

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES OF THE TOWN TO CREATE A NEW ARTICLE IX – “HOTEL/MOTEL MAXIMUM EXEMPTIONS FROM THE PAYMENT OF HOTEL OCCUPANCY TAX” TO SET A MAXIMUM OF 30% OF ROOM NIGHTS THAT MAY BE EXEMPT FROM THE PAYMENT OF HOTEL OCCUPANCY TAX; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR VIOLATION; PROVIDING FOR REVOCATION OF THE CERTIFICATE OF OCCUPANCY FOR REPEATED VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, tourism is a critical component of the Town of Addison’s healthy economic environment; and

WHEREAS, the Town desires that hotels and motels are operated so that rooms are available to serve Addison’s tourists; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas, Chapter 22 – Businesses shall be amended to add a new Article VIII – Hotel/Motel Maximum Exemptions from the Payment of Hotel Occupancy Tax to read in its entirety as follows:

Chapter 22 – BUSINESSES

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ARTICLE IX. – HOTEL/MOTEL – MAXIMUM EXEMPTIONS FROM THE PAYMENT OF HOTEL OCCUPANCY TAX

Sec. 22-270. – Maximum room nights subject to exemption.

Each hotel and motel within the Town of Addison shall operate such that not more than 30 percent of its room nights are subject to a room night exemption as set forth in Section 22-231 and 22-232 below.

Sec. 22-271. – Room night exemptions.

For purposes of this Article, a room night exemption shall mean a room night that is exempt from the payment of a hotel occupancy tax collected within the Town of Addison and shall be determined based on the documentation required by Section 74-104 of the Code of Ordinances.

Sec. 22-272. – Exceptions.

The Director of Finance may grant exceptions to the limit set forth in Section 22-230 under the following circumstances:

- a. In the event of a declared state of emergency within the State of Texas that causes the number of room night exemptions to exceed the maximum set forth herein due to the number of evacuees or the number of first responders or other governmental employees.
- b. When a hotel or motel submits additional documentation to the City demonstrating exemptions other than the permanent resident exemption.

Sec. 22-273. – Violation.

- a. Exceeding the maximum number of room night exemptions set forth herein during a monthly reporting period shall be considered a violation of the Code of Ordinances and such violation shall be subject to the penalty provisions set forth in Section 1-7 of the Code of Ordinances.
- b. A hotel or motel that exceeds the maximum number of room night exemptions set forth herein for more than three reporting periods in a twelve month period shall, after notice and hearing, as provided below, be subject to revocation of the certificate of occupancy for the hotel or motel.

Sec. 22-274. – Revocation of certificate of occupancy.

- a. Prior to the revocation of a certificate of occupancy for violation of the standards set forth herein, the Town shall provide not less than ten (10) days written notice to:
 1. the property owner at the address shown in the online records of the Dallas Central Appraisal District; and
 2. a manager of the hotel or motel at the property address.
- b. The notice set forth above shall be sent by certified mail, return receipt requested, and by regular mail and shall set forth the date and time of a hearing before the City Council at which time the City Council will consider revocation of the Certificate of Occupancy.

Section 3. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances, Town of Addison, Texas as amended hereby, commits a Class C misdemeanor punishable by a fine as set forth in Section 1-7 of the Code of Ordinances, Addison, Texas.

Section 4. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2019.

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Irma Parker, City Secretary

By: _____
Brenda N. McDonald, City Attorney