

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF HUDSON OAKS, TEXAS AMENDING SECTION 11.04.002 OF THE CITY CODE OF ORDINANCES AMENDING THE HOTEL OCCUPANCY TAX RATE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hudson Oaks, Texas (the "City") is a Type A general law municipality located in Parker County, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Hudson Oaks, Texas previously adopted a Hotel Occupancy Tax, codified as Article 11.04 in the City Code of Ordinances; and

WHEREAS, Section 11.04.002 of the City Code established the amount of the Hotel Occupancy Tax at seven percent (7%) of the consideration paid by the occupant for the room; and

WHEREAS, since the City has a population of less than 5,000 and is adjacent to a home-rule city with a population of less than 80,000, Section 351.003(c) of the Texas Tax Code allows the City to set the amount of the Hotel Occupancy Tax at an amount not to exceed nine percent (9%) of the price paid for the room; and

WHEREAS, the City Council desires to amend Section 11.04.002 of the City Code to increase the Hotel Occupancy Tax in the City to nine percent (9%).

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

SECTION 1.

That Section 11.04.002 of Article 11.04 "Hotel Occupancy Tax" of the City of Hudson Oaks Code of Ordinances is hereby amended to read as follows:

Sec. 11.04.002 Levy

There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to nine percent (9%) of the consideration by the occupant of such room, space, or

facility of such hotel, exclusive of other occupancy taxes imposed by other governmental agencies.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Hudson Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Hudson Oaks, Texas, are expressly saved as to any and all violations involving the hotel occupancy tax which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Hudson Oaks is hereby directed to publish in the official newspaper of the City of Hudson Oaks, the caption, penalty clause, and effective date clause of this ordinance as authorized by Section 52.011 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

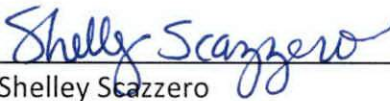
PASSED AND APPROVED ON THIS 26TH DAY OF SEPTEMBER, 2019.





Marc Povero, Mayor

Attest:



Shelley Scazzero
City Secretary