

ORDER OF COMMISSIONERS COURT

OF

PALO PINTO COUNTY, TEXAS

FOR THE PURPOSE OF SETTING RULES, REGULATIONS AND PROCEDURES FOR THE COLLECTION AND REPORTING OF HOTEL/MOTEL OCCUPANCY TAX IN PALO PINTO COUNTY, THIS COMMISSIONERS COURT ORDER SHALL READ AS FOLLOWS;

HOTEL OCCUPANCY TAX

A. DEFINITIONS OF TERMS.

(a) "Hotel" shall mean a building in which members of the public obtain sleeping accommodations for consideration(b). The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, bed and breakfast or the rental of all or part of a residential property.

(b) "Consideration" shall mean the price of a room in a hotel and does not include the cost of food served by the hotel and the 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.

(c) "Occupancy" shall mean the use or possession or for the right to the use or possession of a room or space in a hotel.

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

(e) "Treasurer" shall mean the County Treasurer of Palo Pinto County, Texas

(f) "Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, 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.

## B. LEVY OF TAX

(a) TAX. There is hereby levied a tax upon a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room or space in a hotel costing \$15 or more each day.

(b) RATE OF TAX. The rate of the tax imposed is seven (7) percent of the price paid for a room in a hotel.

(c) COLLECTION OF TAX. A person owning, operating, managing, or controlling a hotel shall collect for the County of Palo Pinto the tax that is imposed and that is calculated on the amount paid for a room in the hotel.

(d) SHORT-TERM RENTAL. The tax does not apply to a person who has the right to use or possess a room in a hotel for at least 30 consecutive days, so long as there is no interruption of payment for the period.

## C. EXEMPTION TO TAX

(a) An occupant or a person exempt or exempted from the tax imposed by Chapter 156 of the Tax Code of the State of Texas is exempt from the tax authorized by this order. Texas Hotel Occupancy Tax Exemption Certificate (Form 12-302) must be completed.

(b) Hotels or other such facilities located within the limits of a municipality or incorporated city in Palo Pinto County which has authorized and collects an occupancy tax for that municipality or incorporated city shall be exempt from collection of this tax.

## D. REPORTS AND PAYMENTS

(a) Every person owning, operating, managing or controlling any hotel other than those included in the exemptions, shall collect the tax imposed in this order, for Palo Pinto County, Texas.

(b) On the last day of the month following each quarterly period, every person required to collect the tax imposed shall pay the County Treasurer the tax collected during the preceding reporting period and at the same time shall file with the County Treasurer a report stating:

(1) the total amount of the payments made for rooms at the person's hotel during the preceding reporting period;

(2) the amount of the tax collected by the person during the preceding reporting period; and

(3) other information that the County Treasurer requires to be in the report.

(c) After the County Treasurer gives reasonable notice to a person that the Treasurer intends to inspect the books or records of the person, the Treasurer has access to the person's books or records necessary for the Treasurer to determine the correctness of a report filed or the amount of taxes due.

#### E. ENFORCEMENT

(a) PENALTY. If the person who is required to pay the imposed tax to the Treasurer fails to file a report or does not pay the tax when it is due, the person shall pay a penalty of five percent of the amount of tax due.

(b) If the person who is required to pay the tax to the Treasurer does not pay the tax within 30 days after it is due, the person shall pay a penalty of ten percent of the amount of tax due.

(c) In addition to any other penalty, a person who fails to file a report as required shall pay a penalty of \$50. The penalty is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

(d) INTEREST ON DELINQUENT TAXES. A tax imposed that is not paid to the Treasurer when it is due draws interest. Delinquent taxes and penalties draw interest beginning 60 days after the date due. The yearly interest rate on delinquent taxes and penalties is at the rate of 10 percent.

(e) The County Attorney of Palo Pinto County may bring suit against a person who is required to collect the tax imposed by this order and pay the collections over to the County and who has failed to file a tax report when required or pay the tax when due, to collect the tax not paid or to enjoin the person from operating a hotel in the County until the tax is paid or the report is filed, as applicable, as provided by this order. The remedy provided is in addition to other available remedies.

F. GENERAL LIMITATIONS ON USE OF TAX REVENUE FUND

(a) Revenue derived from the tax authorized by this order shall only be used in a manner directly enhancing and promoting tourism and the convention and hotel industry.

(b) Revenue derived from the tax authorized by this order shall not be used for the general revenue purposes or general governmental operations of Palo Pinto County. The tax revenue shall not be used to promote economic development unless that use is authorized by subsection (a).

APPROVED AND ADOPTED THIS 23 DAY OF December, 2024.



COUNTY JUDGE



COMMISSIONER PRECINCT NO. 1



COMMISSIONER PRECINCT NO. 2



COMMISSIONER PRECINCT NO. 3



COMMISSIONER PRECINCT NO. 4

