

**ORDINANCE NO. 2010- 11**

**An ordinance amending Section 8-34 of the Victoria City Code to provide for monthly payment and reporting of Hotel and Motel Occupancy Tax to the Director of Finance, repealing conflicting ordinances, providing for severability, providing for codification and savings, providing for enforcement, providing a penalty not to exceed \$500 upon conviction and publication, and declaring an effective date.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Section 8-34 of the Victoria City Code is amended to read as follows:

**Sec. 8-34. - Reports; payment to city.**

~~On the last day of the month following each quarterly period,~~ **On or before the twentieth (20<sup>th</sup>) day of each month,** every person required herein to collect the tax imposed herein shall file a report with the ~~city secretary~~ **Director of Finance or his designee** showing the consideration paid for all room occupancies in the preceding ~~quarter-month~~, the amount of the tax collected on such occupancies, and any other information the ~~city secretary~~ **Director of Finance** may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report. **Such person shall also submit** ~~This requirement may be met by submitting~~ a copy of the state hotel-motel occupancy tax quarterly report and any amendments thereto to the ~~city secretary~~ **Director of Finance on or before the last day of the month following each quarterly period.** Such person may retain one (1) per cent of the tax collected **and reported** as reimbursement for the cost of collecting, reporting, and paying the tax to the City.

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

4.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

5.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500.00 as provided in Section 1-8 of the City Code. The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, § 10 of the City Charter.

7.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 1<sup>st</sup> day of June, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 15TH day of JUNE, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED THIRD READING, this the 15TH day of JUNE, 2010.

AYES:

NAYS:

ABSTENTIONS:

APPROVED AND ADOPTED, this the 15TH day of JUNE, 2010.



WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

  
SCARLET SWOBODA, City Secretary  
THOMAS A. GWOSDZ, City Attorney

Distribution:   Legal Department  
                  City Secretary's Office  
                  Finance Department

Copies Sent: JUNE 16, 2010