

AN ORDINANCE AMENDING CHAPTER 3.16 OF THE CALISTOGA MUNICIPAL CODE TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX RATE FROM 12 PERCENT TO 13 PERCENT, SUBJECT TO APPROVAL OF TWO-THIRDS OF THE ELECTORS VOTING ON THE TAX MEASURE AT THE NOVEMBER 6, 2018 GENERAL ELECTION

THE PEOPLE OF THE CITY OF CALISTOGA DO ORDAIN, AS FOLLOWS:

SECTION I: AMENDMENT OF CODE.

Section 3.16.020 (Imposition of Tax) of the Calistoga Municipal Code is hereby amended to read as follows:

“3.16.020 Imposition of Tax.

A. For the privilege of occupancy in any hotel, as defined in this chapter, each transient is subject to and shall pay a tax in the amount of 13 percent of the rent charged by the operator including meals and amenities if included in the charge for occupancy. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City.

B. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon cessation of occupancy.

C. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

D. Of the 13 percent tax imposed in paragraph A of this section, 12 percent is a general purpose tax, the revenues of which may be used for any lawful municipal purpose, and 1 percent is a special purpose tax, the revenues of which are dedicated solely for affordable and workforce housing programs and services up to and including, without limitation, land acquisition, land donation, building acquisition, building rehabilitation, building demolition, housing construction, maintaining the community's supply of mobile homes, providing housing subsidies to lower income residents, and/or preserving existing public subsidies for developments facing conversion to market rates and shall be deposited in a separate account. An annual report shall be filed by the City Manager or designee to the City Council in compliance with Government Code section 50075.3 for the special purpose tax revenues collected and expended.”

SECTION II: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City Council finds and declares that it would have adopted each and every provision of this ordinance, even if it had not adopted any other provision.

SECTION III: STATUTORY AUTHORITY FOR TAX.

This ordinance is adopted pursuant to Revenue and Taxation Code section 7280.

SECTION IV: ELECTION REQUIRED.

This ordinance shall not become operative unless and until two-thirds of the electors voting on this ordinance approve the imposition of the tax at the General Election to be held on November 6, 2018.

SECTION V: EFFECTIVE DATE.

This ordinance relates to the levying and collecting of the City transient occupancy tax ("TOT") and shall take effect only if approved by a majority of the voters voting on the measure at the November 6, 2018 General Election, and if approved, shall become effective January 1, 2019.

PASSED, APPROVED, AND ADOPTED BY THE PEOPLE OF THE CITY OF CALISTOGA AT THE REGULAR MUNICIPAL ELECTION HELD ON THE 6TH DAY OF NOVEMBER, 2018.

Chris Canning
Mayor

ATTEST:

Kathy Flamson
City Clerk

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney