

Ordinances Governing
TAXATION
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 19-041
(September 10, 2019)

(Chapter Designator: TAXATION)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
85-06	01/15/85	
86-104	05/13/86	
87-104	05/19/87	
88-127	09/20/88	
95-140	10/03/95	Add a new Section 4.04, <u>Failure to Collect, Report, Pay or Allow Inspection</u> ; add a new Section 4.05, <u>Rules and Regulations; Access to Books and Records</u> ; add a new Section 4.06, <u>Confidentiality</u> ; and add a new Section 4.07, <u>Penalty</u> .
96-86	06/11/96	Amend Article IV, <u>Hotel Occupancy Tax, Section 4.01, <u>Definitions</u></u> , to amend the definition of “Permanent Resident” and adding a definition for “City Auditor”; Section 4.02, <u>Levy of Tax</u> , relative to permanent residency status; Section 4.03, <u>Collection of Tax; Reporting</u> , relative to the powers of the assessor-collector; Section 4.05, <u>Rules and Regulations; Access to Books and Records</u> , relative to the City Auditor’s access to books and records and the tax assessor-collector’s authority to require additional information; Section 4.07, <u>Penalty for Violation</u> , relative to the penalty for violation of Section 4.04(B) ; and add a new Section 4.08, <u>Intent</u> .
99-122	10/05/99	Amend Article IV, <u>Hotel Occupancy Tax, Section 4.01, <u>Definitions</u></u> , to amend the definitions of “Assessor-Collector” and “Permanent Resident”; amend Section 4.03, <u>Collection of Tax; Reporting; Rules and Regulations</u> , relative to amending the title of the Assessor-Collector and the collection of penalty and/or interest; amend Section 4.04, <u>Failure to Collect, Report, Pay or Allow Inspection</u> , Subsection (C), relative to clarification of the responsibility of the Tax

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		Assessor-Collector; amend Section 4.04 , by the addition of Subsection (D), relative to penalty and interest due as a result of an error by the City of Arlington; amend Section 4.04 , by the addition of Subsection (E), relative to the City Council’s powers; amend Section 4.05 , <u>Access to Books and Records</u> , relative to the City Auditor’s requirement to report taxes, penalty and/or interest due to the Tax Assessor-Collector; amend Section 4.07 , <u>Penalty for Violation</u> , relative to penalty for violation of Section 4.04(A) or (B).
99-150	12/07/99	Amend Article III , <u>Delinquent Taxes</u> , Section 3.04 , <u>Additional Penalty for Collection Costs</u> , relative to assessment of an additional penalty on taxes which become delinquent after February 1 and assessment of an additional penalty on taxes which become delinquent after June 1.
04-053	05/25/04	Amend Article I , <u>Taxation, Assessment and Collection</u> , Section 1.01 , <u>Powers and Duties of Tax Assessor-Collector</u> , relative to updating the references of Tax Assessor-Collector to Chief Financial Officer; Section 1.04 , <u>Tax Rolls</u> , and Section 1.06 , <u>Place for Payment of Taxes</u> , relative to consolidation with the Tarrant County Tax Office; amend Article II , <u>Occupation Taxes</u> , Section 2.01 , <u>Occupation Tax</u> , relative to Chief Financial Officer’s Duties regarding Occupation Tax; amend Article III , <u>Delinquent Taxes</u> , relative to updating the references of Tax Assessor-Collector to Chief Financial Officer and updating the collection penalty for contracted collection attorneys; amend Article IV , <u>Hotel Occupancy Tax</u> , Section 4.01 , <u>Definitions</u> , by the deletion of the definition of “Tax Assessor-Collector” and the addition of the definition of “Chief Financial Officer”; Section 4.03 ,

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><u>Collection of Tax; Reporting; Rules and Regulations</u>, relative to updating the references of Tax Assessor-Collector to Chief Financial Officer; Section 4.04, <u>Failure to Collect, Report, Pay or Allow Inspection</u>, Subsections (C) and (D), relative to updating the references of Tax Assessor-Collector to Chief Financial Officer; Section 4.05, <u>Access to Books and Records</u>, relative to updating the references of Tax Assessor-Collector to Chief Financial Officer; by the addition of Section 4.09, <u>Authority to Enforce</u>, relative to stating that the Chief Financial Officer has authority to enforce violations of this ordinance.</p>
04-115	12/20/04	Add Article IX , <u>Additional Sales and Use Tax</u> , relative to levying an additional 0.5% sales and use tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project.
04-116	12/20/04	Add Article VII , <u>Short-Term Motor Vehicle Rental Tax</u> , relative to defining terms; providing for the levy, imposition and use of a five percent tax on the gross rental receipts from the rental in the City of Arlington of a motor vehicle; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.
04-117	12/20/04	Add Article VIII , <u>Additional Hotel Occupancy Tax</u> , relative to levying an additional two percent hotel occupancy tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project; providing for certain exemptions to and refunds of the hotel occupancy tax collected under Chapter 334; providing procedures and requirements for civil penalties, interest, and attorney's fees for failure to collect the hotel occupancy tax collected

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		under Chapter 334 and pay them to the City; providing collection, reporting, payment, and recordkeeping requirements and procedures.
06-040	04/25/06	Add Article X , <u>Dallas Cowboys Complex Admissions Tax</u> , relative to defining terms; providing for the levy, imposition and use of a ten percent (10%) tax on each ticket sold as an admission to an event held at the Dallas Cowboys Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.
06-041	04/25/06	Add Article XI , <u>Dallas Cowboys Complex Parking Tax</u> , relative to defining terms; providing for the levy, imposition and use of a three dollar (\$3.00) tax on a motor vehicle parked in a parking facility at the Dallas Cowboys Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.
09-072	11/03/09	Amend Article IV , <u>Hotel Occupancy Tax</u> , and Article VIII , <u>Additional Hotel Occupancy Tax</u> , relative to clarifying requirements regarding collection and payment of tax and increasing the amount of interest and penalty due on delinquent taxes.
16-051	10/11/16	Amend Article IV , <u>Hotel Occupancy Tax</u> , Section 4.01 , <u>Definitions</u> , by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”; Section 4.02 , <u>Tax Authorized; Tax Rate; Exceptions to Tax</u> , Subsection (C) , by the addition of Subsection (4) ; Section 4.03 , <u>Exemptions and Refunds</u> , Subsection (B) ; Section 4.04 , <u>Collection; Payment to City; Fee</u> ; Section 4.05 , <u>Reports</u> ; and Section 4.08 , <u>Penalties</u> ,

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p>Subsection (C); amend Article VIII, <u>Additional Hotel Occupancy Tax</u>, Section 8.01, <u>Definitions</u>, by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”; Section 8.02, <u>Tax Authorized; Tax Rate; Exceptions to Tax</u>, Subsection (C), by the addition of Subsection (4); Section 8.04, <u>Exemptions and Refunds</u>, Subsection (B); Section 8.05, <u>Collection; Payment to City; Fee; Statement of Tax Purpose Required</u>; Section 8.06, <u>Reports</u>; Section 8.09, <u>Penalties</u>, Subsection (C); relative to collecting, reporting, paying, exceptions, exemptions and penalties; and becoming effective January 1, 2017.</p>
17-045	08/22/17	<p>Amend Article VII, <u>Short-Term Motor Vehicle Rental Tax</u>, in its entirety, relative to defining terms; providing for the levy, imposition, and use of a five percent (5%) tax on the gross rental receipts from the rental in the City of Arlington of a motor vehicle pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.</p>
17-046	08/22/17	<p>Amend Article VIII, <u>Additional Hotel Occupancy Tax</u>, in its entirety, relative to levying an additional two percent (2%) Hotel Occupancy Tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project; providing for certain exemptions to and refunds of the Hotel Occupancy Tax collected under Chapter 334; providing procedures and requirements for civil penalties, interest, and attorney’s</p>

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		fees for failure to collect the Hotel Occupancy Tax collected under Chapter 334 and pay them to the City; providing collection, reporting, payment, and recordkeeping requirements and procedures.
17-047	08/22/17	Amend Article IX , <u>Additional Sales and Use Tax</u> , relative to levying an additional one-half of one percent (0.5%) Sales and Use Tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project.
19-037	08/13/19	Add Article XII , <u>Texas Rangers Complex Admissions Tax</u> , relative to defining terms; providing for the levy, imposition and use of a ten percent (10%) tax on each ticket sold as an admission to an event held at the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.
19-038	08/13/19	Add Article XIII , <u>Texas Rangers Complex Parking Tax</u> , relative to defining terms; providing for the levy, imposition and use of a three dollar (\$3.00) tax on a motor vehicle parked in a parking facility at the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties.
19-041	09/10/19	Amend Article IV , <u>Hotel Occupancy Tax</u> , Section 4.01, Definitions , by the amendment of the definition of “Hotel”; amend Article VIII , <u>Additional Hotel Occupancy Tax</u> , Section 8.01, Definitions , by the amendment of the definition of “Hotel”.

TABLE OF CONTENTS

ARTICLE I TAXATION, ASSESSMENT AND COLLECTION

Section 1.01	Powers and Duties of Chief Financial Officer - CFO
Section 1.02	Time When Tax Liability Determined
Section 1.03	Property Subject to Taxation
Section 1.04	Tax Rolls
Section 1.05	Ordinance Levying Tax
Section 1.06	Place for Payment of Taxes

ARTICLE II OCCUPATION TAX

Section 2.01	Occupation Tax
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ARTICLE III DELINQUENT TAXES

Section 3.01	Delinquent Taxes
Section 3.02	Forced Collection
Section 3.03	Release of Tax Judgments
Section 3.04	Additional Penalty for Collection Costs

ARTICLE IV HOTEL OCCUPANCY TAX

Section 4.01	Definitions
Section 4.02	Tax Authorized; Tax Rate; Exceptions to Tax
Section 4.03	Exemptions and Refunds
Section 4.04	Collection; Payment to City; Fee
Section 4.05	Reports
Section 4.06	Availability of Records
Section 4.07	Rules and Regulations
Section 4.08	Penalties
Section 4.09	Tax Collection Suit
Section 4.10	Tax Collection on Purchase of a Hotel
Section 4.11	Enforcement

TAXATION
Contents

ARTICLE V BINGO GROSS RECEIPTS TAX

- Section 5.01 Levy of Tax
- Section 5.02 Construction and Administration

ARTICLE VI TELECOMMUNICATIONS SERVICES TAX

- Section 6.01 Telecommunications Services Tax

ARTICLE VII SHORT-TERM MOTOR VEHICLE RENTAL TAX

- Section 7.01 Definitions
- Section 7.02 Tax Imposed
- Section 7.03 Collection of Tax
- Section 7.04 Reports; Payment to the City; Fees; Records
- Section 7.05 Collection Procedures on Purchase of a Motor Vehicle Rental Business
- Section 7.06 Use of Revenue Derived from Imposition of Tax
- Section 7.07 Rules and Regulations
- Section 7.08 Penalties
- Section 7.09 Enforcement

ARTICLE VIII ADDITIONAL HOTEL OCCUPANCY TAX

- Section 8.01 Definitions
- Section 8.02 Levy of Tax; Amount; Duration
- Section 8.03 Use of Tax Revenue
- Section 8.04 Exemptions and Refunds
- Section 8.05 Collection; Payment to City; Statement of Tax Purpose Required
- Section 8.06 Reports
- Section 8.07 Availability of Records
- Section 8.08 Rules and Regulations
- Section 8.09 Penalties
- Section 8.10 Tax Collection Suit
- Section 8.11 Tax Collection on Purchase of a Hotel
- Section 8.12 Enforcement

ARTICLE IX ADDITIONAL SALES AND USE TAX

Section 9.01	Imposition of Tax
Section 9.02	Collection
Section 9.03	Effective Date

ARTICLE X DALLAS COWBOYS COMPLEX ADMISSIONS TAX

Section 10.01	Definitions
Section 10.02	Tax Imposed
Section 10.03	Collection of Admissions Tax
Section 10.04	Reports; Payment to the City; Records
Section 10.05	Use of Revenue Derived from Imposition of Tax
Section 10.06	Rules and Regulations
Section 10.07	Penalties
Section 10.08	Enforcement

ARTICLE XI DALLAS COWBOYS COMPLEX PARKING TAX

Section 11.01	Definitions
Section 11.02	Tax Imposed
Section 11.03	Collection of Tax
Section 11.04	Reports; Payment to the City; Records
Section 11.05	Use of Revenue Derived from Imposition of Tax
Section 11.06	Rules and Regulations
Section 11.07	Penalties
Section 11.08	Enforcement

ARTICLE XII TEXAS RANGERS COMPLEX ADMISSIONS TAX

Section 12.01	Definitions
Section 12.02	Tax Imposed
Section 12.03	Collection of Admissions Tax
Section 12.04	Reports; Payment to the City; Records
Section 12.05	Use of Revenue Derived from Imposition of Tax
Section 12.06	Rules and Regulations
Section 12.07	Penalties
Section 12.08	Enforcement

TAXATION
Contents

ARTICLE XIII TEXAS RANGERS COMPLEX PARKING TAX

Section 13.01	Definitions
Section 13.02	Tax Imposed
Section 13.03	Collection of Tax
Section 13.04	Reports; Payment to the City; Records
Section 13.05	Use of Revenue Derived from Imposition of Tax
Section 13.06	Rules and Regulations
Section 13.07	Penalties
Section 13.08	Enforcement

ARTICLE I

TAXATION, ASSESSMENT AND COLLECTION

**Section 1.01 Powers and Duties of Chief Financial Officer
- CFO**

The Chief Financial Officer or his/her designee shall have all powers and shall perform all duties prescribed by the Texas Property Tax Code, including, but not limited to the following: (Amend Ord 04-053, 5/25/04)

- A. Assess all taxable property within the City of Arlington. (Amend Ord 74-28, 5/14/74)
- B. Prepare and mail tax statements to all taxpayers owing tax payments to this jurisdiction. (Amend Ord 74-28, 5/14/74)
- C. Collect all tax revenues, penalties and interest and promptly deposit such receipts in the appropriate accounts according to the City of Arlington's established accounting procedures. (Amend Ord 74-28, 5/14/74)
- D. Levy on all property subject to a tax lien in this jurisdiction, which cannot be collected by any other means, and sell such property pursuant to law. (Amend Ord 74-28, 5/14/74)
- E. Publish all notices required by law. (Amend Ord 74-28, 5/14/74)

Section 1.02 Time When Tax Liability Determined

On January 1 of each year, a tax lien attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed for the year on that property, whether or not the taxes are imposed in the year the lien attaches. (Amend Ord 74-28, 5/14/74)

Section 1.03 Property Subject to Taxation

The property subject to taxation and the property that is exempt from taxation shall be determined by law. (Amend Ord 74-28, 5/14/74)

Section 1.04 Tax Rolls

The tax rolls shall be prepared and maintained by the Tarrant County tax office. The tax rolls as prepared by the Tarrant County tax office shall be approved by the City Council. (Amend Ord 04-053, 5/25/04)

Section 1.05 Ordinance Levying Tax

The City Council shall levy the tax on the property shown on the approved tax rolls for each year by ordinance. Such ordinance shall specify the rates of taxation, not to exceed the limits set forth in the Charter and by law, for the purpose of paying interest, maintaining the sinking fund for indebtedness, paying current general expenses and for making permanent improvements. (Amend Ord 74-28, 5/14/74)

Section 1.06 Place for Payment of Taxes

The place for payment shall be at any of the Tarrant County tax office locations. Payment must be made before the last day of January of the year following the year for which the assessment of taxes is made. (Amend Ord 04-053, 5/25/04)

ARTICLE II
OCCUPATION TAX

Section 2.01 Occupation Tax

A listing shall be made available by the Chief Financial Officer or his/her designee of all occupations on which an occupation tax is levied by the City. (Amend Ord 04-053, 5/25/04)

ARTICLE III
DELINQUENT TAXES

Section 3.01 Delinquent Taxes

All taxes for the year are declared to be delinquent on the first day of February of the year following that for which such taxes were levied, and it is hereby made the duty of the Chief Financial Officer or his/her designee to collect from each and every person whose taxes are delinquent under the provisions of this Section the taxes plus the penalty and interest at the rate set forth by the Texas Property Tax Code.

Section 3.02 Forced Collection

A complete list of all property on which taxes are delinquent together with the amount of taxes, penalties, costs and interest due thereon shall be delivered to the contracted attorney or the City Attorney for forced collection of same, such forced collection to be governed by the laws applicable to suits to enforce tax collection and the provisions of the Texas Property Tax Code.

Section 3.03 Release of Tax Judgments

In any case where a judgment has been taken by the City for delinquent taxes, and such judgment has been fully and finally paid, the contracted attorney or the Chief Financial Officer or his/her designee is authorized to execute a release of judgment for and on behalf of the City of Arlington.

Section 3.04 Additional Penalty for Collection Costs

- A. Taxes that become delinquent on or after February 1 of a year but not later than May 1 of that year and that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty to defray costs of collection of 20% of the amount of the taxes, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code.

TAXATION

3.04

- B. A tax lien shall attach to the property on which the tax is imposed to secure payment of the penalty.
- C. The Chief Financial Officer or his/her designee shall deliver a notice of delinquency and of the penalty to the property owner at least thirty and not more than sixty days before July 1.
- D. Taxes that become delinquent on or after June 1 of the year in which they become due shall incur an additional penalty to defray costs of collection of 20% of the amount of the tax, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code. The penalty is incurred on the first day of the first month that begins at least twenty-one days after the date notice is sent. A tax lien shall attach to the property on which the tax is imposed to secure payment of the additional penalty. (Amend Ord 04-053, 5/25/04)

ARTICLE IV

HOTEL OCCUPANCY TAX

Section 4.01 Definitions

In this article, the following words, terms and phrases are defined as follows, except where the context clearly indicates a different meaning:

“**City**” shall mean the City of Arlington, Texas.

“**City Attorney**” shall mean the City Attorney of the City of Arlington or the designated representative.

“**City Auditor**” shall mean the City Auditor of the City of Arlington or the designated representative.

“**Consideration**” shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“**Director**” shall mean the Director of the department designated by the City Manager to enforce and administer this article, or the director’s designated representative.

“**Hotel**” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration.

TAXATION

4.01

The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

For purposes of the imposition of hotel occupancy tax under the “Taxation” Chapter of the Arlington City Code, “hotel” includes a short-term rental as defined herein. (Amend Ord 19-041, 9/10/19)

“Monthly Period” shall mean the regular calendar months of the year. (Amend Ord 16-051, 10/11/16)

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership, or association that has paid a consideration for the exclusive right to use a sleeping room or sleeping facility in a hotel.

“Permanent resident” shall mean any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

“Quarterly Period” shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

“Short-term Rental” shall mean the rental of all or part of a residential property to a person who is not a permanent resident under Section. 156.101 of the Texas Tax Code, as amended. (Amend Ord 16-051, 10/11/16)

ARTICLE IV - 2

(Amend Ord 19-041, 9/10/19)

“**Tax**” shall mean the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code, as amended.

Section 4.02 Tax Authorized; Tax Rate; Exceptions to Tax

- A. There is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax shall be equal to seven percent (7%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.
 - 2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to this tax.
 - 3. The cost of or consideration paid for a sleeping room or facility occupied by a permanent resident is not subject to this tax.
 - 4. Cost paid for food served by hotel and cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession. (Amend Ord 16-051, 10/11/16)

Section 4.03 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a) or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A state governmental entity described in Section 156.103(b) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but is entitled to a refund of the tax paid. (Amend Ord 16-051, 10/11/16)

TAXATION

4.03

- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 4.04 Collection; Payment to City; Fee

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report required in accordance with all requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit taxes quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit the tax quarterly to the Director payable on the 20th day after the end of the quarterly period. (Amend Ord 16-051, 10/11/16)

Section 4.05 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit reports quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit report quarterly to the Director payable on the 20th day after the end of the quarterly period. (Amend Ord 16-051, 10/11/16)

Section 4.06 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 4.07 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Section 4.08 Penalties

- A. A person commits an offense if a person:
1. fails to collect the tax imposed by this article;
 2. fails to file a report as required by this article;
 3. fails to pay the tax when payment is due;
 4. files a false report; or
 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

TAXATION

4.08

- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due. (Amend Ord 16-051, 10/11/16)
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 4.09 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due, to collect the tax not paid, or to enjoin the person from operating a hotel in the City until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
 - 1. reasonable attorney's fees;
 - 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;

3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at the rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for that reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.
- F. The remedies provided by this section are in addition to other available remedies.

Section 4.10 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.

TAXATION

4.10

- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than sixty (60) days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 4.11 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur. (Amend Ord 09-072, 11/3/09)

ARTICLE V

Bingo Gross Receipts Tax

Section 5.01 Levy of Tax

There is hereby levied a two percent (2%) gross receipts tax on the conduct of bingo games within the City of Arlington, Texas.

Section 5.02 Construction and Administration

For purposes of the Article , the construction of all words and phrases, and the administration and collection of all taxes levied herein, shall be governed by the provisions of Article 179d, V.A.C.S., as such provisions from time to time may be amended. (Amend Ord 82-127, 8-24-82)

ARTICLE VI

Telecommunications Tax

Section 6.01 Telecommunications Services Tax

- A. A tax is hereby authorized on all telecommunications services sold within the City of Arlington, Texas. For purposes of this section, the sale of telecommunications services is consummated at the location of the telephone or other telecommunications devices from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed. (Amend Ord 87-104, 5/19/87)
- B. The application of the exemption provided for in Article 1066c, Section 4B(a), V.A.T.C.S., is hereby repealed by the City of Arlington, Texas, as authorized by Section 4B(b) thereof. (Amend Ord 87-104, 5/19/87)
- C. The rate of tax imposed by this section shall be the same as the rate imposed by the City of Arlington, Texas, for all other local Sales and Use Taxes, as authorized by the Legislature of the State of Texas. (Amend Ord 87-104, 5/19/87)
- D. The City Secretary shall forward to the Comptroller of the State of Texas, by United States registered or certified mail, a copy of this ordinance along with a copy of the minutes of the City Council's vote and discussion on this ordinance. (Amend Ord 87-104, 5/19/87)
- E. This section shall become effective as of October 1, 1987. (Amend Ord 87-104, 5/19/87)

ARTICLE VII

SHORT-TERM MOTOR VEHICLE RENTAL TAX

Section 7.01 Definitions

In this article:

“**Act**” means Chapter 334, Local Government Code, as amended.

“**Approved Venue Projects**” means (i) the Dallas Cowboys Complex Development Project (the “Cowboys Project”) that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act, and (ii) the Texas Rangers Complex Development Project (the “Rangers Project”) that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“**City**” means the City of Arlington, Texas.

“**Director**” means the Director of the department designated by the City Manager to enforce and administer this article, or the Director’s designated representative.

“**Gross Rental Receipts**” means the value promised or received as consideration to the owner of a motor vehicle for the rental of the motor vehicle, but does not include:

1. separately stated charges for insurance;
2. charges for damages to the motor vehicle occurring during the rental agreement period;
3. separately stated charges for motor fuel sold by the owner of the motor vehicle; or
4. discounts.

“**Mobile Office**” means a trailer designed to be used as an office, sales outlet, or other workplace.

“**Motor Vehicle**” means a self-propelled vehicle designed principally to transport persons or property on a public roadway and includes a passenger car, van, station wagon, sports utility vehicle, and truck. The term does not include:

TAXATION

7.01

1. a trailer, semitrailer, house trailer, truck having a manufacturer's rating of more than one-half ton, or road-building machine;
2. a device moved only by human power;
3. a device used exclusively on stationary rails or tracks;
4. a farm machine; or
5. a mobile office.

“Owner of a Motor Vehicle” means a person who:

1. is named in the certificate of title as the owner of a motor vehicle; or
2. has the exclusive use of a motor vehicle for the purpose of renting it to another person.

“Person” means any individual, partnership, trust, company, corporation, association, or other entity.

“Project Fund” means the “Venue Project Fund” created pursuant to the Resolution.

“Rental” means an oral or written agreement by the owner of a motor vehicle that authorizes for not longer than 30 days the exclusive use of that motor vehicle to another person for consideration, where the transfer of possession of the motor vehicle occurs within the corporate limits of the City.

“Resolution” means the resolution adopted by the City Council establishing the Project Fund.

Section 7.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of five percent (5%) on the gross rental receipts from the rental of a motor vehicle, except that the same exemptions provided in Chapter 152, Subchapter E, of the Texas Tax Code apply to the tax imposed under this section.
- B. The tax imposed under this section must be collected on every rental occurring on or after **April 1, 2005**, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Approved Venue

Projects, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 7.03 Collection of Tax

- A. Every owner of a motor vehicle who enters into a rental of a motor vehicle with any other person shall collect the tax imposed by this article on behalf of the City.
- B. The owner of a motor vehicle subject to the tax imposed by this article shall add the tax to the rental charge.
- C. Each bill or other receipt for a rental subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

The City of Arlington requires that an additional tax of five percent (5%) be imposed on each motor vehicle rental for the purpose of financing a portion of the costs of the Cowboys Project approved by the voters of the City on November 2, 2004, and the Rangers Project approved by the voters of the City on November 8, 2016.

- D. An attorney acting on behalf of the City may bring suit against any person who fails to collect the tax imposed by this article and to pay it over to the Director as required by this article.

Section 7.04 Reports; Payment to the City; Fees; Records

- A. On the 15th day of the month following each month in which a tax is required to be collected under this article, the owner of a motor vehicle required to collect the tax shall file a report with the Director showing:
 - 1. the consideration paid for all rentals in the preceding month;
 - 2. the amount of the tax collected on the rentals; and
 - 3. any other information the Director may reasonably require.
- B. Every owner of a motor vehicle required by this article to collect the tax shall pay the tax due on all rentals in the preceding month to the Director at the time of filing the report required under Subsection (A) of this section.

TAXATION

7.04

- C. Every owner of a motor vehicle collecting a tax under this article may deduct a one percent (1%) collection fee from the gross amount of tax collected on all rentals in the preceding month if the tax is paid to and received by the Director no later than the 15th day of the month following the month in which the taxes are required to be collected. If the 15th day falls on a weekend or holiday, the Director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the Director is the date postmarked by the U.S. Postal Service.

- D. The owner of a motor vehicle used for rental purposes shall keep for four (4) years records and supporting documents (except that mileage records are not required) containing the following information:
 - 1. the amount of gross rental receipts received from the rental of the motor vehicle; and
 - 2. the amount of tax imposed under this article and paid to the City on each motor vehicle used for rental purposes by the owner.

Section 7.05 Collection Procedures on Purchase of a Motor Vehicle Rental Business

- A. If the owner of a motor vehicle rental business that makes rentals subject to the tax imposed under this article sells the business, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate showing that no amount is due.

- B. The purchaser of a motor vehicle rental business who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

- C. The purchaser of a motor vehicle rental business may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than 60 days after receiving the request.

- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 7.06 Use of Revenue Derived from Imposition of Tax

The revenue derived from the tax imposed under this article must be deposited in a separate and distinct account of the Project Fund. Money in this account may be used only for the purposes specified in the Resolution.

Section 7.07 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article.

Section 7.08 Penalties

- A. An owner of a motor vehicle commits an offense if that person:
1. fails to collect the tax imposed by this article;
 2. fails to file a report as required by this article;
 3. fails to pay the Director the tax when payment is due;
 4. files a false report;
 5. fails to make and retain complete records as required by Section 7.04(D) of this article; or
 6. fails to comply with Section 7.05(A) when purchasing a motor vehicle rental business.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(5) of this section is punishable by a fine of not less than \$25 or more than \$500.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, the owner of a motor vehicle failing to pay the tax to the Director by the last day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to five percent (5%) of the tax due as a penalty. An additional penalty equal to five percent (5%) of the tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this

TAXATION

7.08

subsection may never be less than \$5. Delinquent taxes draw interest at the rate of six percent (6%) per year beginning 60 days after the date the tax is due to the Director.

Section 7.09 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

(Amend Ord 17-045, 8/22/17)

ARTICLE VIII

ADDITIONAL HOTEL OCCUPANCY TAX

Section 8.01 Definitions

In this article:

“**Act**” means Chapter 334, Local Government Code, as amended.

“**Approved Venue Projects**” means (i) the Dallas Cowboys Complex Development Project (the “Cowboys Project”) that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act, and (ii) the Texas Rangers Complex Development Project (the “Rangers Project”) that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“**City**” means the City of Arlington, Texas.

“**City Attorney**” shall mean the City Attorney of the City of Arlington or the designated representative.

“**City Auditor**” shall mean the City Auditor of the City of Arlington or the designated representative.

“**Consideration**” shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space, or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillowcases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying the room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for the occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“**Director**” means the Director of the department designated by the City Manager to enforce and administer this article, or the Director’s designated representative.

TAXATION

8.01

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration.

The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

For purposes of the imposition of hotel occupancy tax under the “Taxation” Chapter of the Arlington City Code, “hotel” includes a short-term rental as defined herein. (Amend Ord 19-041, 9/10/19)

“Monthly Period” shall mean the regular calendar months of the year.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership or association that has paid a consideration for the exclusive right to a sleeping room or sleeping facility in a hotel.

“Permanent Resident” shall mean any occupant who has occupied or has paid for the exclusive occupancy of a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

“Project Fund” means the venue project fund created pursuant to the Resolution.

ARTICLE VIII - 2

(Amend Ord 19-041, 9/10/19)

“Quarterly Period” shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February, and March, and the second quarter being the months of April, May, and June, and the third quarter being the months of July, August, and September, and the fourth quarter being the months of October, November, and December.

“Resolution” means the Resolution adopted by the City Council establishing the Project Fund.

“Short-term Rental” shall mean the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101 of the Texas Tax Code, as amended.

“Tax” means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

Section 8.02 Levy of Tax; Amount; Duration

- A. In addition to the hotel occupancy tax levied in Article IV, Section 4.02, of this Chapter, there is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax is equal to two percent (2%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.
 - 2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to the tax.
 - 3. The cost of or consideration paid for a sleeping room or facility occupied by a Permanent Resident is not subject to this tax.
- D. The tax imposed under this section must be collected on every occupancy occurring on or after April 1, 2005, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Approved Venue Projects, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 8.03 Use of Tax Revenue

The revenue derived from the two percent (2%) tax imposed under this article must be deposited in a separate and distinct account to be established within the Project Fund. Money in this account may be used as set forth in the Resolution.

Section 8.04 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a), or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A state governmental entity described in Section 156.103(b) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but shall be entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 8.05 Collection, Payment to City; Statement of Tax Purpose Required

- A. Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report in accordance with all requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit taxes quarterly.
- C. If a taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit the tax quarterly to the Director payable on the 20th day after the end of the quarterly period.

- D. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

“The City of Arlington requires that an additional tax of two percent (2%) be imposed on each hotel charge for the purpose of financing venue projects, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004, and the Rangers Complex Development Project approved by the voters of the City on November 8, 2016.”

Section 8.06 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit reports quarterly.
- C. If a taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit reports quarterly to the Director payable on the 20th day after the end of the quarterly period.

Section 8.07 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 8.08 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and

TAXATION

8.08

purpose of this article concerning information required on reports, the collection reporting periods, audits, the retention of records, and the forcible seizure of records for auditing purposes as allowed by law.

Section 8.09 Penalties

- A. A person commits an offense if he:
1. fails to collect the tax imposed by this article;
 2. fails to file a report as required by this article;
 3. fails to pay the tax when payment is due;
 4. files a false report; or
 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty equal to five percent (5%) of the tax due must be paid thirty (30) days later if the tax is still not paid. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for

delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 8.10 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the City until the tax is paid or the report is filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two (2) complete municipal fiscal quarters at the time the audit is conducted;
 3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at a rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for the reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.

TAXATION

8.10

- D. The authority to conduct an audit under this section is in addition to any other audit provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.
- F. The remedies provided by this section are in addition to other available remedies.

Section 8.11 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than 60 days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

8.12 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

(Amend Ord 17-046, 8/22/17)

ARTICLE IX**ADDITIONAL SALES AND USE TAX****Section 9.01 Imposition of Tax**

That all action concerning the submission of the proposition to the voters of the City having been taken and the tax authorized by Chapter 334 of the Act having been approved by the voters of the City, the City Council does hereby authorize the levy of a sales and use tax (the "Tax") within the City for the benefit of the Dallas Cowboys Complex Development Project and the Rangers Complex Development Project at a rate of one-half of one percent on the sale of items at retail and an excise tax at the same rate on the use, storage, or other consumption within the City of tangible personal property purchased, leased, or rented from a retailer during such time as the Tax is effective within the City.

Section 9.02 Collection

That the Tax shall be administered, collected, and remitted in accordance with the Act and, to the extent not inconsistent with the Act, in accordance with Chapter 321, Texas Tax Code, as amended.

Section 9.03 Effective Date

The effective date of the Tax within the City shall be **April 1, 2005**, unless the Comptroller of Public Accounts notifies the City in accordance with the Act that more time is needed to implement the Tax, in which event the Tax shall be effective in accordance with the instructions of the Comptroller.

(Amend Ord 17-047, 8/22/17)

ARTICLE X

DALLAS COWBOYS COMPLEX ADMISSIONS TAX

Section 10.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Admissions and Parking Taxes Account" means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured in whole or in part by the Admissions Tax.

"Admissions Tax" means an amount equal to ten percent (10%) of the price of each ticket sold as admission to an Event held at the Dallas Cowboys Complex and imposed under Section 10.02 hereof.

"City" means the City of Arlington, Texas.

"Dallas Cowboys Complex" or "Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the Director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic and other activities and Events which are conducted at the Dallas Cowboys Complex and for which admission tickets are sold.

"Lessee" means the Person leasing the Dallas Cowboys Complex from the City.

"Net Admissions Tax" means the Admissions Tax less an amount equal to one percent (1%) of the Admissions Tax collected, such one percent being reimbursement for the costs of collection of the Admissions Tax as authorized by Section 10.03 hereof.

"Person" means any individual, partnership, trust, company, corporation, association, or other entity.

"Project Fund" means the "Cowboys Complex Project Fund" created pursuant to the Resolution.

"Resolution" means the Resolution adopted by the City Council on December 14, 2004 establishing the Cowboys Complex Project Fund.

"Trustee" means the Person appointed as the "trustee" pursuant to an ordinance or indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Admissions Tax.

Section 10.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of ten percent (10%) on the price of each ticket sold as admission to an Event held at the Dallas Cowboys Complex.
- B. The Admissions Tax imposed under this section shall be collected on every ticket sold in connection with an Event held at the Dallas Cowboys Complex on or after the date on which the Dallas Cowboys Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 10.03 Collection of Admissions Tax

- A. Every seller of a ticket of admission to an Event held at the Dallas Cowboys Complex shall collect, on behalf of the City, the Admissions Tax. Such Person shall be entitled to retain one percent (1%) of the gross collections of the Admissions Tax as reimbursement for the costs of collection thereof.
- B. Every seller of a ticket of admission to an Event held at the Dallas Cowboys Complex shall add, on behalf of the City, the Admissions Tax to the price of each ticket sold to such Event.
- C. The Lessee shall collect, on behalf of the City, from each Person who sells tickets to an Event held at the

Dallas Cowboys Complex, the Net Admissions Tax for each Event.

- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Admissions Tax and against any Person, other than the Lessee, who fails to pay the Net Admissions Tax over to the Lessee, as required by this article.
- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Admissions Tax to the Trustee at the time and in the manner required by this article.

Section 10.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which an Admissions Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee showing:
 - 1. the total number of tickets sold and the total consideration paid therefor with respect to each Event in the preceding calendar month;
 - 2. the amount of the Admissions Tax collected on the tickets for admission to such Events; and
 - 3. any other information the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay the Net Admissions Tax received on all tickets sold in the preceding calendar month to the Trustee. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
 - 1. the dates and type of Events at which tickets of admission were sold;

2. the number of tickets sold to each Event;
3. the gross amount of ticket sales received for each Event;
4. the amount of Admissions Tax collected with respect to each Event; and
5. the amount of Net Admissions Tax paid to the Trustee and the dates on which such amounts were paid.

Section 10.05 Use of Revenue Derived from Imposition of Tax

The revenue derived from the Net Admissions Tax shall be deposited in the Admissions and Parking Taxes Account. Money in the Admissions and Parking Taxes Account shall be used only for the purposes specified in the Resolution.

Section 10.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Admissions Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Admissions Taxes due under this article.

Section 10.07 Penalties

- A. The seller of a ticket of admission to an Event held at the Dallas Cowboys Complex commits an offense if that Person:
1. fails to collect the Admissions Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 10.04(C) of this article.

- B. The Lessee commits an offense if the Lessee:
1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Admissions Tax when due.
- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Admissions Tax to the Trustee, on behalf of the City, by the last day of the month following the month in which the Admissions Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Admissions Tax due as a penalty. An additional penalty equal to five percent of the Admissions Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee.

Section 10.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.
(Amend Ord 06-040, 4/25/06)

ARTICLE XI

DALLAS COWBOYS COMPLEX PARKING TAX

Section 11.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Admissions and Parking Taxes Account" means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured in whole or in part by the Parking Tax Revenues.

"City" means the City of Arlington, Texas.

"Dallas Cowboys Complex" or "Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic and other activities and events which are conducted at the Dallas Cowboys Complex and for which admission tickets are sold.

"Lessee" means the Person leasing the Dallas Cowboys Complex from the City.

"Net Parking Tax Revenues" means the Parking Tax Revenues less an amount equal to one percent (1%) of the Parking Tax Revenues collected, such one percent being reimbursement for collection of the Parking Tax as authorized pursuant to Section 11.03 hereof.

"Parking Facility" means a parking facility located at the Dallas Cowboys Complex.

"Parking Tax" means an amount equal to three dollars (\$3.00) on each motor vehicle parked at a parking facility for an Event held at the Dallas Cowboys Complex.

"Parking Tax Revenues" means the gross amount of revenues collected from the Parking Tax levied pursuant to Section 11.02 hereof.

"Person" means any individual, partnership, trust, company, corporation, association, or other entity.

"Project Fund" means the "Cowboys Complex Project Fund" created pursuant to the Resolution.

"Resolution" means the Resolution adopted by the City Council on December 14, 2004 establishing the Cowboys Complex Project Fund.

"Trustee" means the Person appointed as the "trustee" pursuant to an ordinance or an indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Parking Tax.

Section 11.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of three dollars (\$3.00) on each motor vehicle parked at a Parking Facility during an Event. Such tax shall be collected on each motor vehicle parked at a Parking Facility during a period beginning three hours before and ending three hours after the time an event at the Dallas Cowboys Complex is scheduled to begin.
- B. Subject to Subsection (C) of this Section, the Parking Tax imposed under this section shall be collected on each motor vehicle parked at a Parking Facility as provided in Subsection (A) of this Section in connection with an event held at the Dallas Cowboys Complex on or after the date on which the Dallas Cowboys Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.
- C. The Parking Tax shall not be imposed or collected on the following motor vehicles:
 - 1. any motor vehicle of any officials, employees, staff members, service providers, volunteers or

other authorized representatives of Event sponsors and public agencies (including public safety, law enforcement and other public entities and agencies) as well as invitees of the Lessee (other than those invitees entering the Dallas Cowboys Complex with a paid ticket at an Event), provided the number of any such vehicles parking at any such event shall be limited to a number that is customary for any such event or purpose and otherwise reasonable in all respects and provided that such Persons are participating in such Event for such purpose, to transact business at such Event or are otherwise undertaking official functions and duties at such Event or at the Dallas Cowboys Complex;

2. any motor vehicles that enter the Dallas Cowboys Complex under circumstances that allow for free or complimentary parking passes, at Lessee's discretion; and
3. any employees, officials or officers of the Lessee, as the case may be.

Section 11.03 Collection of Tax

- A. The Lessee, or any sublessee or operator of a Parking Facility, shall collect, on behalf of the City, the Parking Tax. Each Person shall be entitled to retain one percent (1%) of the gross collections of the Parking Tax as reimbursement for the costs of collection thereof.
- B. The Lessee, or any sublessee or operator of a Parking Facility shall add, on behalf of the City, the Parking Tax to the amount charged for parking motor vehicles at a Parking Facility in accordance with this article.
- C. The Lessee shall collect, on behalf of the City, from each Person who collects charges for parking at a Parking Facility, the Net Parking Tax Revenues for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Parking Tax and against any Person, other than the Lessee, who fails to pay the Net Parking Tax Revenues over to the Lessee, as required by this article.

- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Parking Tax Revenues to the Trustee at the time and in the manner required by this article.

Section 11.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which a Parking Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee showing:
1. the total number of motor vehicles parked at a Parking Facility in connection with each Event held at the Dallas Cowboys Complex in the preceding calendar month;
 2. the amount of the Parking Tax Revenues collected in connection with an Event held at the Dallas Cowboys Complex; and
 3. any other information the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay to the Trustee the Net Parking Tax Revenues received in connection with all Events held at the Dallas Cowboys Complex during the preceding month. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
1. the dates and type of Events;
 2. the number of cars for which parking charges were collected at each Event held at the Dallas Cowboys Complex;
 3. the gross amount of parking revenues collected for each Event;

4. the amount of Net Parking Tax Revenues paid to the Trustee and the dates on which such amounts were paid.

Section 11.05 Use of Revenue Derived from Imposition of Tax

The Net Parking Tax Revenues shall be deposited in the Admissions and Parking Taxes Account. Money in the Admissions and Parking Taxes Account shall be used only for the purposes specified in the Resolution.

Section 11.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Parking Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Net Parking Taxes due under this article.

Section 11.07 Penalties

- A. The sublessee or operator of a Parking Facility commits an offense if that Person:
 1. fails to collect the Parking Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 11.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:
 1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Parking Tax Revenues when due.

- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Parking Tax Revenues to the Trustee, on behalf of the City, by the last day of the month following the month in which the Parking Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Parking Tax due as a penalty. An additional penalty equal to five percent of the Parking Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee.

Section 11.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.
(Amend Ord 06-041, 4/25/06)

ARTICLE XII

TEXAS RANGERS COMPLEX ADMISSIONS TAX

Section 12.01 Definitions

In this article:

“**Act**” means Chapter 334, Local Government Code, as amended.

“**Admissions Tax**” means an amount equal to ten percent (10%) of the price of each ticket sold as admission to an Event held at the Texas Rangers Complex and imposed under Section 12.02 hereof.

“**City**” means the City of Arlington, Texas.

“**Texas Rangers Complex**” or “**Project**” means the Texas Rangers Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“**Director**” means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the Director’s designated representative.

“**Event**” means all revenue-producing sports, entertainment, cultural, civic, and other activities and Events which are conducted at the Texas Rangers Complex and for which admission tickets are sold.

“**Lessee**” means the Person(s) leasing the Texas Rangers Complex from the City.

“**Net Admissions Tax**” means the Admissions Tax less an amount equal to one percent (1%) of the Admissions Tax collected, such one percent being reimbursement for the costs of collection of the Admissions Tax as authorized by Section 12.03 hereof.

“**Person(s)**” means any individual, partnership, trust, company, corporation, association, or other entity.

“**Project Fund**” means the “Venue Project Fund” created pursuant to the Resolution.

“**Rangers Admissions and Parking Taxes Account**” means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured, in whole or in part, by the Admissions Tax.

TAXATION

12.01

“Resolution” means Resolution No. 17-228 adopted by the City Council on August 27, 2017, amending and restating Resolution No. 04-551, establishing the Venue Project Fund.

“Trustee” means the Person appointed as the “trustee” pursuant to an ordinance or indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Admissions Tax.

Section 12.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of ten percent (10%) on the price of each ticket sold as admission to an Event held at the Texas Rangers Complex.
- B. The Admissions Tax imposed under this section shall be collected on every ticket sold in connection with an Event held at the Texas Rangers Complex on or after the date on which the Texas Rangers Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 12.03 Collection of Admissions Tax

- A. Every seller of a ticket of admission to an Event held at the Texas Rangers Complex shall collect, on behalf of the City, the Admissions Tax. Such Person shall be entitled to retain one percent (1%) of the gross collections of the Admissions Tax as reimbursement for the costs of collection thereof.
- B. Every seller of a ticket of admission to an Event held at the Texas Rangers Complex shall add, on behalf of the City, the Admissions Tax to the price of each ticket sold to such Event.
- C. The Lessee shall collect, or cause to be collected, on behalf of the City, from each Person who sells tickets to an Event held at the Texas Rangers Complex, the Net Admissions Tax for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Admissions Tax and against any Person, other than the Lessee, who fails to pay the Net Admissions Tax over to the Lessee, as required by this article.

- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Admissions Tax to the Trustee at the time and in the manner required by this article.

Section 12.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which an Admissions Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee, while bonds are outstanding with a pledge of the Admissions Tax, showing:
1. the total number of tickets sold and the total consideration paid therefor with respect to each Event in the preceding calendar month;
 2. the amount of the Admissions Tax collected on the tickets for admission to such Events; and
 3. any other information relating to the calculation of the Admissions Tax the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay the Net Admissions Tax received on all tickets sold in the preceding calendar month to the Trustee. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee. If there are no bonds or other obligations outstanding with a pledge of the Admissions Tax, such amounts shall be paid to the City.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
1. the dates and type of Events at which tickets of admission were sold;
 2. the number of tickets sold to each Event;
 3. the gross amount of ticket sales received for each Event;
 4. the amount of Admissions Tax collected with respect to each Event; and
 5. the amount of Net Admissions Tax paid to the Trustee or the City, as appropriate, and the dates on which such amounts were paid.

TAXATION

12.05

Section 12.05 Use of Revenue Derived from Imposition of Tax

While bonds or other obligations with a pledge of the Admissions Tax are outstanding, the revenues derived from the Net Admissions Tax shall be deposited in the Rangers Admissions and Parking Taxes Account and shall be used only for the purposes specified in the ordinance or indenture authorizing the issuance of the bonds or other obligations, secured in whole or in part, by the Admissions Tax. When bonds or other obligations with a pledge of the Admissions Tax are no longer outstanding, the revenues derived from the Net Admissions Tax shall be deposited to a segregated account of the City in the Project Fund and shall be used only for the purposes allowed by the Act.

Section 12.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Admissions Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Admissions Taxes due under this article.

Section 12.07 Penalties

- A. The seller of a ticket of admission to an Event held at the Texas Rangers Complex commits an offense if that Person:
1. fails to collect the Admissions Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 12.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:
1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Admissions Tax when due.

- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Admissions Tax to the Trustee, on behalf of the City, or the City, as appropriate, by the last day of the month following the month in which the Admissions Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Admissions Tax due as a penalty. An additional penalty equal to five percent of the Admissions Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee or the City, as appropriate.

Section 12.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

(Amend Ord 19-037, 8/13/19)

ARTICLE XIII**TEXAS RANGERS COMPLEX PARKING TAX****Section 13.01 Definitions**

In this article:

“Act” means Chapter 334, Local Government Code, as amended.

“Affiliate” means any entity, corporation, partnership, limited liability company, sole proprietorship or other Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with Lessee.

“City” means the City of Arlington, Texas.

“Texas Rangers Complex” or **“Project”** means the Texas Rangers Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“Director” means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the director’s designated representative.

“Event” means all revenue-producing sports, entertainment, cultural, civic, and other activities and events which are conducted at the Texas Rangers Complex and for which admission tickets are sold.

“Lessee” means the Person(s) leasing the Texas Rangers Complex from the City.

“Net Parking Tax Revenues” means the Parking Tax Revenues less an amount equal to one percent (1%) of the Parking Tax Revenues collected, such one percent being reimbursement for collection of the Parking Tax as authorized pursuant to Section 13.03 hereof.

“Parking Facility” means a parking facility, designated from time to time by Lessee for parking for Events held at the Texas Rangers Complex, and located on land owned by the Lessee, an Affiliate or by the City of Arlington and leased to the Lessee or an Affiliate; provided the total number of available parking spaces at such parking facilities shall at all times be equal to or greater than the number of spaces required to comply with the applicable zoning requirement.

TAXATION

13.01

“Parking Tax” means an amount equal to three dollars (\$3.00) on each motor vehicle parked at a Parking Facility for an Event held at the Texas Rangers Complex.

“Parking Tax Revenues” means the gross amount of revenues collected from the Parking Tax levied pursuant to Section 13.02 hereof.

“Person(s)” means any individual, partnership, trust, company, corporation, association, or other entity.

“Project Fund” means the “Venue Project Fund” created pursuant to the Resolution.

“Rangers Admissions and Parking Taxes Account” means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured, in whole or in part, by the Parking Tax Revenues.

“Resolution” means the Resolution adopted by the City Council on August 27, 2017, amending and restating Resolution No. 04-551, establishing the Venue Project Fund.

“Trustee” means the Person appointed as the “trustee” pursuant to an ordinance or an indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Parking Tax.

Section 13.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of three dollars (\$3.00) on each motor vehicle parked at a Parking Facility during an Event. Such tax shall be collected on each motor vehicle parked at a Parking Facility during a period beginning three hours before and ending three hours after the time an Event at the Texas Rangers Complex is scheduled to begin.
- B. Subject to Subsection (C) of this Section, the Parking Tax imposed under this section shall be collected on each motor vehicle parked at a Parking Facility as provided in Subsection (A) of this Section in connection with an Event held at the Texas Rangers Complex on or after the date on which the Texas Rangers Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.
- C. The Parking Tax shall not be imposed or collected on the following motor vehicles:

1. any motor vehicle of any officials, employees, staff members, service providers, volunteers or other authorized representatives of Event sponsors and public agencies (including public safety, law enforcement, and other public entities and agencies) as well as invitees of the Lessee (other than those invitees entering the Texas Rangers Complex with a paid ticket to an Event), provided the number of any such vehicles parking at any such event shall be limited to a number that is customary for any such Event or purpose and otherwise reasonable in all respects and provided that such Persons are participating in such Event for such purpose, to transact business at such Event or are otherwise undertaking official functions and duties at such Event or at the Texas Rangers Complex;
2. any motor vehicles that enter the Texas Rangers Complex under circumstances that allow for free or complimentary parking passes, at Lessee's discretion; and
3. any employees, officials or officers of the Lessee, as the case may be.

Section 13.03 Collection of Tax

- A. The Lessee, or any sublessee or operator of a Parking Facility, shall collect, or cause to be collected, on behalf of the City, the Parking Tax. Each such Person shall be entitled to retain one percent (1%) of the gross collections of the Parking Tax as reimbursement for the costs of collection thereof.
- B. The Lessee, or any sublessee or operator of a Parking Facility shall add, on behalf of the City, the Parking Tax to the amount charged for parking motor vehicles at a Parking Facility during an Event in accordance with this article.
- C. The Lessee shall collect, on behalf of the City, from each Person who collects charges for parking at a Parking Facility, the Net Parking Tax Revenues for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Parking Tax and against any Person, other than the Lessee, who fails to pay the Net Parking Tax Revenues over to the Lessee, as required by this article.
- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Parking Tax Revenues to the Trustee at the time and in the manner required by this article.

Section 13.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which a Parking Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee, while bonds or other obligations are outstanding with a pledge of the Parking Tax, showing:
1. the total number of motor vehicles parked at a Parking Facility in connection with each Event held at the Texas Rangers Complex in the preceding calendar month;
 2. the amount of the Parking Tax Revenues collected in connection with an Event held at the Texas Rangers Complex; and
 3. any other information relating to Parking Tax Revenues or the Parking Facilities the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay to the Trustee the Net Parking Tax Revenues received in connection with all Events held at the Texas Rangers Complex during the preceding month. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee. If there are no bonds or other obligations outstanding with a pledge of the Parking Tax, such amounts shall be paid to the City.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
1. the dates and type of Events;
 2. the number of cars for which parking charges were collected at each Event held at the Texas Rangers Complex;
 3. the gross amount of parking revenues collected for each Event;
 4. the amount of Net Parking Tax Revenues paid to the Trustee or the City, as appropriate, and the dates on which such amounts were paid.

Section 13.05 Use of Revenue Derived from Imposition of Tax

While bonds or other obligations with a pledge of the Parking Tax are outstanding, the Net Parking Tax Revenues shall be deposited in the Rangers Admissions and Parking Taxes Account and shall be used only for the purposes specified in the ordinance or indenture authorizing the issuance of the bonds or other obligations secured, in whole or in part, by the Parking Tax. When bonds or other obligations with a pledge of the Parking Tax are no longer outstanding, the Net Parking Tax Revenues shall be deposited to a segregated account of the City in the Project Fund and shall be used only for the purposes allowed by the Act.

Section 13.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Parking Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Net Parking Taxes due under this article.

Section 13.07 Penalties

- A. The sublessee, or operator of a Parking Facility commits an offense if that Person:
1. fails to collect the Parking Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 13.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:
1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Parking Tax Revenues when due.

TAXATION

13.07

- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.

- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Parking Tax Revenues to the Trustee, on behalf of the City, or the City, as appropriate, by the last day of the month following the month in which the Parking Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Parking Tax due as a penalty. An additional penalty equal to five percent of the Parking Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee or the City, as appropriate.

