

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 38, "TAXATION AND FINANCE" OF THE CODE OF MANSFIELD, TEXAS BY AMENDING PROVISIONS RELATED TO PAYMENT AND COLLECTION OF THE HOTEL OCCUPANCY TAX LEVIED BY THE CITY PURSUANT TO THE TEXAS TAX CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, by Ordinance No. 634, the City levied an occupancy tax upon the cost of occupancy of any sleeping room located in the City pursuant to Article 1269j-4.1, Vernon's Revised Civil Statutes, now codified as Texas Tax Code section 351.002; and,

WHEREAS, by Ordinance No. 773, the City enacted penalty provisions related to the failure to collect said occupancy tax; and,

WHEREAS, the taxes owed are currently due and payable on a quarterly basis; and,

WHEREAS, the City Council has determined that the taxes owed should be due and payable on a monthly basis; and,

WHEREAS, the City Council has determined that individuals or entities that collect funds on behalf of hotel owners or operators should be required to collect the taxes due to the City pursuant to the City's tax levy; and,

WHEREAS, the City Council has determined that the amendments addressing these issues as set forth herein are in the best interest of the health, safety, and general welfare of the citizens of the City of Mansfield and the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That Title III, "Administration," Chapter 38, "Taxation and Finance," Section 38.16, "Definitions," of the Code of Mansfield, Texas is hereby amended by amending the definition of "*Hotel*" and adding a definition for "*Permanent Resident*" to read as follows:

"HOTEL. Any building or buildings, trailer, railroad pullman not being utilized for the transportation of travelers, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include, hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, railroad pullman cars parked on a siding or other

area and used for sleeping accommodations not involving the transportation of travelers, dormitory space where bed space is rented to individuals or groups, apartments not occupied by permanent residents as that term is hereinafter defined, and all other facilities where rooms or sleeping facilities or open space is furnished for a consideration, but HOTEL shall not be defined so as to include hospitals, sanitariums, convalescent homes, or nursing homes.

PERMANENT RESIDENT. Any person who has the right to use or possess a room or occupy space in a hotel as that term is defined herein for at least 30 consecutive days, so long as there is no interruption of payment for the period.”

SECTION 2.

That Title III, “Administration,” Chapter 38, “Taxation and Finance,” Section 38.17, “Duty to Collect,” of the Code of Mansfield, Texas is hereby amended to read as follows:

“38.17 DUTY TO COLLECT.

Every person owning, operating, managing, or controlling any hotel, or collecting funds for the cost of occupancy of any sleeping room or space on behalf of the owner, operator, or manager of any hotel shall collect the tax imposed by this subchapter for the city.”

SECTION 3.

That Title III, “Administration,” Chapter 38, “Taxation and Finance,” Section 38.18, “Quarterly Tax Payments,” of the Code of Mansfield, Texas is hereby amended to read as follows:

“38.18 MONTHLY TAX PAYMENTS.

(A) The taxes provided for herein shall be paid on a monthly basis.

(B) On the last day of the month following each monthly period, every person required by this subchapter to collect the taxes imposed herein shall file a report with the Tax Assessor and Collector of the city showing the consideration paid for all room occupancies in the preceding month, and the amount of taxes collected on such occupancies, and such other information as the Assessor and Collector of taxes may reasonably require. Such persons shall pay the taxes due on such occupancies at the time of filing the report. There shall also be furnished to the Tax Assessor and Collector of the city at the time of payment of such tax, a copy of the monthly tax report filed with the state comptroller in connection with the State of Texas Hotel Occupancy Tax.”

SECTION 4.

That Title III, “Administration,” Chapter 38, “Taxation and Finance,” Section 38.20, “Use of Funds,” of the Code of Mansfield, Texas is hereby added to read as follows:

“38.20 USE OF FUNDS.

The revenue derived from the hotel occupancy tax authorized by this subchapter may be used for those purposes stated in Tex. Tax Code, Subchapter 351, as it may be amended, and any other purposes allowed

under the laws of the state; provided that a portion of the tax revenue equal to 1% of the cost of the occupancy of hotel rooms shall be reserved for the purposes stated for such reserved tax revenue in Tex. Tax Code § 351.005, as it may be amended. These reserved tax revenue funds may be used by the city for the purposes allowed or the city may contract with persons or organizations to use these reserved tax revenue funds for the purposes allowed.”

SECTION 5.

That Title III, “Administration,” Chapter 38, “Taxation and Finance,” Section 38.99, “Penalty,” of the Code of Mansfield, Texas is hereby renumbered to Section 38.21, “Penalty.”

SECTION 6.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7.

That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 8.

That, any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon the conviction thereof shall be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9.

That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 8TH DAY OF FEBRUARY, 2021.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney