

## Ordinance No. 2023-01

**AN ORDINANCE PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A HOTEL OCCUPANCY TAX WITHIN THE CITY OF BRONTE AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BRONTE; PROVIDING CERTAIN DEFINITIONS; PROVIDING FOR THE ALLOCATION OF REVENUE DERIVED FROM THE LEVY OF THE HOTEL OCCUPANCY TAX; PROVIDING FOR A PENALTY UPON CONVICTION FOR FAILURE TO COMPLY OF NO MORE THAN FIVE HUNDRED DOLLARS (\$500); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bronte, Texas (the "City") is a general law city operating pursuant to the laws of the State of Texas;

**WHEREAS**, the City is authorized to impose a hotel occupancy tax, of no more than seven percent of the total room rate, upon persons renting hotel rooms within the City and its extraterritorial jurisdiction pursuant to Subchapter A of Chapter 351 of the Texas Tax Code; and

**WHEREAS**, the City Council of the City finds that it is in the best interest of the citizens of the City that such a tax be imposed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRONTE, TEXAS THAT:**

### **SECTION 1. Title**

This Ordinance shall be referred to as the "Hotel Occupancy Tax Ordinance of the City of Bronte, Texas.

### **SECTION 2. - Definitions.**

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this SECTION, except where the context clearly indicates a different meaning:

*Consideration* means the cost of a room, sleeping space, bed or dormitory space or the facility in a hotel, and shall not include the cost of food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy, nor any tax assessed for occupancy thereof by any other governmental agency.

*Hotel* has the meaning of assigned by SECTION 156.001, Texas Tax Code, and includes any building in which members of the public obtain sleeping accommodations for a consideration. Such terms include a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, bed and breakfast, or short-term rental. Such term does not include:

- (1) A hospital, sanitarium, or nursing home; or
- (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," as such terms are defined in V.T.C.A., Education Code § 61.003, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an education program or activity at the institution; or
- (3) An oilfield portable unit, as defined by SECTION 152.001, Texas Tax Code.

*Occupancy* means the use or possession, or right to the use or possession of a room that is in a hotel and is ordinarily used for sleeping.

*Occupant* means any person who, for a consideration, uses or possesses, or has a right to the use or possession of a room that is in a hotel and is ordinarily used for sleeping, under any lease, concession, permit, right of access, license, contract, or agreement.

*Permanent resident* means a person who has the right to use or possess a room in a hotel for at least thirty consecutive days, as long as there is no interruption of payment for such period.

*Person* means any individual, company, corporation or association owning, operating, managing, or controlling any hotel.

*Quarterly period* means a regular quarterly period corresponding to the period in which tax reports are filed with the state comptroller.

### **SECTION 3. - Levied, rate.**

There is hereby levied in the city, and within its extraterritorial jurisdiction, a tax of seven percent of the price paid for a room at a hotel which costs \$2.00 or more each day and is ordinarily used for sleeping. The tax shall apply to every person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the right to use or possess a room that is in a hotel in accordance with the terms of Texas Tax Code § 351.001 et seq.

### **SECTION 4. - Exemptions; refunds.**

- (a) No tax shall be imposed under this Ordinance upon a:
  - (1) Permanent resident.
  - (2) United States governmental entity described in V.T.C.A., Tax Code § 156.103(a).
  - (3) Person who is described by V.T.C.A., Tax Code § 156.103(d).
- (b) A state governmental entity described in V.T.C.A., Tax Code § 156.103(b) shall pay the tax imposed by this Ordinance but is entitled to a refund of the tax paid.
- (c) A person who is described in V.T.C.A., Tax Code § 56.103(c) shall pay the tax imposed by this Ordinance, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

**State law reference**— Tax authorized exemptions, V.T.C.A., Tax Code §§ 351.002, 351.006.

### **SECTION 5. - Refund claims.**

- (a) To receive a refund of the tax paid under this Ordinance, the governmental entity entitled to the refund must file a refund claim on a form provided by the city, containing the information required by the city. The controller, by rule, shall prescribe the form that must be used and the information that must be provided.
- (b) A governmental entity may file a refund claim with the city under this Ordinance only for each calendar quarter for all reimbursements accrued during the quarter.

### **SECTION 6. - Failure to comply.**

If any person shall fail to collect the tax imposed by this Ordinance, or fail to file a report as required by the state, or fail to tax as imposed in this Ordinance, when such report or payment is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). In addition, such person who fails to remit the tax or violates the reporting provisions imposed by the state and this Ordinance, within the time required, shall forfeit a penalty equal to 15 percent of the total amount of the tax owed if the tax has been delinquent for at least one complete municipal fiscal quarter, plus the delinquent taxes shall draw interest at the maximum rate permitted by law,

and in such event, such person shall be liable to the city for reasonable attorney's fees incurred in the collection of the tax or in compliance with V.T.C.A., Tax Code ch. 351.

State law reference— Misdemeanor authorized, V.T.C.A., Tax Code § 351.004(c).

**SECTION 7. - Filing of reports; payment of tax.**

On the last day of the month following each quarter, every person required to collect the tax imposed in this Ordinance shall file a report with the city showing the consideration paid for all rooms or sleeping space occupancies in the preceding quarter, the amount of tax collected on such occupancies and any other information the city may reasonably require. Such persons shall pay the tax due on such occupancies at the time of filing such report.

**SECTION 8. - Authority to make rules and regulations, access to books and records.**

The city shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied in this Ordinance, and, upon reasonable notice, shall have access to books and records necessary to enable the city to determine the correctness of any report filed as required by this Ordinance and the amount of taxes due under the provisions of this Ordinance.

**SECTION 9. Use of revenues.**

The revenues from said hotel occupancy tax shall be used for any of the purposes enumerated in Chapter 351 of the Texas Tax Code and shall also be subject to the limitations stated in that statute.

**SECTION 10. Severability.**

In the event that any one or more of the provisions, clauses, or words of this Ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this Ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

**SECTION 11. Publication**

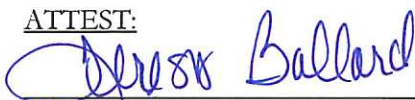
The City Secretary of the City of Bronte is directed to publish the caption, penalty clause, publication clause and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

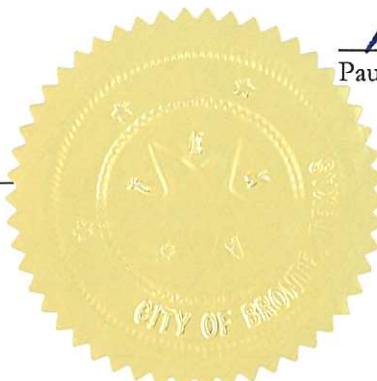
**SECTION 12 Effective Date**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Bronte, Texas, this the 20<sup>th</sup> day of July 2023.

ATTEST:

  
Teresa Ballard, City Secretary



  
Paul Gohman, Mayor