE 583 DATED NOVEMBER 5, 1985 AND AMENDED MARCH 3, 1987; PROVIDING LEVY OF TAX AND EXEMPTIONS; PROVIDING FOR THE USE OF THE PROCEEDS FROM SUCH TAX AND PROVIDING A PENALTY FOR VIOLATIONS.

BE IT ORDAINED BY THE CITY OF MEMPHIS, TEXAS:

SECTION 1. Definitions. The following words, terms and phrases for the purpose of this ordinance, except where the context clearly indicates another meaning, are respectively defined as follows:

A. Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:
(1) a hospital, sanitarium, or nursing home;
(2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

B. Consideration. Shall mean the cost of the room, sleeping space or bed and shall not include the cost of food served or personal services rendered to the occupant not related to cleaning and readying such room for occupancy.

C. Occupancy. Shall mean the use or possession or the right to the use or possession of any room, space or sleeping facility in a hotel for any purpose.

D. Occupant. Shall mean anyone, who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms of sleeping space or facility in a hotel under any lease, concession, permit, right of access, license, contract or agreement.

E. Person. Shall mean any individual, company, corporation, or association owning, operating, managing, or controlling any hotel.

F. Monthly Period. Shall mean the regular calendar month of the year.

G. Permanent Resident. Shall mean any occupant who has or shall have the right to occupancy of any room or rooms or sleeping quarters or facility in a hotel for at least (30) consecutive days during the current calendar year or preceding year.

SECTION 2. Levy of Tax; Rate; Exception.

A. There is hereby levied a tax upon the cost of occupancy or any room or space furnished by any hotel where such cost or occupancy is at the rate to be equal to seven (7%) percent of the consideration paid by the occupant of such room, space, or facility to such hotel, exclusive of other taxes imposed by other governmental agencies.

B. No tax shall be imposed hereunder upon a permanent resident.

C. No tax shall be imposed hereunder upon a corporation or association organized and operated exclusively for religious, charitable, or education purposes, no part of the net earnings of which insures to the benefit of any private shareholder or individual.

SECTION 3. Collection. Every person owning, operation, managing or controlling any hotel shall collect the tax imposed in Section 2 hereof for the City of Memphis. On or before the 20th day of January, April, July, and October, every person required to collect the tax imposed herein shall file a report with the City Secretary showing the consideration paid for all room or sleeping space occupancies in the immediately preceding quarter and the amount of tax collected on such occupancies. Such persons shall pay the tax due on such occupancies at the time of filing of such report.

SECTION 5. City Council shall adopt such procedures , rules and regulations as are reasonably necessary to effectively collect the tax levied herein, and shall, upon request of any person owning, operating, managing, or controlling a hotel, furnish a copy of such procedures, rules and regulations for the guidance of such person and facilitate the collection of such tax as such collection is required herein. Such procedures, rules and regulations shall be in writing and a copy thereof shall be placed on file with the City Secretary.

SECTION 6. Use of Proceeds. The proceeds of the tax levied by this ordinance shall be used only for those purposes allowed by applicable statutes of the State of Texas in effect at the time such taxes are collected.

SECTION 7. Penalties. If any person required by the provisions of this ordinance to collect the tax imposed herein, or make reports as required herein, and pay to the City Secretary the tax imposed herein, of if any person shale file a false report, of any person shall violate any of the provisions of this ordinance, such person shell be deemed guilty of a misdemeanor and upon conviction be punished by fine not to exceed $500.00 and shall pay to the City Secretary the tax due, together with a penalty of five (5%) percent of the tax due for each thirty (30) days that the same is not timely filed.

This ordinance shall be and become effective on October 1, 2019 the date of passage, and so it is ordained.

PASSED AND APPROVED by the City Council of the City of Memphis, Texas on September 9, 2019.

Joe Davis

Joe Davis, Mayor
City of Memphis

ATTEST:

Cindy Woodard

City Secretary