

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IX. – BUSINESS PERMIT; ADDING SHORT-TERM RENTALS AND PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

ARTICLE IX. – SHORT-TERM RENTALS

Sec. 1-48 A. - Short term rentals.

- (A) The purpose of this Article is to establish regulations for the use of residential single-family dwelling units ("dwelling units" herein) as short-term rentals and to ensure the collection and payment of hotel/motel occupancy taxes.
- (B) For purposes of this Article a Short-Term Rental (STR), is defined as a residential dwelling, including a single-family residence, apartment, residential condominium unit, or other residential real estate improvement, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling.
- (C) For purposes of this Article: An Owner shall designate the Owner, or an Agent or a Representative to comply with the requirements of this section on behalf of the Owner. The Owner or designated agent or representative is referred to as "Operator" herein.
- (D) The Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short-term rental unit, regardless of whether such noncompliance was committed by the Owner's authorized agent or representative or the occupants of the Owner's short-term rental unit or their guests.
- (E) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.

Sec. 1-48 B. - Registration.

- (A) The Owner/Operator who offers for rent or advertises for rent (in any manner) a short-term rental of a dwelling unit shall obtain a short-term rental registration and any other required documents from the City of Mission located at 1201 E. 8th Street, Mission, TX 78572. The City Secretary may be contacted at phone number 956-580-8721 for additional information.
- (B) The Owner/Operator must submit and comply with the following information on a short-term rental registration form:
 - (1) The name, address, email and telephone number of the Owner/Operator of the subject short-term rental unit;
 - (2) The name, address, email and twenty-four hour telephone number of the local contact person. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven (7) days per week and shall respond in person within one hour (with the signed rental contract in hand) to complaints from a City Official regarding the condition, operation, or conduct of occupants of the short-term rental unit; and take remedial action to resolve any such complaints;
 - (3) The name and address of the proposed short-term rental unit;
 - (4) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short-term rental unit;

- (5) The property ID number as listed on the Hidalgo County Appraisal District; and
 - (6) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.
- (C) If any information on the registration form changes, the Owner/Operator must modify that information within 30 days.
- (D) Registration Fee.
- (1) The short-term rental registration form shall be accompanied by a registration fee as established by the City Council.
 - a. The rental registration fee shall be fifty-dollars (\$50.00) (per rental unit).
 - b. The registration fee is waived for those properties that have been properly remitting hotel occupancy tax.
 - (2) A registration is valid from the date the completed registration is filed with the City and payment of the registration fee (if applicable) has been made, and is transferrable if the ownership of the short-term rental changes.
 - (3) Each property shall be issued a registration number.
- (E) The registration number must appear on any advertisement of the property available for short term rental.

Sec. 1-48 C. - Compliance—Penalty provision.

- (A) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit, including, but not limited to, Health & Sanitation Code Article VI-, "Noise" and Taxation Code Article V, "Hotel Occupancy Tax" of the City of Mission Code of Ordinance. Pursuant to Section 102-134 of the city code, the owner/operator is the person responsible for collecting the tax due on the occupancies and their share, remit the tax to the city on or before the last day of the month following each quarterly period, even if the short-term rental unit was not rented during any such month. Failure to collect & remit said tax will by notice disqualify owner/operator from future short-term rental permits. See attached exhibit "A"
- (B) If any person required by the provisions of this article, fail to collect such tax, file such report, or pay such tax to the finance department, or if any such person shall violate any of the provisions of this article, such person shall be deemed guilty of a criminal misdemeanor offense and, upon conviction, be punished by a fine not to exceed \$500.00 and shall pay to the city the tax due, together with a penalty of five percent of the tax due, which taxes shall draw interest at the rate of ten percent per annum beginning 30 days after the due date.

READ, DISCUSSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
 at a regular meeting called and held at Mission City Hall's Council Chambers, in accordance with the provisions of Chapter 551 of the Texas Government Code, on this the ____ day of _____, In The Year of Our Lord, _____.

CITY OF MISSION, TEXAS

Dr. Armando Ocaña, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney

HOTEL OCCUPANCY TAX

SECTION 1: Definitions:

- (a) "Hotel" shall mean any building or buildings in which the public may for a consideration obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, apartments or other buildings where rooms are furnished for a consideration, but hotel shall not be defined so as to include hospitals, sanitariums or nursing homes.
- (b) "Consideration" shall mean the cost of the room in such hotel and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy, and shall not include any tax assessed for occupancy therefor by any other governmental agency.
- (c) "Occupancy" shall mean the use or possession of any room or rooms in a hotel for any purpose.
- (d) "Occupant" shall mean anyone who for a consideration uses, possesses, or has a right to use or possess any room or rooms in a hotel under lease, concession, permit, right of access, license, contract or agreement.
- (e) "Person" shall mean any individual, company, corporation, or association owning, operating, managing, or controlling any hotel.
- (f) "City Secretary" shall mean the City Secretary of the City of Mission, Texas.
- (g) "Quarterly Period" shall mean the regular calendar quarter of the year, the first quarter being composed of the months of January, February, March, the second being the months of April, May, and June, the third being the months of July, August, and September, and the fourth being the months of October, November and December.
- (h) "Permanent Resident" shall mean any occupant who has or shall have the right to occupancy of any room or rooms in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.

