

ORDINANCE NO. 2020-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 78.103 OF THE SAN MARCOS CITY CODE TO MODIFY THE AMOUNTS OF ADDITIONAL FEES TO BE ASSESSED AND PAID ON DELINQUENT HOTEL OCCUPANCY TAXES AND TO PROVIDE FOR A ONE PERCENT DISCOUNT AGAINST THE AMOUNT OF TAXES DUE WHEN TIMELY PAID; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 78.103 of the San Marcos City Code is amended as set forth below. Underlining indicates added text, and strikethroughs indicate deleted text.

Sec. 78.103. Reporting and payment.

(a) Every person required in subsection 78.102(d) to collect a hotel occupancy tax shall file a report with the director of finance showing the amount paid for all rooms during each calendar month, the amount of tax collected and any other information the city may reasonably require.

(b) Reports shall be filed and the full amount of taxes due shall be paid by the 20th of every month following the end of each calendar month. The city will apply a one percent discount to the total amount due per reporting period if the amount due is paid on or before the due date.

(c) Reports shall be filed and taxes shall be paid at the city finance department. The director of finance is designated to provide receipts showing amounts paid, certificates stating that no tax is due and statements of the amount due.

(d) Electronic versions of the reports are available for hotels on the city's website. A report is due from a hotel even if no tax is due. The hotel occupancy tax report must be filled out completely and signed. If the report is not filled out completely and signed, it will be considered an incomplete report and returned to the owner. Penalties and interest will continue to accrue until the report is filled out completely and returned to the director of finance.

(e) When the total amount due is not received by the due date, a late charge of 15 percent of the total amount due that is not received by the due date will be assessed against persons required to collect the tax under subsection 78.102(d); as follows:

(1) For hotel occupancy taxes required to be collected for the months of August 2020 through September 2023:

- a. \$50.00 if paid on the first through 30th days after the due date;
- b. \$75.00 if paid on the 31st through 60th days after the due date;
- c. \$100.00 if paid on the 61st through 90th days after the due date; and
- d. 10 percent of the total amount due if paid on or after the 91st day after the due date.

(2) For hotel occupancy taxes required to be collected for the month of October 2023 and any month thereafter:

- a. \$100.00 if paid on the first through 30th days after the due date; and
- b. 10 percent of the total amount due if paid on or after the 31st day after the due date.

(f) An interest charge of one percent per month of the total amount due, including late charges and accrued interest, that is not received within 60 days of the due date will be assessed against persons required to collect a tax under subsection 78.102(d).

(g) In addition to other remedies available to the city, the persons required to collect a tax under subsection 78.102(d) are liable to the city for the city's reasonable attorney's fees in collecting delinquent hotel occupancy taxes and penalties.

(h) It is unlawful for any person to file a report under this section which contains any materially false or misleading information.

(i) For purposes of this section, the date indicated by a U.S. Post Office postmark on an envelope mailed to the city at its correct address, containing a report or payment due under this section, is considered the date of receipt by the city.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance shall become effective upon passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on August 4, 2020.

PASSED, APPROVED AND ADOPTED on second reading on August 18, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney