



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Ordinance: 13-1036-ORD

File Number: 13-0817

Enactment Number: 13-1036-ORD

An Ordinance Amending Ordinance No. 538-97, Codified As Section 7-6, Code Of Ordinances, Pertaining To Municipal Lodging Taxes.

WHEREAS, the City of Foley currently charges a municipal lodging tax in the amount of four percent (4%) inside the corporate limits and two percent (2%) inside the police jurisdiction; and

WHEREAS, the City's lodging tax is collected by the State of Alabama Department of Revenue at the same time and manner as the State collects its own four percent (4%) lodging tax; and

WHEREAS, the combined state and local lodging taxes being charges inside the corporate limits of certain neighboring municipalities is eleven percent (11%); and

WHEREAS, the City Council has found and determined that it is in the best interests of the City of Foley to amend its municipal lodging tax ordinance to increase the rate of taxation and to bring it into conformity with current state lodging tax laws;

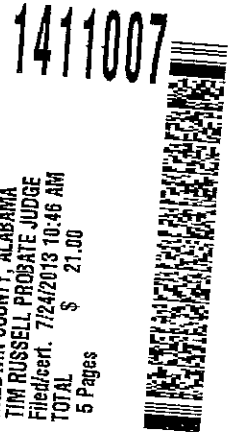
BE IT ORDAINED that the Foley City Council at its regular meeting on July 1, 2013 as follows:

Section 1. That Ordinance 538-97, which is codified as Section 7-6, Code of Ordinances of the City of Foley, is hereby repealed, superseded, and replaced with the following:

Privilege or license tax against persons, firms or corporations engaged in the business of furnishing rooms, lodgings or accommodations to transients.

(a) Inside City Limits. There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodging, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, accommodations are regularly furnished to transients for a consideration inside the corporate limits of the City of Foley in an amount to be determined by the application of the rate of seven percent (7%) of the charge for such room, rooms, lodging, or accommodations, including the charge for use or rental of personal property and services furnished in such room. Provided, however that any rentals or services taxed under the State sales tax law are hereby exempted from this tax.

(b) Inside Police Jurisdiction but Outside City Limits. There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business or renting or furnishing any room or rooms, lodging, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodging, or accommodations are regularly furnished to transients for a consideration inside the police jurisdiction but outside the corporate limits of the City of Foley in an amount to be determined by the application of the rate of three and one-half percent (3.5%) of the charge for such room, rooms, lodgings or



accommodations, including the charge for use or rental of personal property and services furnished in such room. Provided, however that any rentals or services taxed under the State sales tax law are hereby exempted from this tax.

(c) The lodging tax charged by this Ordinance shall not apply to rooms, lodgings, or accommodations supplied: (i) For a period of 180 continuous days or more in any place; (ii) by camps, conference centers, or similar facilities operated by recreational or educational programs for children, students, or members or guests of other nonprofit organizations during any calendar year; or (iii) by privately operated camps, conference centers, or similar facilities that provide lodging and recreational or educational programs exclusively for the benefit of children, students, or members or guests of nonprofit organizations during any calendar year.

(d) This section and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes currently codified in Sections 40-26-1 et seq, Code of Alabama, except where inapplicable or herein otherwise provided.

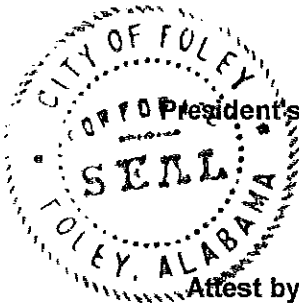
(e) This section does not repeal, replace, or alter any of the provisions of the business license codes or ordinances of the City of Foley, and the lodging taxes levied hereby shall be cumulative and in addition to the amounts of all other taxes, license fees, and other charges imposed by the City on such businesses, people, or entities.

Section 2. "The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect."

Section 3. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its publication as required by law.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2013.



President's Signature

[Handwritten Signature]

Date 7-16-13

Attest by City Clerk

[Handwritten Signature]

Date 7-16-2013

Mayor's Signature

[Handwritten Signature]

Date 7/16/2013

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of Tuesday, July 23, 2013."

[Handwritten Signature]
Victoria Southern, CMC
City Clerk

ORDINANCE NO. 538-97

AN ORDINANCE LEVYING A PRIVILEGE OR LICENSE TAX AGAINST PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE BUSINESS OF FURNISHING ROOMS, LODGINGS, OR ACCOMMODATIONS TO TRANSIENTS IN THE CITY OF FOLEY, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; PROVIDING FOR THE COLLECTION OF THE SAID TAX; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED by the City Council of the City of Foley in the State of Alabama, as follows:

Section 1. Levy of Tax in the City. For the privilege of engaging or continuing within the City in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of four (4%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. Provided, however, there is exempted from the tax levied under the provisions of this ordinance any rentals or services taxed under the provisions of Ordinance No. 484-94, adopted October 10, 1994 levying the City of Foley business license tax. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 2. Levy of Tax in the Police Jurisdiction. For the privilege of engaging or continuing in the business activities

hereinafter referred to within the police jurisdiction of the City outside of its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business or renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of two (2%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. Provided, however, there is exempted from the tax levied under the provisions of this ordinance any rentals or services taxed under the provisions of Ordinance No. 484-94, adopted October 10, 1994 levying the City of Foley business license tax. The tax shall not apply to rooms, lodgings, or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 3. Provisions of State Lodgings Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.

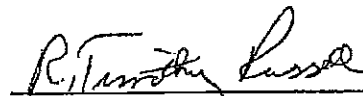
Section 4. Adding Amount of Tax to Price. Any person on whom the taxes levied by this ordinance are imposed may add the tax herein levied to the receipts from rental of rooms, lodgings or accommodations and may collect same from the occupants of such rooms, but this section is not mandatory.

Section 5. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinance.

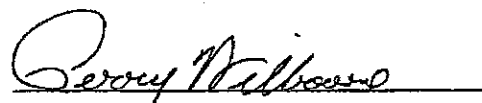
Section 6. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 7. Effective Date. This ordinance shall become effective on the first day of April, 1997, and the first payment of taxes hereunder shall be due and payable on the twentieth day of May, 1997. The ordinance shall remain in full force and effect and shall apply to each month of the year 1997 beginning with the month of April 1997 and to each month of each calendar year thereafter from year to year.

Adopted and approved this 17th day of February, 1997.


R. Timothy Russell, Mayor

ATTESTED:


A. Perry Wilbourne
City Administrator/Clerk