Section 13.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

(Amend Ord 19-038, 8/13/19)

ORDINANCE NO. 96-86

AN ORDINANCE AMENDING THE "**TAXATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED **HOTEL OCCUPANCY TAX**, BY THE AMENDMENT OF **SECTION 4.01, DEFINITIONS**, TO AMEND REFERENCES TO V.A.T.C.S., AMEND THE DEFINITION OF "PERMANENT RESIDENT" AND ADD A DEFINITION FOR "CITY AUDITOR"; AT **SECTION 4.02, LEVY OF TAX**, RELATIVE TO PERMANENT RESIDENCY STATUS; AT **SECTION 4.03, COLLECTION OF TAX; REPORTING**, RELATIVE TO THE POWERS OF THE ASSESSOR-COLLECTOR; AT **SECTION 4.05, RULES AND REGULATIONS; ACCESS TO BOOKS AND RECORDS**, RELATIVE TO THE CITY AUDITOR'S ACCESS TO BOOKS AND RECORDS AND THE TAX ASSESSOR-COLLECTOR'S AUTHORITY TO REQUIRE ADDITIONAL INFORMATION; AT **SECTION 4.07, PENALTY FOR VIOLATION**, RELATIVE TO THE PENALTY FOR VIOLATION OF SECTION 4.04(B); THROUGH THE ADDITION OF **SECTION 4.08, INTENT**, TO BE ADMINISTERED, APPLIED AND ENFORCED IN COMPLIANCE WITH STATE LAW; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE EXCEPT FOR SECTION 4.06; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Hotel Occupancy Tax, by the amendment of Section 4.01, so that hereafter said Section shall be and read as follows:

Section 4.01 Definitions

The words "hotel", "consideration", "occupancy" and "occupant", as used herein, shall have the meanings ascribed to them by V.T.C.A., Tax Code, Chapter 156. The following words, terms and phrases, as used in this Article, are defined as follows:

"Assessor-Collector" shall mean the Tax Assessor and Collector of the City of Arlington.

"City Auditor" shall mean the City Auditor or his designee of the City of Arlington.

"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) days so long as there is no interruption of payment for the period.

"Person" shall mean any individual, company, corporation or association owning, operating, managing or controlling any hotel.

"Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

Further, Article IV is hereby amended by the amendment of Section 4.02, so that hereafter said Section shall be and read as follows:

Section 4.02 Levy of Tax

There is hereby levied a tax upon the cost of occupancy of any room ordinarily used as a sleeping room furnished by any hotel within the City of Arlington where such cost of occupancy is at the rate of \$2.00 or more per day, such tax to be equal to the maximum tax as is now or as hereafter permitted by State law (V.T.C.A., Tax Code, Section 351.002), said tax being a percentage of the consideration paid by the occupant of such room of such hotel provided that said tax does not apply to an individual, company, corporation or association who has the right to use or possess a room in a hotel for at least thirty (30) days, so long as there is no interruption of payment for the period.

Further, Article IV is hereby amended by the amendment of Section 4.03, so that hereafter said Section shall be and read as follows:

Section 4.03 Collection of Tax; Reporting; Rules and Regulations

The tax shall be collected by the hotel and paid to the Assessor-Collector quarterly. A report shall be filed with the Assessor-Collector in the form required by the Assessor-Collector to accurately reflect the amount of taxes owed. The tax and report shall be submitted to the Assessor-Collector on or before the last day of the month following each quarterly period. The Assessor-Collector shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein.

Further, Article IV is hereby amended by the amendment of Section 4.05, so that hereafter said Section shall be and read as follows:

Section 4.05 Access to Books and Records

The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter. The Assessor-Collector shall have authority to require additional information to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter.

Further, Article IV is hereby amended by the amendment of Section 4.07, so that hereafter said Section shall be and read as follows:

Section 4.07 Penalty for Violation

Any person, firm or corporation who violates Section 4.04(B) of this Article IV, shall be guilty of a misdemeanor, and each day the violation is allowed to exist constitutes a separate offense. Each such offense shall be punishable by a fine not to exceed **Five Hundred Dollars and No Cents (\$500)**.

Further, Article IV is hereby amended by the addition of Section 4.08, Intent, so that hereafter said Section shall be and read as follows:

Section 4.08 Intent

It is the intent of this ordinance to be administered, applied and enforced in compliance with State law, Chapter 156 and 351 of the V.T.C.A. Tax Code.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance (except for Section 4.06) shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result

of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 4th day of June, **1996**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 11th day of June, **1996**, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

RICHARD E. GREENE, Mayor

ATTEST:

CINDY KEMP, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

ORDINANCE NO. 99-122

AN ORDINANCE AMENDING THE "**TAXATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED HOTEL OCCUPANCY TAX, BY THE AMENDMENT OF **SECTION 4.01**, DEFINITIONS, TO AMEND THE DEFINITIONS OF "ASSESSOR-COLLECTOR" AND "PERMANENT RESIDENT"; BY THE AMENDMENT OF **SECTION 4.03**, COLLECTION OF TAX; REPORTING; RULES AND REGULATIONS, RELATIVE TO AMENDING THE TITLE OF THE ASSESSOR-COLLECTOR AND THE COLLECTION OF PENALTY AND/OR INTEREST; BY THE AMENDMENT OF **SECTION 4.04**, FAILURE TO COLLECT, REPORT, PAY OR ALLOW INSPECTION, SUBSECTION (C), RELATIVE TO CLARIFICATION OF THE RESPONSIBILITY OF THE TAX ASSESSOR-COLLECTOR; BY THE AMENDMENT OF **SECTION 4.04**, BY THE ADDITION OF SUBSECTION (D), RELATIVE TO PENALTY AND INTEREST DUE AS A RESULT OF AN ERROR BY THE CITY OF ARLINGTON; BY THE AMENDMENT OF **SECTION 4.04**, BY THE ADDITION OF SUBSECTION (E), RELATIVE TO THE CITY COUNCIL'S POWERS; BY THE AMENDMENT OF **SECTION 4.05**, ACCESS TO BOOKS AND RECORDS, RELATIVE TO THE CITY AUDITOR'S REQUIREMENT TO REPORT TAXES, PENALTY AND/OR INTEREST DUE TO THE TAX ASSESSOR-COLLECTOR; BY THE AMENDMENT OF **SECTION 4.07**, PENALTY FOR VIOLATION, RELATIVE TO PENALTY FOR VIOLATION OF SECTION 4.04 (A) OR (B); PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the

amendment of Article IV, Hotel Occupancy Tax, by the amendment of **Section 4.01, Definitions**, by the amendment of the definitions of "Assessor-Collector" and "Permanent Resident", so that hereafter said definitions shall be and read as follows:

"Tax Assessor-Collector" shall mean the Tax Assessor-Collector, or his designee, of the City of Arlington.

"Permanent Resident" shall mean any occupant who has or shall have the right to use or possess a room or rooms in a hotel for at least thirty (30) days so long as there is no interruption of payment for the period.

Further, Article IV is hereby amended by the amendment of **Section 4.03, Collection of Tax; Reporting; Rules and Regulations**, so that hereafter said Section shall be and read as follows:

Section 4.03 Collection of Tax; Reporting; Rules and Regulations

The tax shall be collected by the hotel and paid to the Tax Assessor-Collector quarterly. A report shall be filed with the Tax Assessor-Collector in the form required by the Tax Assessor-Collector to accurately reflect the amount of taxes owed. The tax and report shall be submitted to the Tax Assessor-Collector on or before the last day of the month following each quarterly period. The Tax Assessor-Collector shall have the power to make such rules and regulations as are necessary to effectively collect the tax, penalty and/or interest levied herein.

Further, Article IV is hereby amended by the amendment of **Section 4.04, Failure to Collect, Report, Pay or Allow Inspection**, Subsection (C), so that hereafter said Subsection shall be and read as follows:

- C. If any person shall fail to file a report as required herein or shall fail to pay to the Tax Assessor-Collector the tax as imposed herein when said report or payment is due, the person shall forfeit five percent (5%) of the amount due as a penalty, and after the first thirty (30) days, the person shall forfeit an additional five percent (5%) of such tax, provided, however, that the penalty shall never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest

at the rate of six percent (6%) per annum beginning sixty (60) days from the date due.

Further, Article IV is hereby amended by the amendment of **Section 4.04**, by the addition of Subsection (D), so that hereafter said Subsection shall be and read as follows:

- D. The Tax Assessor-Collector may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City of Arlington.

Further, Article IV is hereby amended by the amendment of **Section 4.04**, by the addition of Subsection (E), so that hereafter said Subsection shall be and read as follows:

- E. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Further, Article IV is hereby amended by the amendment of **Section 4.05**, Access to Books and Records, so that hereafter said Section shall be and read as follows:

Section 4.05 Access to Books and Records

The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter. The Tax Assessor-Collector shall have authority to require additional information to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Tax Assessor-Collector for collection by the Tax Assessor-Collector.

Further, Article IV is hereby amended by the amendment of **Section 4.07**, Penalty for Violation, so that hereafter said Section shall be and read as follows:

Section 4.07 Penalty for Violation

Any person, firm or corporation who violates Section 4.04(A) or (B) of this Article IV, shall be guilty of a misdemeanor, and each day the violation is allowed to exist constitutes a separate offense. Each such offense shall be punishable by a fine not to exceed **Five Hundred Dollars and No Cents (\$500)**.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 28th day of September, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of October, **1999**, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 99-150

AN ORDINANCE AMENDING THE "**TAXATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED DELINQUENT TAXES, BY THE AMENDMENT OF **SECTION 3.04**, ADDITIONAL PENALTY FOR COLLECTION COSTS, RELATIVE TO ASSESSMENT OF AN ADDITIONAL PENALTY ON TAXES WHICH BECOME DELINQUENT AFTER FEBRUARY 1 AND ASSESSMENT OF AN ADDITIONAL PENALTY ON TAXES WHICH BECOME DELINQUENT AFTER JUNE 1; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE EXCEPT FOR SECTION 4.06; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Delinquent Taxes, by the amendment of **Section 3.04**, Additional Penalty for Collection Costs, so that hereafter said subsections shall be and read as follows:

Section 3.04 Additional Penalty for Collection Costs

- (a) Taxes that become delinquent on or after February 1 of a year but not later than May 1 of that year and that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty to defray costs of collection of 15% of the amount of the taxes, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code.
- (b) A tax lien shall attach to the property on which the tax is imposed to secure payment of the penalty.

- (c) The City tax assessor-collector shall deliver a notice of delinquency and of the penalty to the property owner at least thirty and not more than sixty days before July 1.
- (d) Taxes that become delinquent on or after June 1 of the year in which they become due shall incur an additional penalty to defray costs of collection of 15% of the amount of the tax, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code. The penalty is incurred on the first day of the first month that begins at least twenty-one days after the date notice is sent. A tax lien shall attach to the property on which the tax is imposed to secure payment of the additional penalty.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance (except for Section 4.06) shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with

the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 30th day of November, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of December, **1999**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-053

AN ORDINANCE AMENDING THE “**TAXATION**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED TAXATION, ASSESSMENT AND COLLECTION, AT **SECTION 1.01**, POWERS AND DUTIES OF TAX ASSESSOR-COLLECTOR, RELATIVE TO UPDATING THE REFERENCES OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER; AT **SECTION 1.04**, TAX ROLLS, AND **SECTION 1.06**, PLACE FOR PAYMENT OF TAXES, RELATIVE TO CONSOLIDATION WITH THE TARRANT COUNTY TAX OFFICE; THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED OCCUPATION TAXES, AT **SECTION 2.01**, OCCUPATION TAX, RELATIVE TO CHIEF FINANCIAL OFFICER’S DUTIES REGARDING OCCUPATION TAX; THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED DELINQUENT TAXES, RELATIVE TO UPDATING THE REFERENCES OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER AND UPDATING THE COLLECTION PENALTY FOR CONTRACTED COLLECTION ATTORNEYS; THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED HOTEL OCCUPANCY TAX, AT **SECTION 4.01**, DEFINITIONS, BY THE DELETION OF THE DEFINITION OF “TAX ASSESSOR-COLLECTOR” AND THE ADDITION OF THE DEFINITION OF “CHIEF FINANCIAL OFFICER”; AT **SECTION 4.03**, COLLECTION OF TAX; REPORTING; RULES AND REGULATIONS, RELATIVE TO UPDATING THE REFERENCES OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER; AT **SECTION 4.04**, FAILURE TO COLLECT, REPORT, PAY OR ALLOW INSPECTION, SUBSECTIONS (C) AND (D), RELATIVE TO UPDATING THE REFERENCES OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER; AT **SECTION 4.05**, ACCESS TO BOOKS AND RECORDS, RELATIVE TO UPDATING THE REFERENCES OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER; BY THE ADDITION OF **SECTION 4.09**, AUTHORITY TO ENFORCE, RELATIVE TO STATING THAT THE CHIEF FINANCIAL OFFICER HAS AUTHORITY TO ENFORCE VIOLATIONS OF THIS

ORDINANCE; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

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

1.

That the “**Taxation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Taxation, Assessment and Collection, **Section 1.01, Powers and Duties of Tax Assessor-Collector**, so that the **title and first paragraph** of said Section shall be and read as follows:

Section 1.01 Powers and Duties of Chief Financial Officer - CFO

The Chief Financial Officer or his/her designee shall have all powers and shall perform all duties prescribed by the Texas Property Tax Code, including, but not limited to the following:

Further, Article I, **Section 1.04, Tax Rolls**, is hereby amended so that hereafter said section shall be and read as follows:

Section 1.04 Tax Rolls

The tax rolls shall be prepared and maintained by the Tarrant County tax office. The tax rolls as prepared by the Tarrant County tax office shall be approved by the City Council.

Further, Article I, **Section 1.06**, is hereby amended so that hereafter said section shall be and read as follows:

Section 1.06 Place for Payment of Taxes

The place for payment shall be at any of the Tarrant County tax office locations. Payment must be made before the last day of January of the year following the year for which the assessment of taxes is made.

Further, Article II, Occupation Taxes, **Section 2.01, Occupation Tax**, is hereby amended so that hereafter said section shall be and read as follows:

Section 2.01 Occupation Tax

A listing shall be made available by the Chief Financial Officer or his/her designee of all occupations on which an occupation tax is levied by the City.

Further, Article III, Delinquent Taxes, is hereby amended so that hereafter said article shall be and read as follows:

**ARTICLE III
DELINQUENT TAXES**

Section 3.01 Delinquent Taxes

All taxes for the year are declared to be delinquent on the first day of February of the year following that for which such taxes were levied, and it is hereby made the duty of the Chief Financial Officer or his/her designee to collect from each and every person whose taxes are delinquent under the provisions of this Section the taxes plus the penalty and interest at the rate set forth by the Texas Property Tax Code.

Section 3.02 Forced Collection

A complete list of all property on which taxes are delinquent together with the amount of taxes, penalties, costs and interest due thereon shall be delivered to the contracted attorney or the City Attorney for forced collection of same, such forced collection to be governed by the laws applicable to suits to enforce tax collection and the provisions of the Texas Property Tax Code.

Section 3.03 Release of Tax Judgments

In any case where a judgment has been taken by the City for delinquent taxes, and such judgment has been fully and finally paid, the contracted attorney or the Chief Financial Officer or his/her designee is authorized to execute a release of judgment for and on behalf of the City of Arlington.

Section 3.04 Additional Penalty for Collection Costs

- A. Taxes that become delinquent on or after February 1 of a year but not later than May 1 of that year and that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty to defray costs of collection of 20% of the amount of the taxes, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code.
- B. A tax lien shall attach to the property on which the tax is imposed to secure payment of the penalty.

- C. The Chief Financial Officer or his/her designee shall deliver a notice of delinquency and of the penalty to the property owner at least thirty and not more than sixty days before July 1.
- D. Taxes that become delinquent on or after June 1 of the year in which they become due shall incur an additional penalty to defray costs of collection of 20% of the amount of the tax, penalty and interest due if the City has contracted with an attorney for such collection pursuant to Section 6.30 of the Texas Property Tax Code. The penalty is incurred on the first day of the first month that begins at least twenty-one days after the date notice is sent. A tax lien shall attach to the property on which the tax is imposed to secure payment of the additional penalty.

Further, Article IV, Hotel Occupancy Tax, Section 4.01, Definitions, is hereby amended by the **deletion** of the definition of “Tax Assessor-Collector” and the **addition** of the definition of “Chief Financial Officer” as follows:

“Chief Financial Officer” shall mean the Chief Financial Officer, or his/her designee, of the City of Arlington.

Further, Article IV, Section 4.03, Collection of Tax; Reporting; Rules and Regulations, is hereby amended so that hereafter said section shall be and read as follows:

Section 4.03 Collection of Tax; Reporting; Rules and Regulations

The tax shall be collected by the hotel and paid to the City quarterly. A report shall be filed with the City in the form required by the City to accurately reflect the amount of taxes owed. The tax and report shall be submitted to the City on or before the last day of the month following each quarterly period. The Chief Financial Officer shall have the power to make such rules and regulations as are necessary to effectively collect the tax, penalty and/or interest levied herein.

Further, Article IV, Section 4.04, Failure to Collect, Report, Pay or Allow Inspection, Subsections (C) and (D), are hereby amended so that hereafter said subsections shall be and read as follows:

- C. If any person shall fail to file a report as required herein or shall fail to pay to the City the tax as imposed herein when said report or payment is due, the person shall forfeit five percent (5%) of the amount due as a penalty, and after the first thirty (30) days, the person shall forfeit an additional five percent (5%) of such tax, provided, however, that the penalty shall never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due.
- D. The Chief Financial Officer may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City of Arlington.

Further, Article IV, **Section 4.05**, Access to Books and Records, is hereby amended so that hereafter said section shall be and read as follows:

Section 4.05 Access to Books and Records

The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter. The Chief Financial Officer shall have authority to require additional information to determine the correctness of a report filed under this Chapter or the amount of taxes due under this Chapter. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Chief Financial Officer for collection by the City.

Further, Article IV, is hereby amended by the addition of **Section 4.09**, Authority to Enforce, so that hereafter said section shall be and read as follows:

Section 4.09 Authority to Enforce

The Chief Financial Officer, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member

of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 11th day of May, 2004, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 25th day of May, 2004, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 04-115

AN ORDINANCE AMENDING THE **"TAXATION"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE ADDITION OF **ARTICLE IX, ADDITIONAL SALES AND USE TAX**, RELATIVE TO LEVYING AN ADDITIONAL 0.5% SALES AND USE TAX PURSUANT TO CHAPTER 334 OF THE TEXAS LOCAL GOVERNMENT CODE AND LIMITING ITS USE TO FINANCING THE DALLAS COWBOYS COMPLEX DEVELOPMENT PROJECT; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

WHEREAS, Chapter 334, Local Government Code (the "Act") authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to: provide for the planning, acquisition, establishment, development, construction and financing of the Dallas Cowboys Complex Development Project (the "Project") within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as

admission to an event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Project in Arlington in accordance with the Act; and

WHEREAS, the City Council has by Resolution established the venue project fund entitled the "Cowboys Complex Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the sales and use tax authorized by and in accordance with Subchapter E of the Act; NOW THEREFORE

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article IX, Additional Sales and Use Tax**, so that said Article shall be and read as follows:

ARTICLE IX

ADDITIONAL SALES AND USE TAX

Section 9.01 Imposition of Tax

That all action concerning the submission of the proposition to the voters of the City having been taken and the tax authorized by Chapter 334 of the Act having been approved by the voters of the City as stated in the foregoing recitals, the City Council does hereby authorize the levy of a sales and use tax (the "Tax") within the City

for the benefit of the Dallas Cowboys Complex Development at a rate of one-half of one percent on the sale of items at retail and an excise tax at the same rate on the use, storage, or other consumption within the City of tangible personal property purchased, leased, or rented from a retailer during such time as the Tax is effective within the City.

Section 9.02 Collection

That the Tax shall be administered, collected, and remitted in accordance with the Act and, to the extent not inconsistent with the Act, in accordance with Chapter 321, Texas Tax Code, as amended.

Section 9.03 Effective Date

The effective date of the Tax within the City shall be April 1, 2005, unless the Comptroller of Public Accounts notifies the City in accordance with the Act that more time is needed to implement the Tax, in which event the Tax shall be effective in accordance with the instructions of the Comptroller.

2.

The Mayor shall provide a copy of this Ordinance levying the Tax to the Comptroller of Public Accounts as soon as possible, but not later than ten days following the adoption of this Ordinance, such copy to be sent to the Comptroller by certified mail.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **14th** day of **December, 2004**, at a regular meeting of the City Council of

the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **20th** day of **December, 2004**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-116

AN ORDINANCE AMENDING THE **"TAXATION"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE ADDITION OF **ARTICLE VII, SHORT-TERM MOTOR VEHICLE RENTAL TAX**, RELATIVE TO DEFINING TERMS; PROVIDING FOR THE LEVY, IMPOSITION AND USE OF A FIVE PERCENT TAX ON THE GROSS RENTAL RECEIPTS FROM THE RENTAL IN THE CITY OF ARLINGTON OF A MOTOR VEHICLE; PROVIDING COLLECTION, REPORTING, PAYMENT, AND RECORDKEEPING REQUIREMENTS AND PROCEDURES; PROVIDING FOR INTEREST AND CIVIL PENALTIES; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

WHEREAS, Chapter 334, Local Government Code (the "Act") authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction and financing of the Dallas Cowboys Complex Development Project (the "Project") within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental

in the City of a motor vehicle, (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Project in Arlington in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the "Cowboys Complex Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the short-term motor vehicle rental tax authorized by and in accordance with Subchapter E of the Act; NOW THEREFORE

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article VII**, Short-Term Motor Vehicle Rental Tax, so that said Article shall be and read as follows:

ARTICLE VII

SHORT-TERM MOTOR VEHICLE RENTAL TAX

Section 7.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Approved Venue Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act.

"City" means the City of Arlington, Texas.

"Director" means the Director of the department designated by the City manager to enforce and administer this article, or the director's designated representative.

"Gross Rental Receipts" means the value promised or received as consideration to the owner of a motor vehicle for the rental of the motor vehicle, but does not include:

1. separately stated charges for insurance;
2. charges for damages to the motor vehicle occurring during the rental agreement period;
3. separately stated charges for motor fuel sold by the owner of the motor vehicle; or
4. discounts.

"Mobile Office" means a trailer designed to be used as an office, sales outlet, or other workplace.

"Motor Vehicle" means a self-propelled vehicle designed principally to transport persons or property on a public roadway and includes a passenger car, van, station wagon, sports utility vehicle, and truck. The term does not include:

1. a trailer, semitrailer, house trailer, truck having a manufacturer's rating of more than one-half ton, or road-building machine;
2. a device moved only by human power;
3. a device used exclusively on stationary rails or tracks;
4. a farm machine; or

5. a mobile office.

"Owner of a Motor Vehicle" means a person who:

1. is named in the certificate of title as the owner of a motor vehicle; or
2. has the exclusive use of a motor vehicle for the purpose of renting it to another person.

"Person" means any individual, partnership, trust, company, corporation, association, or other entity.

"Project Fund" means the "Cowboys Complex Project Fund" created pursuant to the Resolution.

"Rental" means an oral or written agreement by the owner of a motor vehicle that authorizes for not longer than 30 days the exclusive use of that motor vehicle to another person for consideration, where the transfer of possession of the motor vehicle occurs within the corporate limits of the City.

"Resolution" means the Resolution adopted by the City Council establishing the Cowboys Complex Project Fund.

Section 7.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of five percent on the gross rental receipts from the rental of a motor vehicle, except that the same exemptions provided in Chapter 152, Subchapter E, of the Texas Tax Code apply to the tax imposed under this section.
- B. The tax imposed under this section must be collected on every rental occurring on or after **April 1, 2005**, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 7.03 Collection of Tax

- A. Every owner of a motor vehicle who enters into a rental of a motor vehicle with any other person shall collect the tax imposed by this article on behalf of the City.
- B. The owner of a motor vehicle subject to the tax imposed by this article shall add the tax to the rental charge.
- C. Each bill or other receipt for a rental subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

The City of Arlington requires that an additional tax of five percent be imposed on each motor vehicle rental for the purpose of financing a portion of the costs of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004.

- D. An attorney acting on behalf of the City may bring suit against any person who fails to collect the tax imposed by this article and to pay it over to the director as required by this article.

Section 7.04 Reports; Payment to the City; Fees; Records

- A. On the 15th day of the month following each month in which a tax is required to be collected under this article, the owner of a motor vehicle required to collect the tax shall file a report with the director showing:
 - 1. the consideration paid for all rentals in the preceding month;
 - 2. the amount of the tax collected on the rentals; and
 - 3. any other information the director may reasonably require.

- B. Every owner of a motor vehicle required by this article to collect the tax shall pay the tax due on all rentals in the preceding month to the director at the time of filing the report required under Subsection (A) of this section.
- C. Every owner of a motor vehicle collecting a tax under this article may deduct a one percent collection fee from the gross amount of tax collected on all rentals in the preceding month if the tax is paid to and received by the director no later than the 15th day of the month following the month in which the taxes are required to be collected. If the 15th day falls on a weekend or holiday, the director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the director is the date postmarked by the U.S. Postal Service.
- D. The owner of a motor vehicle used for rental purposes shall keep for four years records and supporting documents (except that mileage records are not required) containing the following information:
 - 1. the amount of gross rental receipts received from the rental of the motor vehicle; and
 - 2. the amount of tax imposed under this article and paid to the City on each motor vehicle used for rental purposes by the owner.

Section 7.05 Collection Procedures on Purchase of a Motor Vehicle Rental Business

- A. If the owner of a motor vehicle rental business that makes rentals subject to the tax imposed under this article sells the business, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt from the director showing that the amount has been paid or a certificate showing that no amount is due.
- B. The purchaser of a motor vehicle rental business who fails to withhold an amount of the purchase price as required by this section is liable for the amount

required to be withheld to the extent of the value of the purchase price.

- C. The purchaser of a motor vehicle rental business may request that the director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The director shall issue the certificate or statement not later than 60 days after receiving the request.
- D. If the director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 7.06 Use of Revenue Derived from Imposition of Tax

The revenue derived from the tax imposed under this article must be deposited in the Cowboys Complex Tax Proceeds Account within the Cowboys Complex Project Fund. Money in this account may be used only for the purposes specified in the Resolution.

Section 7.07 Rules and Regulations

The director shall have the power to make any rules and regulations necessary to effectively collect the tax. The director shall, upon giving reasonable notice, have access to all books and records necessary to enable the director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article.

Section 7.08 Penalties

- A. An owner of a motor vehicle commits an offense if that person:
 - 1. fails to collect the tax imposed by this article;

2. fails to file a report as required by this article;
 3. fails to pay the director the tax when payment is due;
 4. files a false report;
 5. fails to make and retain complete records as required by Section 7.04(D) of this article; or
 6. fails to comply with Section 7.05(A) when purchasing a motor vehicle rental business.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(5) of this section is punishable by a fine of not less than \$25 or more than \$500.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, the owner of a motor vehicle failing to pay the tax to the director by the last day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to 5 percent of the tax due as a penalty. An additional penalty equal to 5 percent of the tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than \$5. Delinquent taxes draw interest at the rate of 6 percent per year beginning 60 days after the date the tax is due to the director.

Section 7.09 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and

No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this

ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **14th** day of **December, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **20th** day of **December, 2004**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-117

AN ORDINANCE AMENDING THE **"TAXATION"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE ADDITION OF **ARTICLE VIII**, ADDITIONAL HOTEL OCCUPANCY TAX, RELATIVE TO LEVYING AN ADDITIONAL TWO PERCENT HOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 334 OF THE TEXAS LOCAL GOVERNMENT CODE AND LIMITING ITS USE TO FINANCING THE DALLAS COWBOYS COMPLEX DEVELOPMENT PROJECT; PROVIDING FOR CERTAIN EXEMPTIONS TO AND REFUNDS OF THE HOTEL OCCUPANCY TAX COLLECTED UNDER CHAPTER 334; PROVIDING PROCEDURES AND REQUIREMENTS FOR CIVIL PENALTIES, INTEREST, AND ATTORNEY'S FEES FOR FAILURE TO COLLECT THE HOTEL OCCUPANCY TAX COLLECTED UNDER CHAPTER 334 AND PAY THEM TO THE CITY; PROVIDING COLLECTION, REPORTING, PAYMENT, AND RECORDKEEPING REQUIREMENTS AND PROCEDURES; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

WHEREAS, Chapter 334, Local Government Code (the "Act") authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a

proposition authorizing the City to: provide for the planning, acquisition, establishment, development, construction and financing of the Dallas Cowboys Complex Development Project (the "Project") within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Project in Arlington in accordance with the Act; and

WHEREAS, the City Council has by Resolution established the venue project fund, entitled the "Cowboys Complex Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the additional two percent hotel occupancy tax authorized by and in accordance with Subchapter H of the Act; NOW THEREFORE

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the

addition of **Article VIII, Additional Hotel Occupancy Tax**, so that said Article shall be and read as follows:

ARTICLE VIII

ADDITIONAL HOTEL OCCUPANCY TAX

Section 8.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Approved Venue Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at the election held in the City on November 2, 2004, in accordance with the Act.

"City" means the City of Arlington, Texas.

"Consideration" means the cost of a room in a hotel, and does not include:

1. the cost of any food served or personal services rendered to the occupant not related to cleaning and readying the room or space for occupancy; or
2. any tax assessed by any other governmental agency for occupancy of the room.

"Director" means the Director of the department designated by the City Manager to enforce and administer this article, or the director's designated representative.

"Hotel" means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher

education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

"Occupancy" means the use or possession, or the right to the use or possession, of any room in a hotel.

"Occupant" means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

"Project Fund" means the fund entitled the "Cowboys Complex Project Fund," created pursuant to the Resolution.

"Resolution" means the Resolution adopted by the City Council establishing the Cowboys Complex Project Fund.

"Tax" means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

Section 8.02. Levy of Tax; Amount; Duration

- A. In addition to the hotel occupancy tax levied in Article IV, Section 4.02, of this Chapter, there is hereby levied a tax upon an occupant of any room that:
1. is in a hotel;
 2. is ordinarily used for sleeping; and
 3. the cost of occupancy of which is \$2 or more each day.
- B. The tax is equal to two percent of the consideration paid by the occupant of the room to the hotel.
- C. The tax imposed under this section must be collected on every occupancy occurring on or after **April 1, 2005**, and must continue to be collected for so long as

any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 8.03 Use of Tax Revenue

The revenue derived from the two percent tax imposed under this article must be deposited in the Cowboys Complex Tax Proceeds Account to be established within the Project Fund. Money in this account may be used as set forth in the Resolution.

Section 8.04 Exemptions and Refunds

- A. A person described in Section 156.101 or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

- E. A tax imposed under this Article does not apply to an individual, company, corporation or association who has the right to use or possess a room or rooms in a hotel for at least thirty (30) days, so long as there is no interruption of payment for the period.

Section 8.05 Responsibility for Collection, Reporting, and Payment of Tax; Statement of Tax Purpose Required

- A. Every person owning, operating, managing, or controlling any hotel shall collect the tax for the City and report and pay the tax to the City in accordance with all requirements and procedures set forth in this article.
- B. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

"The City of Arlington requires that an additional tax of two percent be imposed on each hotel charge for the purpose of financing a venue project, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004."

Section 8.06 Reports; Payments; Fees

The tax shall be collected by the hotel and paid to the City quarterly. A report shall be filed with the City in the form required by the City to accurately reflect the amount of taxes owed. The tax and report shall be submitted to the City on or before the last day of the month following each quarterly period. The Director shall have the power to make such rules and regulations as are necessary to effectively collect the tax, penalty and/or interest levied herein.

Section 8.07 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.

- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than 60 days after receiving the request.

- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 8.08 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article.

Section 8.09 Penalties

- A. A person commits an offense if he:

1. fails to collect the tax imposed by this article;
 2. fails to file a report as required by this article;
 3. fails to pay the Director the tax when payment is due;
 4. files a false report; or
 5. fails to comply with Section 8.07(A) when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person failing to pay the tax to the Director by the last day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to five percent (5%) of the tax due as a penalty. An additional penalty equal to five percent (5%) of the tax due must be paid thirty (30) days later if the tax is still not paid. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.

Section 8.10 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **14th** day of **December, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **20th** day of **December, 2004**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 06-040

An ordinance amending the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article X, Dallas Cowboys Complex Admissions Tax, relative to defining terms; providing for the levy, imposition and use of a ten percent (10%) tax on each ticket sold as an admission to an event held at the Dallas Cowboys Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, Chapter 334, Local Government Code (the "Act") authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction and financing of the Dallas Cowboys Complex Development Project (the "Project") within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to impose a

tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an Event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City plans and intends to establish the Project as a sports and community venue project for public use and purposes under and in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the "Cowboys Complex Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the tax on tickets for admission to Events held at the Project authorized by and in accordance with Subchapter F of the Act; NOW THEREFORE

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article X, Dallas Cowboys Complex Admissions Tax**, so that said Article shall be and read as follows:

ARTICLE X

DALLAS COWBOYS COMPLEX ADMISSIONS TAX

Section 10.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Admissions and Parking Taxes Account" means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured in whole or in part by the Admissions Tax.

"Admissions Tax" means an amount equal to ten percent (10%) of the price of each ticket sold as admission to an Event held at the Dallas Cowboys Complex and imposed under Section 10.02 hereof.

"City" means the City of Arlington, Texas.

"Dallas Cowboys Complex" or "Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the Director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic and other activities and Events which are conducted at the Dallas Cowboys Complex and for which admission tickets are sold.

"Lessee" means the Person leasing the Dallas Cowboys Complex from the City.

"Net Admissions Tax" means the Admissions Tax less an amount equal to one percent (1%) of the Admissions Tax collected, such one percent being reimbursement for the costs of collection of the Admissions Tax as authorized by Section 10.03 hereof.

"Person" means any individual, partnership, trust, company, corporation, association, or other entity.

"Project Fund" means the "Cowboys Complex Project Fund" created pursuant to the Resolution.

"Resolution" means the Resolution adopted by the City Council on December 14, 2004 establishing the Cowboys Complex Project Fund.

"Trustee" means the Person appointed as the "trustee" pursuant to an ordinance or indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Admissions Tax.

Section 10.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of ten percent (10%) on the price of each ticket sold as admission to an Event held at the Dallas Cowboys Complex.
- B. The Admissions Tax imposed under this section shall be collected on every ticket sold in connection with an Event held at the Dallas Cowboys Complex on or after the date on which the Dallas Cowboys Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 10.03 Collection of Admissions Tax

- A. Every seller of a ticket of admission to an Event held at the Dallas Cowboys Complex shall collect, on behalf of the City, the Admissions Tax. Such Person shall be entitled to retain one percent (1%) of the gross collections of the Admissions Tax as reimbursement for the costs of collection thereof.
- B. Every seller of a ticket of admission to an Event held at the Dallas Cowboys Complex shall add, on behalf of the City, the Admissions Tax to the price of each ticket sold to such Event.
- C. The Lessee shall collect, on behalf of the City, from each Person who sells tickets to an Event held at the Dallas Cowboys Complex, the Net Admissions Tax for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Admissions Tax and against any Person, other than the

Lessee, who fails to pay the Net Admissions Tax over to the Lessee, as required by this article.

- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Admissions Tax to the Trustee at the time and in the manner required by this article.

Section 10.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which an Admissions Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee showing:
 - 1. the total number of tickets sold and the total consideration paid therefor with respect to each Event in the preceding calendar month;
 - 2. the amount of the Admissions Tax collected on the tickets for admission to such Events; and
 - 3. any other information the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay the Net Admissions Tax received on all tickets sold in the preceding calendar month to the Trustee. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
 - 1. the dates and type of Events at which tickets of admission were sold;
 - 2. the number of tickets sold to each Event;
 - 3. the gross amount of ticket sales received for each Event;

4. the amount of Admissions Tax collected with respect to each Event; and
5. the amount of Net Admissions Tax paid to the Trustee and the dates on which such amounts were paid.

Section 10.05 Use of Revenue Derived from Imposition of Tax

The revenue derived from the Net Admissions Tax shall be deposited in the Admissions and Parking Taxes Account. Money in the Admissions and Parking Taxes Account shall be used only for the purposes specified in the Resolution.

Section 10.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Admissions Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Admissions Taxes due under this article.