SECTION 2: Levy of Tax; Rate; Exception:

- (a) There is hereby levied a tax upon the cost of occupancy of any room or space furnished in any hotel where such cost of occupancy is at the rate of \$2.00 or more per day, such tax to be equal to seven percent (7%) of the consideration paid by the occupant of such room, space, or utility to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies.
- (b) No tax shall be imposed hereunder upon a permanent resident.

SECTION 3: Collection:

Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed by the ordinance for the City of Mission, Texas.

SECTION 4: Reports:

On or before the last day of the month following each quarterly period, every person required in paragraph (3) hereof to collect the tax imposed herein shall file a report with the City Secretary of the City of Mission, Texas showing the consideration paid for all room or sleeping place occupancies in the preceding quarterly period, the amount of the tax collected on such occupancies and any other information as the City Secretary may reasonably require, which report shall be in writing. Such person shall pay the tax due on such occupancies at the time of filing such report.

SECTION 5: Regulation and Enforcement:

The City Secretary shall adopt such procedures, rules and regulations as are reasonably necessary to effectively collect the tax levied herein, and shall upon request of any persons owning, operating, managing or controlling any hotel, furnish a copy of such procedures, rules and regulations, for the guidance of such person and facilitate the collection of such tax as such collection is required herein. Such procedures, rules and regulations shall be in writing and a copy thereof shall be placed on file with the City Secretary. The City Secretary shall be permitted to have access to books and records during reasonable business hours as shall be necessary to enable the City Secretary to determine the correctness of any report filed as required by this ordinance, and to determine the correctness of the amount due under the provisions of this ordinance, or to determine whether a report should have been filed and the amount, if necessary, of taxes due.

SECTION 6: Uses for Revenue:

The revenue derived from the Hotel Occupancy Tax herein provided for may be used only for:

- (1) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operating and maintenance of convention center facilities including, but not limited to, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities for the parking or storage of motor vehicles or other conveyances located at or in the immediate vicinity of the convention center facilities;
- (2) The furnishing of facilities, personnel and materials for the registration of convention delegates or registrants;
- (3) For advertising for general promotional and tourist advertising of the City and its vicinity and conducting a solicitation and operating program to attract conventions and visitors either by the city or through contracts with persons or organizations selected by the City;
- (4) The city may pledge a portion of the revenue derived therefrom to the payment of any bonds which the City may issue pursuant to the provisions of Section 3 of the Texas Hotel Occupancy Tax Law, which is set forth and codified as Article 12659-4.1, Vernon's Annotated Texas Statutes, if such bonds are issued solely for one or more of the purposes set forth in the three preceding paragraphs, provided that if the City levies and collects such tax, it shall reserve a portion of the tax revenue equal to at least one-half (1/2) of the one (1%) percent of the cost of occupancy and may reserve all of the tax revenue from the cost of the occupancy of hotel rooms for the purpose of advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities and for the promotion of tourism and advertising of the City and its facilities either by the City or through contract with persons or organizations selected by the City;
- (5) The City Council may by resolution designate the Chamber of Commerce of the City of Mission as its agent to receive and disburse any or all of the funds collected by the hotel occupancy tax for the purposes heretofore specified.

SECTION 7:*Failure to Comply:*

If any person required by the provisions of this ordinance to collect the tax imposed herein, or to make reports as required herein, and pay to the City Secretary has tax imposed herein, shall fail to collect such tax, file a report, or pay such tax, or if any such person shall violate any of the provisions of this ordinance, such persons shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine not to exceed Two Hundred (\$200.00) Dollars, and shall pay to the City of Mission the tax due together with a penalty of five per cent (5%) of the tax due, which taxes shall draw interest at the rate of nine per cent (9%) per annum beginning thirty (30) days after the due date.

SECTION 8:*Effective Date:*

This ordinance shall be and become effective the first day of October, 1999.

SECTION 9:*Validity of Sections:*

If any section, phrase, word, or other part of this ordinance shall be held invalid by any court of competent jurisdiction, such declaration of invalidity shall not affect the balance of this ordinance which shall remain in full force and effect.

REPORT OF HOTEL OCCUPANCY TAX, CITY OF MISSION, TEXAS

City Ordinance No. 842
As amended by
Ordinance No. 2454

CITY OF MISSION
City Secretary, 1201 East 8th Street
Mission, Texas 78572

Total Receipts Taxable \$ _____

Amount of Tax @ 7% _____

This report is for Quarter ending _____
Due date is the last day of the following month.

Penalty 5% of Tax _____
(Paid if submitted after due date)

Name and Address of Hotel: _____

Interest 9% per annum _____
(Beginning 30 days after due date)

AMOUNT DUE \$ _____
(Due on or before last day of month following quarterly period)

“I DECLARE UNDER PENALTIES PRESCRIBED,
THAT THE INFORMATION CONTAINED IN THIS
DOCUMENT IS TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE”

MAKE CHECK PAYABLE TO: CITY OF MISSION (Signed) _____

Forms for reporting HOTEL OCCUPANCY TAX will be available online at www.missiontexas.us. Payments are due on the last day of January, April, July and October of each year. This Quarterly Report must be returned under any condition.