

ORDINANCE NO. 16-14

AN ORDINANCE LEVYING A PRIVILEGE TAX UPON THE OCCUPANCY IN ANY HOTEL OR MOTEL OR ANY PLACE IN WHICH ROOMS, LODGING OR ACCOMMODATIONS ARE FURNISHED TO TRANSIENTS FOR CONSIDERATION

WHEREAS, Public Chapter 890 amending Tenn. Code Ann. §67-4-1425 authorizes the City of Spring Hill the right to levy by Ordinance a hotel/motel tax with home rule in accordance with the Tennessee Constitution, Article XI, Section 9; and

WHEREAS, the City of Spring Hill deems it to be in the best interest of the City to have such a tax.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, as follows:

Section 1. Definitions.

As used in this Ordinance:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever;

(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for consideration;

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel;

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise;

(5) "Person" means any individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

Section 2. Permit Required. No person will conduct, keep, manage, operate or cause to be conducted kept, managed or operated, either as owner, lessor, agent or attorney, any hotel in the city without having obtained a permit for same from the City Administrator or his designee.

Section 3. Fee. The fee for each hotel permit will be Twenty-Five Dollars (\$25.00).

Section 4. Not Transferable. No permit issued under this ordinance shall be transferred or assigned.

Section 5. Duration. Hotel permits shall be issued annually and shall expire on the last day of December of each year.

Section 6. Register Required; Availability for Inspection. Every person to whom a permit is issued under this Ordinance shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the person renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room such guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the City Administrator or his designee.

Section 7. Rooms to be Numbered. Each sleeping room and apartment in every hotel in the City shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number.

Section 8. Privilege tax levied; use.

(A) Pursuant to the provisions of Tenn. Code Ann. §67-4-1401, *et seq.* and specifically Tenn. Code Ann. §67-4-1425, as amended by Public Chapter 890, there is hereby levied a privilege of occupancy tax in any hotel of each transient. From and after the operative date of this ordinance the rate of the levy shall be three percent (3%) of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of state law. The City Administrator or his designee shall be designated the authorized collector to administer and enforce this Ordinance.

(B) The proceeds received from this tax shall be available for the City's general fund and dedicated solely for tourism development within the City of Spring Hill. Proceeds of this tax shall not be used to provide a subsidy in any form to any hotel.

Section 9. Payment of the Tax. Payment of the tax by the hotel to the city shall be no later than the 20th day of each month for the preceding month.

Section 10. Compensation to the Hotel. The hotel may deduct two percent (2%) from the amount paid to the City.

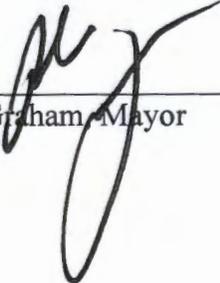
Section 11. Interest and penalty for late payment. The hotel operator is responsible for paying interest on delinquent taxes, from the due date at the rate of twelve percent (12%) per annum, plus a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent.

Section 12. Records requirement. The hotel operator shall maintain such records as may be necessary to determine the amount of such tax for which the operator may have been liable for the collection of taxes for three (3) years thereafter, with the right of inspection by the City.

Section 13. Ordinances in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

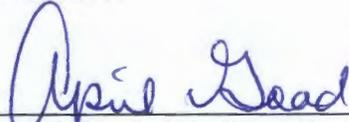
Section 14. This Ordinance shall take effect from and after its adoption by two-thirds (2/3) vote of the Board of Mayor and Aldermen at two (2) consecutive regularly scheduled meetings, the public welfare requiring it.

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, this, the 15th day of August, 2016.



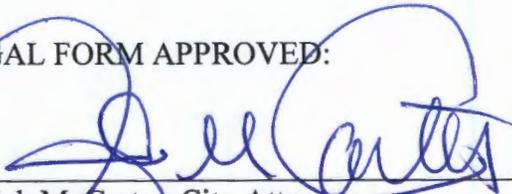
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick M. Carter, City Attorney

Passed on First Reading July 18, 2016

Passed on Second Reading August 15, 2016