Section 10.07 Penalties

- A. The seller of a ticket of admission to an Event held at the Dallas Cowboys Complex commits an offense if that Person:
 1. fails to collect the Admissions Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 10.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:

1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Admissions Tax when due.
- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Admissions Tax to the Trustee, on behalf of the City, by the last day of the month following the month in which the Admissions Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Admissions Tax due as a penalty. An additional penalty equal to five percent of the Admissions Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee.

Section 10.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of

Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 13th day of September, 2005, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 25th day of April, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Ordinance No. 06-041

An ordinance amending the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article XI, Dallas Cowboys Complex Parking Tax, relative to defining terms; providing for the levy, imposition and use of a three dollar (\$3.00) tax on a motor vehicle parked in a parking facility at the Dallas Cowboys Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, Chapter 334, Local Government Code (the "Act") authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction and financing of the Dallas Cowboys Complex Development Project (the "Project") within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to impose a

tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City plans and intends to establish the Project as a sports and community venue project for public use and purposes under and in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the "Cowboys Complex Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the tax on motor vehicles parked at the Project authorized by and in accordance with Subchapter G of the Act; NOW THEREFORE

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

1.

That the "**Taxation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article XI, Dallas Cowboys Complex Parking Tax**, so that said Article shall be and read as follows:

ARTICLE XI

DALLAS COWBOYS COMPLEX PARKING TAX

Section 11.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Admissions and Parking Taxes Account" means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured in whole or in part by the Parking Tax Revenues.

"City" means the City of Arlington, Texas.

"Dallas Cowboys Complex" or "Project" means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic and other activities and events which are conducted at the Dallas Cowboys Complex and for which admission tickets are sold.

"Lessee" means the Person leasing the Dallas Cowboys Complex from the City.

"Net Parking Tax Revenues" means the Parking Tax Revenues less an amount equal to one percent (1%) of the Parking Tax Revenues collected, such one percent being reimbursement for collection of the Parking Tax as authorized pursuant to Section 11.03 hereof.

"Parking Facility" means a parking facility located at the Dallas Cowboys Complex.

"Parking Tax" means an amount equal to three dollars (\$3.00) on each motor vehicle parked at a parking facility for an Event held at the Dallas Cowboys Complex.

"Parking Tax Revenues" means the gross amount of revenues collected from the Parking Tax levied pursuant to Section 11.02 hereof.

"Person" means any individual, partnership, trust, company, corporation, association, or other entity.

"Project Fund" means the "Cowboys Complex Project Fund" created pursuant to the Resolution.

"Resolution" means the Resolution adopted by the City Council on December 14, 2004 establishing the Cowboys Complex Project Fund.

"Trustee" means the Person appointed as the "trustee" pursuant to an ordinance or an indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Parking Tax.

Section 11.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of three dollars (\$3.00) on each motor vehicle parked at a Parking Facility during an Event. Such tax shall be collected on each motor vehicle parked at a Parking Facility during a period beginning three hours before and ending three hours after the time an event at the Dallas Cowboys Complex is scheduled to begin.
- B. Subject to Subsection (C) of this Section, the Parking Tax imposed under this section shall be collected on each motor vehicle parked at a Parking Facility as provided in Subsection (A) of this Section in connection with an event held at the Dallas Cowboys Complex on or after the date on which the Dallas Cowboys Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.
- C. The Parking Tax shall not be imposed or collected on the following motor vehicles:
 - 1. any motor vehicle of any officials, employees, staff members, service providers, volunteers or other authorized representatives of Event sponsors and public agencies (including public safety, law enforcement and other public entities and agencies) as well as invitees of the Lessee (other than those invitees entering the Dallas Cowboys Complex with a paid ticket at an Event),

provided the number of any such vehicles parking at any such event shall be limited to a number that is customary for any such event or purpose and otherwise reasonable in all respects and provided that such Persons are participating in such Event for such purpose, to transact business at such Event or are otherwise undertaking official functions and duties at such Event or at the Dallas Cowboys Complex;

2. any motor vehicles that enter the Dallas Cowboys Complex under circumstances that allow for free or complimentary parking passes, at Lessee's discretion; and
3. any employees, officials or officers of the Lessee, as the case may be.

Section 11.03 Collection of Tax

- A. The Lessee, or any sublessee or operator of a Parking Facility, shall collect, on behalf of the City, the Parking Tax. Each Person shall be entitled to retain one percent (1%) of the gross collections of the Parking Tax as reimbursement for the costs of collection thereof.
- B. The Lessee, or any sublessee or operator of a Parking Facility shall add, on behalf of the City, the Parking Tax to the amount charged for parking motor vehicles at a Parking Facility in accordance with this article.
- C. The Lessee shall collect, on behalf of the City, from each Person who collects charges for parking at a Parking Facility, the Net Parking Tax Revenues for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Parking Tax and against any Person, other than the Lessee, who fails to pay the Net Parking Tax Revenues over to the Lessee, as required by this article.
- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net

Parking Tax Revenues to the Trustee at the time and in the manner required by this article.

Section 11.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which a Parking Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee showing:
1. the total number of motor vehicles parked at a Parking Facility in connection with each Event held at the Dallas Cowboys Complex in the preceding calendar month;
 2. the amount of the Parking Tax Revenues collected in connection with an Event held at the Dallas Cowboys Complex; and
 3. any other information the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay to the Trustee the Net Parking Tax Revenues received in connection with all Events held at the Dallas Cowboys Complex during the preceding month. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
1. the dates and type of Events;
 2. the number of cars for which parking charges were collected at each Event held at the Dallas Cowboys Complex;
 3. the gross amount of parking revenues collected for each Event;

4. the amount of Net Parking Tax Revenues paid to the Trustee and the dates on which such amounts were paid.

Section 11.05 Use of Revenue Derived from Imposition of Tax

The Net Parking Tax Revenues shall be deposited in the Admissions and Parking Taxes Account. Money in the Admissions and Parking Taxes Account shall be used only for the purposes specified in the Resolution.

Section 11.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Parking Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Net Parking Taxes due under this article.

Section 11.07 Penalties

- A. The sublessee or operator of a Parking Facility commits an offense if that Person:
 1. fails to collect the Parking Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 11.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:
 1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Parking Tax Revenues when due.

- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Parking Tax Revenues to the Trustee, on behalf of the City, by the last day of the month following the month in which the Parking Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Parking Tax due as a penalty. An additional penalty equal to five percent of the Parking Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee.

Section 11.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 13th day of September, 2005, at a regular meeting of the City Council

of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 25th day of April, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Ordinance No. 09-072

An ordinance amending the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, Hotel Occupancy Tax, and through the amendment of Article VIII, Additional Hotel Occupancy Tax, relative to clarifying requirements regarding collection and payment of tax and increasing the amount of interest and penalty due on delinquent taxes; and providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

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

1.

That the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Hotel Occupancy Tax, so that hereafter said Article shall be and read as follows:

ARTICLE IV

HOTEL OCCUPANCY TAX

Section 4.01 Definitions

In this article, the following words, terms and phrases are defined as follows, except where the context clearly indicates a different meaning:

"City" shall mean the City of Arlington, Texas.

"City Attorney" shall mean the City Attorney of the City of Arlington or the designated representative.

"City Auditor" shall mean the City Auditor of the City of Arlington or the designated representative.

"Consideration" shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations,

including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“Director” shall mean the Director of the department designated by the City Manager to enforce and administer this article, or the director’s designated representative.

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership, or association that has paid a consideration for the exclusive right to use a sleeping room or sleeping facility in a hotel.

“Permanent resident” shall mean any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

"Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

"Tax" shall mean the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code, as amended.

Section 4.02 Tax Authorized; Tax Rate; Exceptions to Tax

- A. There is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax shall be equal to seven percent (7%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.
 - 2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to this tax.
 - 3. The cost of or consideration paid for a sleeping room or facility occupied by a permanent resident is not subject to this tax.

Section 4.03 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a) or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 4.04 Collection; Payment to City; Fee

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report required in accordance with all requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 4.05 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 4.06 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 4.07 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection

reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Section 4.08 Penalties

- A. A person commits an offense if a person:
 - 1. fails to collect the tax imposed by this article;
 - 2. fails to file a report as required by this article;
 - 3. fails to pay the tax when payment is due;
 - 4. files a false report; or
 - 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than Five Dollars (\$5.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 4.09 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due, to collect the tax not paid, or to enjoin the person from operating a hotel in the City until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;
 3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at the rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for that reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.

- F. The remedies provided by this section are in addition to other available remedies.

Section 4.10 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than sixty (60) days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 4.11 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

Further, **Article VIII, Additional Hotel Occupancy Tax**, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE VIII

ADDITIONAL HOTEL OCCUPANCY TAX

Section 8.01 Definitions

In this article, the following words, terms and phrases are defined as follows, except where the context clearly indicates a different meaning:

“Act” means Chapter 334, Local Government Code, as amended.

“Approved Venue Project” means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at the election held in the City on November 2, 2004, in accordance with the Act.

“City” shall mean the City of Arlington, Texas.

“City Attorney” shall mean the City Attorney of the City of Arlington or the designated representative.

“City Auditor” shall mean the City Auditor of the City of Arlington or the designated representative.

“Consideration” shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“Director” shall mean the Director of the department designated by the City Manager to enforce and administer this article, or the director’s designated representative.

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing

sleeping accommodations for persons engaged in an educational program or activity at the institution.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership, or association that has paid a consideration for the exclusive right to use a sleeping room or sleeping facility in a hotel.

“Permanent resident” shall mean any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

“Project Fund” means the fund entitled the “Cowboys Complex Project Fund,” created pursuant to the Resolution.

“Quarterly Period” shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

“Resolution” means the Resolution adopted by the City Council establishing the Cowboys Complex Project Fund.

“Tax” means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

Section 8.02 Tax Authorized; Tax Rate; Exceptions to Tax

- A. In addition to the tax levied in Article IV, Section 4.02, of this Chapter, there is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax shall be equal to two percent (2%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.

2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to this tax.
 3. The cost of or consideration paid for a sleeping room or facility occupied by a permanent resident is not subject to this tax.
- D. The tax imposed under this section must be collected on every occupancy occurring on or after April 1, 2005, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 8.03 Use of Tax Revenue

The revenue derived from the two percent tax imposed under this article must be deposited in the Cowboys Complex Tax Proceeds Account that is established within the Project Fund. Money in this account may be used as set forth in the Resolution.

Section 8.04 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a) or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 8.05 Collection; Payment to City; Fee; Statement of Tax Purpose Required

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report in accordance with all the requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the last day of the month following each quarterly period.
- C. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

“The City of Arlington requires that an additional tax of two percent (2%) be imposed on each hotel charge for the purpose of financing a venue project, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004.”

Section 8.06 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 8.07 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 8.08 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection

reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Section 8.09 Penalties

- A. A person commits an offense if a person:
 - 1. fails to collect the tax imposed by this article;
 - 2. fails to file a report as required by this article;
 - 3. fails to pay the tax when payment is due;
 - 4. files a false report; or
 - 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than Five Dollars (\$5.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 8.10 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the City until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;
 3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at the rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for that reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.

- F. The remedies provided by this section are in addition to other available remedies.

Section 8.11 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than sixty (60) days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 8.12 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

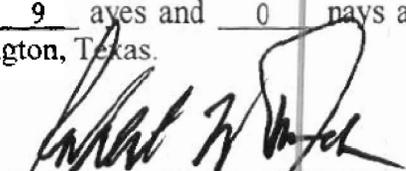
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8

This ordinance shall become effective ten days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 27th day of October, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 3rd day of November, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 16-051

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, Hotel Occupancy Tax, Section 4.01, Definitions, by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”; Section 4.02, Tax Authorized; Tax Rate; Exceptions to Tax, Subsection (C), by the addition of Subsection (4); Section 4.03, Exemptions and Refunds, Subsection (B); Section 4.04, Collection; Payment to City; Fee; Section 4.05, Reports; and Section 4.08, Penalties, Subsection (C); and through the amendment of Article VIII, Additional Hotel Occupancy Tax, Section 8.01, Definitions, by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”; Section 8.02, Tax Authorized; Tax Rate; Exceptions to Tax, Subsection (C), by the addition of Subsection (4); Section 8.04, Exemptions and Refunds, Subsection (B); Section 8.05, Collection; Payment to City; Fee; Statement of Tax Purpose Required; Section 8.06, Reports; Section 8.09, Penalties, Subsection (C); relative to collecting, reporting, paying, exceptions, exemptions and penalties; and providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions and publication; and becoming effective January 1, 2017

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

1.

That the “**Taxation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article IV, Hotel Occupancy Tax, Section 4.01, Definitions**, by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”, so that said definitions shall be and read as follows:

“**Hotel**” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied

by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

“Monthly Period” shall mean the regular calendar months of the year.

“Short-term Rental” shall mean the rental of all or part of a residential property to a person who is not a permanent resident under Section. 156.101 of the Texas Tax Code, as amended.

Further, **Article IV, Section 4.02, Tax Authorized; Tax Rate; Exceptions to Tax**, Subsection (C), is hereby amended by the addition of Subsection (4) so that hereafter said Subsection shall be and read as follows:

4. Cost paid for food served by hotel and cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession.

Further, **Article IV, Section 4.03, Exemptions and Refunds**, Subsection (B), is hereby amended so that hereafter said Subsection shall be and read as follows:

- B. A state governmental entity described in Section 156.103(b) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

Further, **Article IV, Section 4.04, Collection; Payment to City; Fee**, is hereby amended so that hereafter said Section shall be and read as follows:

Section 4.04 Collection; Payment to City; Fee

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report required in accordance with all requirements and procedures set forth in this article.

- B. The tax shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit taxes quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit the tax quarterly to the Director payable on the 20th day after the end of the quarterly period.

Further, **Article IV, Section 4.05, Reports**, is hereby amended so that hereafter said Section shall be and read as follows:

Section 4.05 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit reports quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit report quarterly to the Director payable on the 20th day after the end of the quarterly period.

Further, **Article IV, Section 4.08, Penalties**, Subsection (C), is hereby amended so that hereafter said Subsection shall be and read as follows:

- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.

Further, **Article VIII, Additional Hotel Occupancy Tax, Section 8.01, Definitions**, is hereby amended by the amendment of the definition of “Hotel”, and the addition of the definitions of “Monthly Period” and “Short-term Rental”, so that said definitions shall be and read as follows:

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

“Monthly Period” shall mean the regular calendar months of the year.

“Short-term Rental” shall mean the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101 of the Texas Tax Code, as amended.

Further, **Article VIII, Section 8.02, Tax Authorized; Tax Rate; Exceptions to Tax**, Subsection (C), is hereby amended by the addition of Subsection (4), so that hereafter said Subsection shall be and read as follows:

4. Cost paid for food served by hotel and cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession.

Further, **Article VIII, Section 8.04, Exemptions and Refunds**, Subsection (B), is hereby amended so that hereafter said Subsection shall be and read as follows:

- B. A state governmental entity described in Section 156.103(b) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

Further, **Article VIII, Section 8.05, Collection; Payment to City; Fee; Statement of Tax Purpose Required**, is hereby amended so that hereafter said Section shall be and read as follows:

Section 8.05 Collection; Payment to City; Fee; Statement of Tax Purpose Required

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report in accordance with all the requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit taxes quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit the tax quarterly to the Director payable on the 20th day after the end of the quarterly period.
- D. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating;

"The City of Arlington requires that an additional tax of two percent (2%) be imposed on each hotel charge for the purpose of financing a project, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004."

Further, **Article VIII, Section 8.06, Reports**, is hereby amended so that hereafter said Section shall be and read as follows:

Section 8.06 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit reports quarterly.
- C. If taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit report quarterly to the Director payable on the 20th day after the end of the quarterly period.

Further, **Article VIII, Section 8.09, Penalties**, Subsection (C), is hereby amended so that hereafter said Subsection shall be and read as follows:

- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An

additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective January 1, 2017.

PRESENTED AND GIVEN FIRST READING on the 20th day of September, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 11th day of October, 2016, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 17-045

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VII, Short-Term Motor Vehicle Rental Tax, in its entirety, relative to defining terms; providing for the levy, imposition, and use of a five percent (5%) tax on the gross rental receipts from the rental in the City of Arlington of a motor vehicle pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Chapter 334 of the Local Government Code (the “Act”) authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Dallas Cowboys Complex Development Project (the “Cowboys Project”) within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%) (the “Sales Tax”), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle (the “Car Rental Tax”), (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room (the “Hotel Occupancy Tax”), (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Cowboys Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket (the “Cowboys Admissions Tax”), and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Cowboys Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle (the “Cowboys Parking Tax”), all to finance the Cowboys Project; and

WHEREAS, at an election held in the City on November 8, 2016, a majority of the voters of the City voting at said election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Texas Rangers Complex Development Project (the “Rangers Project”) (together with the Cowboys Project, the “Venue Projects”) within the City and (i) to impose a parking tax, at a rate not to exceed three dollars (\$3.00) on each parked motor vehicle parking in a parking facility of the Rangers Project (the “Rangers Parking Tax”); (ii) to impose an admissions tax on each ticket sold as admission to an event held at the Rangers Project, at a rate not to exceed ten percent (10%) of the price of the ticket sold as admission (the “Rangers Admissions Tax”); (iii) to authorize the use of the Hotel Occupancy Tax, at a rate not to exceed two percent (2%) of the price paid for such room; (iv) to authorize the use of the Sales Tax within the City at a rate of one-half of one percent (0.5%); and (v) to authorize the use of the Car Rental Tax at a maximum rate of five percent (5%), all to finance the Rangers Project; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Venue Projects in Arlington in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the “Project Fund,” and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the short-term motor vehicle rental tax authorized by and in accordance with Subchapter E of the Act; NOW THEREFORE

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

1.

That the “**Taxation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article VII, Short-Term Motor Vehicle Rental Tax**, in its entirety, so that hereafter said Article shall be and read as follows:

ARTICLE VII

SHORT-TERM MOTOR VEHICLE RENTAL TAX

Section 7.01 Definitions

In this article:

“**Act**” means Chapter 334, Local Government Code, as amended.

“**Approved Venue Projects**” means (i) the Dallas Cowboys Complex Development Project (the “Cowboys Project”) that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act, and (ii) the Texas Rangers Complex Development Project (the “Rangers Project”) that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“**City**” means the City of Arlington, Texas.

“**Director**” means the Director of the department designated by the City Manager to enforce and administer this article, or the Director’s designated representative.

“**Gross Rental Receipts**” means the value promised or received as consideration to the owner of a motor vehicle for the rental of the motor vehicle, but does not include:

1. separately stated charges for insurance;
2. charges for damages to the motor vehicle occurring during the rental agreement period;
3. separately stated charges for motor fuel sold by the owner of the motor vehicle; or
4. discounts.

“**Mobile Office**” means a trailer designed to be used as an office, sales outlet, or other workplace.

“**Motor Vehicle**” means a self-propelled vehicle designed principally to transport persons or property on a public roadway and includes a passenger car, van, station wagon, sports utility vehicle, and truck. The term does not include:

1. a trailer, semitrailer, house trailer, truck having a manufacturer’s rating of more than one-half ton, or road-building machine;

2. a device moved only by human power;
3. a device used exclusively on stationary rails or tracks;
4. a farm machine; or
5. a mobile office.

“Owner of a Motor Vehicle” means a person who:

1. is named in the certificate of title as the owner of a motor vehicle; or
2. has the exclusive use of a motor vehicle for the purpose of renting it to another person.

“Person” means any individual, partnership, trust, company, corporation, association, or other entity.

“Project Fund” means the “Venue Project Fund” created pursuant to the Resolution.

“Rental” means an oral or written agreement by the owner of a motor vehicle that authorizes for not longer than 30 days the exclusive use of that motor vehicle to another person for consideration, where the transfer of possession of the motor vehicle occurs within the corporate limits of the City.

“Resolution” means the resolution adopted by the City Council establishing the Project Fund.

Section 7.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of five percent (5%) on the gross rental receipts from the rental of a motor vehicle, except that the same exemptions provided in Chapter 152, Subchapter E, of the Texas Tax Code apply to the tax imposed under this section.
- B. The tax imposed under this section must be collected on every rental occurring on or after **April 1, 2005**, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Approved Venue Projects, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 7.03 Collection of Tax

- A. Every owner of a motor vehicle who enters into a rental of a motor vehicle with any other person shall collect the tax imposed by this article on behalf of the City.
- B. The owner of a motor vehicle subject to the tax imposed by this article shall add the tax to the rental charge.
- C. Each bill or other receipt for a rental subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

The City of Arlington requires that an additional tax of five percent (5%) be imposed on each motor vehicle rental for the purpose of financing a portion of the costs of the Cowboys Project approved by the voters of the City on November 2, 2004, and the Rangers Project approved by the voters of the City on November 8, 2016.

- D. An attorney acting on behalf of the City may bring suit against any person who fails to collect the tax imposed by this article and to pay it over to the Director as required by this article.

Section 7.04 Reports; Payment to the City; Fees; Records

- A. On the 15th day of the month following each month in which a tax is required to be collected under this article, the owner of a motor vehicle required to collect the tax shall file a report with the Director showing:
 - 1. the consideration paid for all rentals in the preceding month;
 - 2. the amount of the tax collected on the rentals; and
 - 3. any other information the Director may reasonably require.
- B. Every owner of a motor vehicle required by this article to collect the tax shall pay the tax due on all rentals in the preceding month to the Director at the time of filing the report required under Subsection (A) of this section.
- C. Every owner of a motor vehicle collecting a tax under this article may deduct a one percent (1%) collection fee from the gross amount of tax collected on all rentals in the preceding month if the tax is paid to and received by the Director no later than the 15th day of the month following the month in which the taxes are required to be collected. If the 15th day falls on a weekend or holiday, the Director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the Director is the date postmarked by the U.S. Postal Service.

- D. The owner of a motor vehicle used for rental purposes shall keep for four (4) years records and supporting documents (except that mileage records are not required) containing the following information:
1. the amount of gross rental receipts received from the rental of the motor vehicle; and
 2. the amount of tax imposed under this article and paid to the City on each motor vehicle used for rental purposes by the owner.

Section 7.05 Collection Procedures on Purchase of a Motor Vehicle Rental Business

- A. If the owner of a motor vehicle rental business that makes rentals subject to the tax imposed under this article sells the business, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate showing that no amount is due.
- B. The purchaser of a motor vehicle rental business who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a motor vehicle rental business may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than 60 days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 7.06 Use of Revenue Derived from Imposition of Tax

The revenue derived from the tax imposed under this article must be deposited in a separate and distinct account of the Project Fund. Money in this account may be used only for the purposes specified in the Resolution.

Section 7.07 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article.

Section 7.08 Penalties

- A. An owner of a motor vehicle commits an offense if that person:
1. fails to collect the tax imposed by this article;
 2. fails to file a report as required by this article;
 3. fails to pay the Director the tax when payment is due;
 4. files a false report;
 5. fails to make and retain complete records as required by Section 7.04(D) of this article; or
 6. fails to comply with Section 7.05(A) when purchasing a motor vehicle rental business.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(5) of this section is punishable by a fine of not less than \$25 or more than \$500.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, the owner of a motor vehicle failing to pay the tax to the Director by the last day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to five percent (5%) of the tax due as a penalty. An additional penalty equal to five percent (5%) of the tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than \$5. Delinquent taxes draw interest at the rate of six percent (6%) per year beginning 60 days after the date the tax is due to the Director.

Section 7.09 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

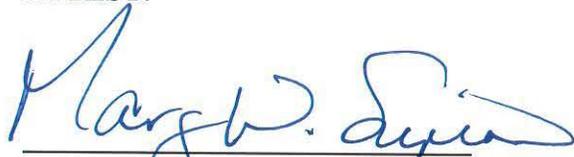
PRESENTED AND GIVEN FIRST READING on the 8th day of August, 2017, at a regular meeting of the City Council of the City of

Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of August, 2017, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 17-046

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VIII, Additional Hotel Occupancy Tax, in its entirety, relative to levying an additional two percent (2%) Hotel Occupancy Tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project; providing for certain exemptions to and refunds of the Hotel Occupancy Tax collected under Chapter 334; providing procedures and requirements for civil penalties, interest, and attorney’s fees for failure to collect the Hotel Occupancy Tax collected under Chapter 334 and pay them to the City; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Chapter 334 of the Local Government Code (the “Act”) authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Dallas Cowboys Complex Development Project (the “Cowboys Project”) within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%) (the “Sales Tax”), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle (the “Car Rental Tax”), (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room (the “Hotel Occupancy Tax”), (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Cowboys Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket (the “Cowboys Admissions Tax”), and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Cowboys Project at a maximum rate not to exceed three

dollars (\$3.00) per vehicle (the “Cowboys Parking Tax”), all to finance the Cowboys Project; and

WHEREAS, at an election held in the City on November 8, 2016, a majority of the voters of the City voting at said election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Texas Rangers Complex Development Project (the “Rangers Project”) (together with the Cowboys Project, the “Venue Projects”) within the City and (i) to impose a parking tax, at a rate not to exceed three dollars (\$3.00) on each parked motor vehicle parking in a parking facility of the Rangers Project (the “Rangers Parking Tax”); (ii) to impose an admissions tax on each ticket sold as admission to an event held at the Rangers Project, at a rate not to exceed ten percent (10%) of the price of the ticket sold as admission (the “Rangers Admissions Tax”); (iii) to authorize the use of the Hotel Occupancy Tax, at a rate not to exceed two percent (2%) of the price paid for such room; (iv) to authorize the use of the Sales Tax within the City at a rate of one-half of one percent (0.5%); and (v) to authorize the use of the Car Rental Tax at a maximum rate of five percent (5%), all to finance the Rangers Project; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Venue Projects in Arlington in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the “Project Fund,” and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the additional two percent (2%) Hotel Occupancy Tax authorized by and in accordance with Subchapter H of the Act; NOW THEREFORE

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

1.

That the “**Taxation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article VIII**, Additional Hotel Occupancy Tax, in its entirety, so that hereafter said Article shall be and read as follows:

ARTICLE VIII

ADDITIONAL HOTEL OCCUPANCY TAX

Section 8.01 Definitions

In this article:

“**Act**” means Chapter 334, Local Government Code, as amended.

“**Approved Venue Projects**” means (i) the Dallas Cowboys Complex Development Project (the “Cowboys Project”) that was approved by a majority of the voters voting at an election held in the City on November 2, 2004, in accordance with the Act, and (ii) the Texas Rangers Complex Development Project (the “Rangers Project”) that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

“**City**” means the City of Arlington, Texas.

“**City Attorney**” shall mean the City Attorney of the City of Arlington or the designated representative.

“**City Auditor**” shall mean the City Auditor of the City of Arlington or the designated representative.

“**Consideration**” shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space, or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillowcases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying the room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for the occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“**Director**” means the Director of the department designated by the City Manager to enforce and administer this article, or the Director’s designated representative.

“**Hotel**” means any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

“Monthly Period” shall mean the regular calendar months of the year.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership or association that has paid a consideration for the exclusive right to a sleeping room or sleeping facility in a hotel.

“Permanent Resident” shall mean any occupant who has occupied or has paid for the exclusive occupancy of a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

“Project Fund” means the venue project fund created pursuant to the Resolution.

“Quarterly Period” shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February, and March, and the second quarter being the months of April, May, and June, and the third quarter being the months of July, August, and September, and the fourth quarter being the months of October, November, and December.

“Resolution” means the Resolution adopted by the City Council establishing the Project Fund.

“Short-term Rental” shall mean the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101 of the Texas Tax Code, as amended.

“Tax” means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

Section 8.02 Levy of Tax; Amount; Duration

- A. In addition to the hotel occupancy tax levied in Article IV, Section 4.02, of this Chapter, there is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax is equal to two percent (2%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.
 - 2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to the tax.
 - 3. The cost of or consideration paid for a sleeping room or facility occupied by a Permanent Resident is not subject to this tax.
- D. The tax imposed under this section must be collected on every occupancy occurring on or after April 1, 2005, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Approved Venue Projects, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 8.03 Use of Tax Revenue

The revenue derived from the two percent (2%) tax imposed under this article must be deposited in a separate and distinct account to be established within the Project Fund. Money in this account may be used as set forth in the Resolution.

Section 8.04 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a), or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A state governmental entity described in Section 156.103(b) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but shall be entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 8.05 Collection, Payment to City; Statement of Tax Purpose Required

- A. Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report in accordance with all requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit taxes quarterly.
- C. If a taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit the tax quarterly to the Director payable on the 20th day after the end of the quarterly period.
- D. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

“The City of Arlington requires that an additional tax of two percent (2%) be imposed on each hotel charge for the purpose of financing venue projects, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004, and the Rangers Complex Development Project approved by the voters of the City on November 8, 2016.”

Section 8.06 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the 20th day of the month following each monthly period unless the taxpayer qualifies to submit reports quarterly.
- C. If a taxpayer owes less than \$500 for a monthly period or \$1,500 for a quarterly period, the taxpayer qualifies to submit reports quarterly to the Director payable on the 20th day after the end of the quarterly period.

Section 8.07 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 8.08 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning information required on reports, the collection reporting periods, audits, the retention of records, and the forcible seizure of records for auditing purposes as allowed by law.

Section 8.09 Penalties

- A. A person commits an offense if he:
 - 1. fails to collect the tax imposed by this article;
 - 2. fails to file a report as required by this article;
 - 3. fails to pay the tax when payment is due;

4. files a false report; or
 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty equal to five percent (5%) of the tax due must be paid thirty (30) days later if the tax is still not paid. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than One Dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 8.10 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the City until the tax is paid or the report is filed, as applicable, as provided by the court's order. In addition to the amount of any tax owned under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two (2) complete municipal fiscal quarters at the time the audit is conducted;

3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at a rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for the reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.
- F. The remedies provided by this section are in addition to other available remedies.

Section 8.11 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a

certificate may be issued. The Director shall issue the certificate or statement not later than 60 days after receiving the request.

- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

8.12 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

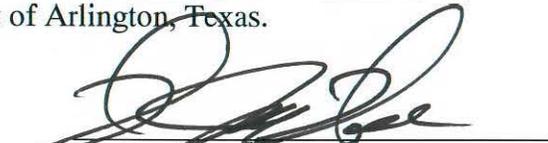
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

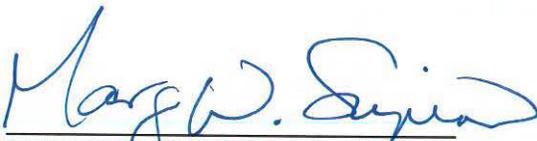
8.

This ordinance shall become effective ten (10) days after first publication as described above.

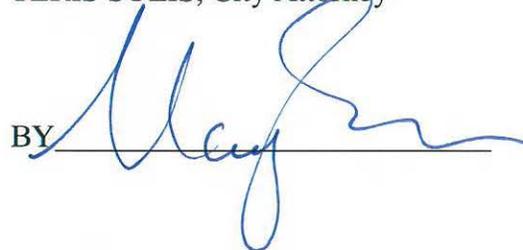
PRESENTED AND GIVEN FIRST READING on the 8th day of August, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of August, 2017, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 17-047

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IX, Additional Sales and Use Tax, relative to levying an additional one-half of one percent (0.5%) Sales and Use Tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Dallas Cowboys Complex Development Project and the Texas Rangers Complex Development Project; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Chapter 334 of the Local Government Code (the “Act”) authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project that is planned to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 2, 2004, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Dallas Cowboys Complex Development Project (the “Cowboys Project”) within the City and (i) to impose a sales and use tax within the City at a rate of one-half of one percent (0.5%) (the “Sales Tax”), (ii) to impose a tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle (the “Car Rental Tax”), (iii) to impose a tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room (the “Hotel Occupancy Tax”), (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Cowboys Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket (the “Cowboys Admissions Tax”), and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Cowboys Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle (the “Cowboys Parking Tax”) all to finance the Cowboys Project; and

WHEREAS, at an election held in the City on November 8, 2016, a majority of the voters of the City voting at said election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Texas Rangers Complex Development Project (the “Rangers Project”) (together with the Cowboys Project, the “Venue Projects”) within the City and (i) to impose a parking

tax, at a rate not to exceed three dollars (\$3.00) on each parked motor vehicle parking in a parking facility of the Rangers Project (the “Rangers Parking Tax”); (ii) to impose an admissions tax on each ticket sold as admission to an event held at the Rangers Project, at a rate not to exceed ten percent (10%) of the price of the ticket sold as admission (the “Rangers Admissions Tax”); (iii) to authorize the use of the Hotel Occupancy Tax, at a rate not to exceed two percent (2%) of the price paid for such room; (iv) to authorize the use of the Sales Tax within the City at a rate of one-half of one percent (0.5%); and (v) to authorize the use of the Car Rental Tax at a maximum rate of five percent (5%), all to finance the Rangers Project; and

WHEREAS, the City, as a part and continuation of its general economic development programs, plans and intends to establish the Venue Projects in Arlington in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the “Project Fund,” and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the sales and use tax authorized by and in accordance with Subchapter E of the Act; NOW THEREFORE

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

1.

That the “**Taxation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article IX, Additional Sales and Use Tax**, in its entirety, so that hereafter said Article shall be and read as follows:

ARTICLE IX

ADDITIONAL SALES AND USE TAX

Section 9.01 Imposition of Tax

That all action concerning the submission of the proposition to the voters of the City having been taken and the tax authorized by Chapter 334 of the Act having been approved by the voters of the City, the City Council does hereby authorize the levy of a sales and use tax (the “Tax”) within the City for the benefit of the Dallas Cowboys Complex Development Project and the Rangers Complex Development Project at a rate of one-half of one percent on the sale of items at retail and an excise tax at the same rate on the use, storage, or other consumption within the City of tangible personal property purchased, leased, or rented from a retailer during such time as the Tax is effective within the City.

Section 9.02 Collection

That the Tax shall be administered, collected, and remitted in accordance with the Act and, to the extent not inconsistent with the Act, in accordance with Chapter 321, Texas Tax Code, as amended.

Section 9.03 Effective Date

The effective date of the Tax within the City shall be **April 1, 2005**, unless the Comptroller of Public Accounts notifies the City in accordance with the Act that more time is needed to implement the Tax, in which event the Tax shall be effective in accordance with the instructions of the Comptroller.

2.

The Mayor shall provide a copy of this ordinance levying the Tax to the Comptroller of Public Accounts as soon as possible, but not later than ten (10) days following the adoption of this ordinance, such copy to be sent to the Comptroller by certified mail.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

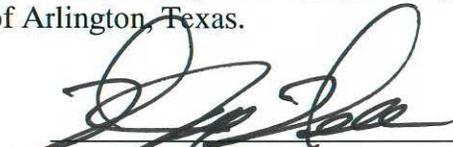
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 8th day of August, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of August, 2017, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



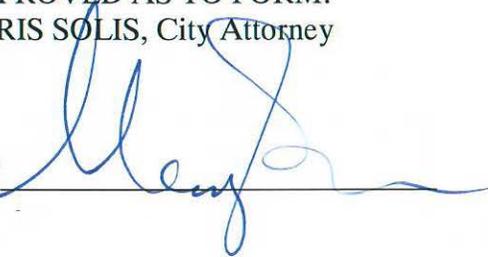
W. JEFF WILLIAMS, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 19-037

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article XII, Texas Rangers Complex Admissions Tax, relative to defining terms; providing for the levy, imposition and use of a ten percent (10%) tax on each ticket sold as an admission to an event held at the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, Chapter 334, Local Government Code (the “Act”) authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 8, 2016, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Texas Rangers Complex Development Project (the “Project”) within the City and (i) to authorize the use of an existing sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to authorize the use of an existing tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to authorize the use of an existing tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an Event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City plans and intends to establish the Project as a sports and community venue project for public use and purposes under and in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the "Venue Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the tax on tickets for admission to Events held at the Project authorized by and in accordance with Subchapter F of the Act; NOW THEREFORE

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

1.

That the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article XII, Texas Rangers Complex Admissions Tax**, so that said Article shall be and read as follows:

ARTICLE XII

TEXAS RANGERS COMPLEX ADMISSIONS TAX

Section 12.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Admissions Tax" means an amount equal to ten percent (10%) of the price of each ticket sold as admission to an Event held at the Texas Rangers Complex and imposed under Section 12.02 hereof.

"City" means the City of Arlington, Texas.

"Texas Rangers Complex" or "Project" means the Texas Rangers Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the Director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic, and other activities and Events which are conducted at the Texas Rangers Complex and for which admission tickets are sold.

"Lessee" means the Person(s) leasing the Texas Rangers Complex from the City.

“Net Admissions Tax” means the Admissions Tax less an amount equal to one percent (1%) of the Admissions Tax collected, such one percent being reimbursement for the costs of collection of the Admissions Tax as authorized by Section 12.03 hereof.

“Person(s)” means any individual, partnership, trust, company, corporation, association, or other entity.

“Project Fund” means the “Venue Project Fund” created pursuant to the Resolution.

“Rangers Admissions and Parking Taxes Account” means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured, in whole or in part, by the Admissions Tax.

“Resolution” means Resolution No. 17-228 adopted by the City Council on August 27, 2017, amending and restating Resolution No. 04-551, establishing the Venue Project Fund.

“Trustee” means the Person appointed as the “trustee” pursuant to an ordinance or indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Admissions Tax.

Section 12.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of ten percent (10%) on the price of each ticket sold as admission to an Event held at the Texas Rangers Complex.
- B. The Admissions Tax imposed under this section shall be collected on every ticket sold in connection with an Event held at the Texas Rangers Complex on or after the date on which the Texas Rangers Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 12.03 Collection of Admissions Tax

- A. Every seller of a ticket of admission to an Event held at the Texas Rangers Complex shall collect, on behalf of the City, the Admissions Tax. Such Person shall be entitled to retain one percent (1%) of the gross collections of the Admissions Tax as reimbursement for the costs of collection thereof.

- B. Every seller of a ticket of admission to an Event held at the Texas Rangers Complex shall add, on behalf of the City, the Admissions Tax to the price of each ticket sold to such Event.
- C. The Lessee shall collect, or cause to be collected, on behalf of the City, from each Person who sells tickets to an Event held at the Texas Rangers Complex, the Net Admissions Tax for each Event.
- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Admissions Tax and against any Person, other than the Lessee, who fails to pay the Net Admissions Tax over to the Lessee, as required by this article.
- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Admissions Tax to the Trustee at the time and in the manner required by this article.

Section 12.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which an Admissions Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee, while bonds are outstanding with a pledge of the Admissions Tax, showing:
 - 1. the total number of tickets sold and the total consideration paid therefor with respect to each Event in the preceding calendar month;
 - 2. the amount of the Admissions Tax collected on the tickets for admission to such Events; and
 - 3. any other information relating to the calculation of the Admissions Tax the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay the Net Admissions Tax received on all tickets sold in the preceding calendar month to the Trustee. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee. If there are no bonds or other obligations outstanding with a pledge of the Admissions Tax, such amounts shall be paid to the City.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
 - 1. the dates and type of Events at which tickets of admission were sold;

2. the number of tickets sold to each Event;
3. the gross amount of ticket sales received for each Event;
4. the amount of Admissions Tax collected with respect to each Event; and
5. the amount of Net Admissions Tax paid to the Trustee or the City, as appropriate, and the dates on which such amounts were paid.

Section 12.05 Use of Revenue Derived from Imposition of Tax

While bonds or other obligations with a pledge of the Admissions Tax are outstanding, the revenues derived from the Net Admissions Tax shall be deposited in the Rangers Admissions and Parking Taxes Account and shall be used only for the purposes specified in the ordinance or indenture authorizing the issuance of the bonds or other obligations, secured in whole or in part, by the Admissions Tax. When bonds or other obligations with a pledge of the Admissions Tax are no longer outstanding, the revenues derived from the Net Admissions Tax shall be deposited to a segregated account of the City in the Project Fund and shall be used only for the purposes allowed by the Act.

Section 12.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Admissions Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Admissions Taxes due under this article.

Section 12.07 Penalties

- A. The seller of a ticket of admission to an Event held at the Texas Rangers Complex commits an offense if that Person:
1. fails to collect the Admissions Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 12.04(C) of this article.

- B. The Lessee commits an offense if the Lessee:
1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Admissions Tax when due.
- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Admissions Tax to the Trustee, on behalf of the City, or the City, as appropriate, by the last day of the month following the month in which the Admissions Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Admissions Tax due as a penalty. An additional penalty equal to five percent of the Admissions Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee or the City, as appropriate.

Section 12.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

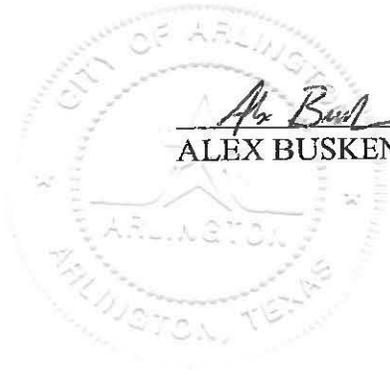
This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 6th day of August, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13th day of August, 2019, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



Alex Busken
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY Teris Solis



Ordinance No. 19-038

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article XIII, Texas Rangers Complex Parking Tax, relative to defining terms; providing for the levy, imposition and use of a three dollar (\$3.00) tax on a motor vehicle parked in a parking facility at the Texas Rangers Complex Development Project; providing collection, reporting, payment, and recordkeeping requirements and procedures; providing for interest and civil penalties; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, Chapter 334, Local Government Code (the “Act”) authorizes the City of Arlington to impose certain specific taxes for the purpose of financing all or a portion of the cost of a sports and community venue project to be located in the City if the venue project and the taxes are approved at an election held in accordance with the Act; and

WHEREAS, at an election held within the City on November 8, 2016, a majority of the voters of the City voting at the election voted in favor of a proposition authorizing the City to provide for the planning, acquisition, establishment, development, construction, and financing of the Texas Rangers Complex Development Project (the “Project”) within the City and (i) to authorize the use of an existing sales and use tax within the City at a rate of one-half of one percent (0.5%), (ii) to authorize the use of an existing tax at a maximum rate of five percent (5%) on the gross rental receipts from the short-term rental in the City of a motor vehicle, (iii) to authorize the use of an existing tax on the occupancy of a room in a hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, (iv) to impose an admissions tax on each ticket sold as admission to an event held at the Project, at a maximum rate not to exceed ten percent (10%) of the price of the ticket, and (v) to impose a tax on each parked motor vehicle parking in a parking facility of the Project at a maximum rate not to exceed three dollars (\$3.00) per vehicle; and

WHEREAS, the City plans and intends to establish the Project as a sports and community venue project for public use and purposes under and in accordance with the Act; and

WHEREAS, the City Council has by resolution established the venue project fund entitled the "Venue Project Fund," and various accounts therein, required by Section 334.042 of the Act; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to impose the tax on motor vehicles parked at the Project authorized by and in accordance with Subchapter G of the Act; NOW THEREFORE

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

1.

That the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of Article XIII, Texas Rangers Complex Parking Tax, so that said Article shall be and read as follows:

ARTICLE XIII

TEXAS RANGERS COMPLEX PARKING TAX

Section 13.01 Definitions

In this article:

"Act" means Chapter 334, Local Government Code, as amended.

"Affiliate" means any entity, corporation, partnership, limited liability company, sole proprietorship or other Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with Lessee.

"City" means the City of Arlington, Texas.

"Texas Rangers Complex" or "Project" means the Texas Rangers Complex Development Project that was approved by a majority of the voters voting at an election held in the City on November 8, 2016, in accordance with the Act.

"Director" means the Director of the department designated by the City Manager of the City to enforce and administer this article, or the director's designated representative.

"Event" means all revenue-producing sports, entertainment, cultural, civic, and other activities and events which are conducted at the Texas Rangers Complex and for which admission tickets are sold.

"Lessee" means the Person(s) leasing the Texas Rangers Complex from the City.

“Net Parking Tax Revenues” means the Parking Tax Revenues less an amount equal to one percent (1%) of the Parking Tax Revenues collected, such one percent being reimbursement for collection of the Parking Tax as authorized pursuant to Section 13.03 hereof.

“Parking Facility” means a parking facility, designated from time to time by Lessee for parking for Events held at the Texas Rangers Complex, and located on land owned by the Lessee, an Affiliate or by the City of Arlington and leased to the Lessee or an Affiliate; provided the total number of available parking spaces at such parking facilities shall at all times be equal to or greater than the number of spaces required to comply with the applicable zoning requirement.

“Parking Tax” means an amount equal to three dollars (\$3.00) on each motor vehicle parked at a Parking Facility for an Event held at the Texas Rangers Complex.

“Parking Tax Revenues” means the gross amount of revenues collected from the Parking Tax levied pursuant to Section 13.02 hereof.

“Person(s)” means any individual, partnership, trust, company, corporation, association, or other entity.

“Project Fund” means the “Venue Project Fund” created pursuant to the Resolution.

“Rangers Admissions and Parking Taxes Account” means the account established within the Project Fund pursuant to an ordinance or indenture authorizing the issuance of obligations secured, in whole or in part, by the Parking Tax Revenues.

“Resolution” means the Resolution adopted by the City Council on August 27, 2017, amending and restating Resolution No. 04-551, establishing the Venue Project Fund.

“Trustee” means the Person appointed as the “trustee” pursuant to an ordinance or an indenture of the City authorizing the issuance of bonds or other obligations secured, in whole or in part, by the Parking Tax.

Section 13.02 Tax Imposed

- A. There is hereby levied and imposed a tax at the rate of three dollars (\$3.00) on each motor vehicle parked at a Parking Facility during an Event. Such tax shall be collected on each motor vehicle parked at a Parking Facility during a period beginning three hours before and ending three hours after the time an Event at the Texas Rangers Complex is scheduled to begin.
- B. Subject to Subsection (C) of this Section, the Parking Tax imposed under this section shall be collected on each motor vehicle parked at a Parking Facility as

provided in Subsection (A) of this Section in connection with an Event held at the Texas Rangers Complex on or after the date on which the Texas Rangers Complex becomes operational, and shall continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the Project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

- C. The Parking Tax shall not be imposed or collected on the following motor vehicles:
1. any motor vehicle of any officials, employees, staff members, service providers, volunteers or other authorized representatives of Event sponsors and public agencies (including public safety, law enforcement, and other public entities and agencies) as well as invitees of the Lessee (other than those invitees entering the Texas Rangers Complex with a paid ticket to an Event), provided the number of any such vehicles parking at any such event shall be limited to a number that is customary for any such Event or purpose and otherwise reasonable in all respects and provided that such Persons are participating in such Event for such purpose, to transact business at such Event or are otherwise undertaking official functions and duties at such Event or at the Texas Rangers Complex;
 2. any motor vehicles that enter the Texas Rangers Complex under circumstances that allow for free or complimentary parking passes, at Lessee's discretion; and
 3. any employees, officials or officers of the Lessee, as the case may be.

Section 13.03 Collection of Tax

- A. The Lessee, or any sublessee or operator of a Parking Facility, shall collect, or cause to be collected, on behalf of the City, the Parking Tax. Each such Person shall be entitled to retain one percent (1%) of the gross collections of the Parking Tax as reimbursement for the costs of collection thereof.
- B. The Lessee, or any sublessee or operator of a Parking Facility shall add, on behalf of the City, the Parking Tax to the amount charged for parking motor vehicles at a Parking Facility during an Event in accordance with this article.
- C. The Lessee shall collect, on behalf of the City, from each Person who collects charges for parking at a Parking Facility, the Net Parking Tax Revenues for each Event.

- D. An attorney acting on behalf of the City may bring suit against any Person who fails to collect the Parking Tax and against any Person, other than the Lessee, who fails to pay the Net Parking Tax Revenues over to the Lessee, as required by this article.
- E. An attorney acting on behalf of the City may bring suit against the Lessee for failure to pay the Net Parking Tax Revenues to the Trustee at the time and in the manner required by this article.

Section 13.04 Reports; Payment to the City; Records

- A. On or before the 20th calendar day of the month following each month in which a Parking Tax is required to be collected under this article, the Lessee shall file a report with the Director and with the Trustee, while bonds or other obligations are outstanding with a pledge of the Parking Tax, showing:
 - 1. the total number of motor vehicles parked at a Parking Facility in connection with each Event held at the Texas Rangers Complex in the preceding calendar month;
 - 2. the amount of the Parking Tax Revenues collected in connection with an Event held at the Texas Rangers Complex; and
 - 3. any other information relating to Parking Tax Revenues or the Parking Facilities the Director or the Trustee may reasonably require.
- B. At the time of filing the report required under Subsection (A) of this section, the Lessee shall pay to the Trustee the Net Parking Tax Revenues received in connection with all Events held at the Texas Rangers Complex during the preceding month. Such amount shall be paid by the Lessee by fed wire in immediately available funds pursuant to instructions of the Trustee or in such other manner as may be prescribed or approved by the Trustee. If there are no bonds or other obligations outstanding with a pledge of the Parking Tax, such amounts shall be paid to the City.
- C. The Lessee shall keep or cause to be kept for four years records and supporting documents containing the following information:
 - 1. the dates and type of Events;
 - 2. the number of cars for which parking charges were collected at each Event held at the Texas Rangers Complex;
 - 3. the gross amount of parking revenues collected for each Event;

4. the amount of Net Parking Tax Revenues paid to the Trustee or the City, as appropriate, and the dates on which such amounts were paid.

Section 13.05 Use of Revenue Derived from Imposition of Tax

While bonds or other obligations with a pledge of the Parking Tax are outstanding, the Net Parking Tax Revenues shall be deposited in the Rangers Admissions and Parking Taxes Account and shall be used only for the purposes specified in the ordinance or indenture authorizing the issuance of the bonds or other obligations secured, in whole or in part, by the Parking Tax. When bonds or other obligations with a pledge of the Parking Tax are no longer outstanding, the Net Parking Tax Revenues shall be deposited to a segregated account of the City in the Project Fund and shall be used only for the purposes allowed by the Act.

Section 13.06 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the Parking Tax. The Director shall, upon giving reasonable notice, have access to all books and records necessary to enable the Director to determine the correctness of any report filed as required by this article and the amount of Net Parking Taxes due under this article.

Section 13.07 Penalties

- A. The sublessee, or operator of a Parking Facility commits an offense if that Person:
 1. fails to collect the Parking Tax;
 2. fails to file a report as required by this article;
 3. files a false report; or
 4. fails to make and retain complete records as required by Section 13.04(C) of this article.
- B. The Lessee commits an offense if the Lessee:
 1. commits an offense under Subsection (A) of this section; or
 2. fails to pay the Trustee, on behalf of the City, the Net Parking Tax Revenues when due.

- C. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (A)(4) of this section is punishable by a fine of not less than \$25 or more than \$500.
- D. In addition to any criminal penalties imposed under Subsection (C) of this section, if the Lessee fails to pay the Net Parking Tax Revenues to the Trustee, on behalf of the City, or the City, as appropriate, by the last day of the month following the month in which the Parking Tax is required by this article to be collected, the Lessee shall pay an amount equal to five percent of the Parking Tax due as a penalty. An additional penalty equal to five percent of the Parking Tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than five dollars (\$5.00). Delinquent taxes draw interest at the rate of six percent per year beginning 60 days after the date the tax is due to the Trustee or the City, as appropriate.

Section 13.08 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

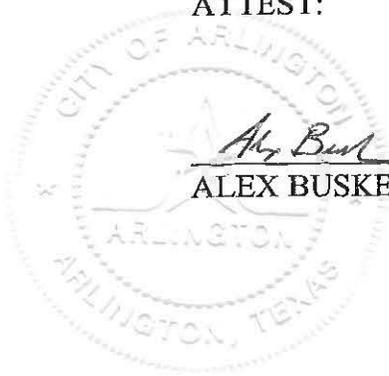
This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 6th day of August, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13th day of August, 2019, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.



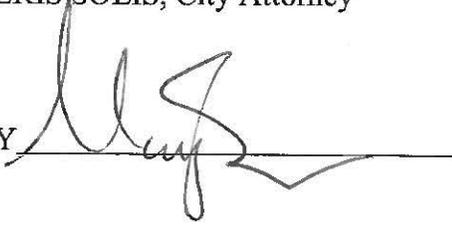
W. JEFF WILLIAMS, Mayor

ATTEST:



Alex Busken
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 



Ordinance No. 19-041

An ordinance amending the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, Hotel Occupancy Tax, Section 4.01, Definitions, by the amendment of the definition of “Hotel”; and through the amendment of Article VIII, Additional Hotel Occupancy Tax, Section 8.01, Definitions, by the amendment of the definition of “Hotel”; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions and publication; and establishing an effective date

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

1.

That the “Taxation” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article IV, Hotel Occupancy Tax, Section 4.01, Definitions**, by the amendment of the definition of “Hotel”, so that said definition shall be and read as follows:

“**Hotel**” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration.

The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

For purposes of the imposition of hotel occupancy tax under the “Taxation” Chapter of the Arlington City Code, “hotel” includes a short-term rental as defined herein.

Further, **Article VIII, Additional Hotel Occupancy Tax, Section 8.01, Definitions**, is hereby amended by the amendment of the definition of “Hotel”, so that said definition shall be and read as follows:

“**Hotel**” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility 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, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration.

The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
3. an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code, as amended.

For purposes of the imposition of hotel occupancy tax under the “Taxation” Chapter of the Arlington City Code, “hotel” includes a short-term rental as defined herein.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

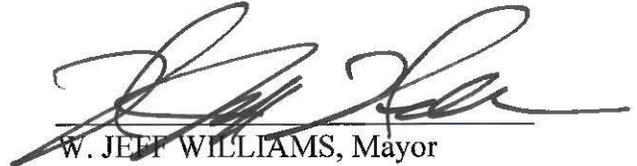
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective October 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 20th day of August, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 10th day of September, 2019, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

ARLINGTON™