

**ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE CITY OF WEATHERFORD, OKLAHOMA, AMENDING THE WEATHERFORD HOTEL TAX ORDINANCE BY AMENDING THAT PORTION OF THE ORDINANCE WHICH REFERENCES “PERMANENT RESIDENCE”; PROVIDING THAT INVALIDITY OF A PART SHALL NOT INVALIDATE THE REMAINDER; FOR REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY.**

Be it ordained by the City Commission of the City of Weatherford, Oklahoma:

**SECTION 1.** That the Board of Commissioners of the City of Weatherford, Oklahoma, has determined that the Weatherford Hotel Tax Ordinance should be amended by the deletion of reference to “permanent residence” in the definitions of Chapter 5, Article 14, Section 5-127 entitled DEFINITIONS and is hereby revoked and deleted and a new Section 5-127 is adopted and codified which shall read as follows:

**5-127. DEFINITIONS.**

As used in this article.

1. “City” shall mean the City of Weatherford, Oklahoma;
2. “City Clerk” shall mean the City Clerk of the City of Weatherford, Oklahoma;
3. “Hotel” shall mean any buildings, structures, trailers, or any other facilities of any kind or nature, in which the public may, for consideration, obtain sleeping accommodations in which two (2) or more rooms are used for the accommodation of such guests (regardless of whether such rooms are located in one (1) or several buildings, structures, trailers or facilities). The terms shall include hotels, motels, tourists homes, houses or courts of any kind or nature, lodging houses, inns, rooming houses, bed and breakfast inns, corporate lodgings, trailer houses, trailer motels, apartments and sleeping rooms and all other similar facilities where rooms or sleeping accommodations or space are furnished for a consideration. The terms shall not include hospitals, sanitariums, nursing homes or dormitories at Southwestern Oklahoma State University or other educational or charitable institutions;
4. “Occupancy” shall mean the use or possession, or the right to use or possession of any room or rooms in a hotel, or the right to the use or possession of the furnishings or to the services and accommodation accompanying the use and possessions of the room or rooms;

5. "Occupant" shall mean a person, who for a consideration, uses, possesses, or has the right to the use or possession of any room or rooms in hotel under any lease, concession, permit, right to access, license to use, or other agreement;
6. "Operator" shall mean any and all persons operating a hotel(s) in this city, including, but not limited to the owner, proprietor, lessee, sublessee, mortgagee in possession, licenses, or any other person otherwise operating such hotel;
7. "Rent" shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever;
8. "Return" shall mean any return filed or required to be filed as herein provided;
9. "Room" shall mean any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by twenty-five (25) or more persons and which is used for educational, recreational or amusement purposes and shall include dance halls, cabarets, night clubs, restaurants, any room or space for public or private banquets, feasts, socials, card parties or weddings, lodge and meeting halls or rooms, skating rinks, gymnasiums, swimming pools, billiards, bowling and table tennis rooms, halls or rooms used for public or private catering purposes, funeral parlors, markets, recreational rooms, concern halls, broadcasting studios, and all other places of similar type of occupancy; and
10. "Tax" shall mean the tax levied pursuant to this article.

**SECTION 2.** That the Board of Commissioners of the City of Weatherford, Oklahoma, has determined that the Weatherford Hotel Tax Ordinance should be amended by the deletion of reference to "permanent residence" in Chapter 5, Article 14, Section 5-129 entitled EXEMPTIONS is hereby revoked and deleted and a new Section 5-129 is adopted and codified which shall read as follows:

**5-129. EXEMPTIONS.**

1. The following shall be exempt from the tax levied in this article:

- a. Any governmental agency, employee thereof or individual that is exempt from Oklahoma State and Weatherford City sale taxes shall also be exempt from the tax levied in this article;
  - b. Any public school, college, university or state-accredited private school when paid directly by the school, provided that its primary purpose is not carrying on a business for profit;
  - c. Any church, when paid directly by the church, provided that its primary purpose is not carrying on a business for profit; and
  - d. Any organization, corporation, or association organized and operated exclusively for religious, charitable, philanthropic or educational purposes provided that its primary purpose is not carrying on a trade or business for profit.
2. Every operator shall document the basis for which exemptions are made pursuant to this section on a form provided by the City Clerk, or if no form is provided, in sufficient detail as to be verified by the City Clerk.

**SECTION 3.** All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed and replaced.

**SECTION 4.** Should any part of this Ordinance be held by any Court of competent jurisdiction to be invalid, or be held to be invalid with reference to any part, parcel or portion of the code provisions described, such holding shall not affect the validity of said Ordinance with reference to the remainder of said Ordinance.

**SECTION 5.** All Ordinances in conflict herewith are hereby specifically repealed.

#### **EMERGENCY CLAUSE**

**SECTION 6.** It being necessary for the preservation of the public peace, health, safety and general welfare of said City of Weatherford, Oklahoma, an emergency is hereby declared to exist, by reason whereof this Ordinance shall become effective immediately upon its passage, approval and publication.

Passed, Approved and Adopted by majority vote of all members present at a regularly scheduled meeting of the Board of Commissioners of the said City of Weatherford, Oklahoma, held on the 31<sup>st</sup> day of January, 2020.

Emergency clause is passed by unanimous consent of the Board of Commissioners of the City of Weatherford, Oklahoma, the 31<sup>st</sup> day of January, 2019.

CITY OF WEATHERFORD, OKLAHOMA

BY: Mike D Brown  
Mike D. Brown, Mayor

ATTEST:

Ashley VanDeburgh  
ASHLEY VANDEBURGH, City Clerk



APPROVED AS TO FORM AND LEGALITY:

David D. Duncan  
DAVID D. DUNCAN, City Attorney

### CERTIFICATE

The Undersigned, Ashley VanDeburgh, the duly appointed, qualified and acting Clerk of the City of Weatherford, Oklahoma, does hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2020-04 of the City of Weatherford, Oklahoma, on January 31, 2020.

Ashley VanDeburgh  
ASHLEY VANDEBURGH, City Clerk