

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 122-TAXATION, ARTICLE II-HOTEL OCCUPANCY TAX SECTIONS 122-26 AND 122-29 TO ELIMINATE QUARTERLY FILING AND TO CHANGE PAYMENT REMITTANCE DATE TO THE 20TH OF THE SUBSEQUENT MONTH; SECTION 122-31 TO CLARIFY THAT PENALTIES WILL BE ASSESSED IF HOTEL OCCUPANCY TAX HAS BEEN DELINQUENT FOR AT LEAST ONE COMPLETE MUNICIPAL FISCAL QUARTER; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the existing hotel occupancy tax rules allow for quarterly reporting and remittance if the amount of tax owed is less than \$500 for a calendar month or \$1,500 for a calendar quarter, which leaves public funds in private hands for up to 120 days; and

WHEREAS, the existing hotel occupancy tax rules require reporting and remittance on the last day of the month following each period, which differs from the due date standard among taxing authorities, which is the 20th day of the month following each period; and

WHEREAS, the existing hotel occupancy tax rules do not state that the tax must be delinquent for at least one complete municipal fiscal quarter in order to assess a 15 percent penalty on the total tax owed.

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

I.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

II.

That Chapter 122-Taxation, Article II-Hotel Occupancy Tax, Sections 122-29, 122-6 and 122-31, of the Code of Ordinances, City of New Braunfels be hereby amended to read as follows:

Sec. 122-26. In this article, the following words, terms, and phrases are, except where the context clearly indicates a different meaning, defined as provided by V.T.C.A., Tax Code §351.001 and otherwise as follows:

~~*Quarterly period* shall mean a calendar quarter of the year, the first quarter is October, November and December; the second quarter is January, February and March; the third quarter is April, May and June; and the fourth quarter is July, August and September.~~

Sec. 122-29. Registration reports; reports to chief financial officer.

(b) The person required to file the report and collect the tax imposed by this article shall do so on a monthly basis for each monthly period. ~~[except that if a person owes less than \$500.00 for a calendar month or \$1,500.00 for a calendar quarter, the person qualifies as a quarterly filer].~~

(c) On the ~~[last]~~ 20th day of the month following each monthly period, or the last day of the month following each quarterly period if a quarterly filer, every person required to collect the tax imposed hereby shall file a report with the chief financial officer showing the consideration paid for all room occupancies in the preceding month/quarter, the total number of exemptions, the amount of tax collected on such occupancies, and any other information or on any form the chief financial officer may reasonable require. Such person shall pay the tax due on such occupancies at the time of filing the report. The report shall be in a form prescribed by the chief financial officer. The chief financial officer is hereby authorized and directed to do all such things necessary or convenient to carry out the terms of this article. The chief financial officer shall have the authority to request and receive within a reasonable time documentation of information contained in the report to the city by the hotel. The hotel operator, or its third party or agent, shall retain all such documentation for a period of two years.

Sec. 122-31. Civil penalties for failure to collect or remit.

If any person shall fail to file a report as required herein, or shall file a false report or shall fail to pay to the city the tax imposed herein when said report or payment is due shall be liable to the city for 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.

III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

V.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

VI.

In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

VII.

This Ordinance shall become adopted and effective upon its final reading and must be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First Reading on the _____ day of _____, 2017.

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CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney