

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF FORT BRAGG AMENDING
SECTION 3.12.030 OF THE FORT BRAGG MUNICIPAL CODE TO ADD
AN ADDITIONAL 2% TAX ON TRANSIENT OCCUPANCIES**

WHEREAS, pursuant to Revenue and Taxation Code Section 7280, the City has the authority to levy a tax the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for a period of more than 30 days; and

WHEREAS, the City Council first adopted the City's Uniform Transient Occupancy Tax Ordinance (Chapter 3.12 of the Fort Bragg Municipal Code) (the "Uniform TOT Ordinance") in 1965, and the City has been continuously imposing and collecting its transient occupancy tax since that time; and

WHEREAS, in its current form, the Uniform TOT Ordinance provides for a tax upon "transients" (lodging guests) at a rate of 12% of the room rent charged to the transient by a "hotel operator" (lodging operator); and

WHEREAS, this tax is collected by the hotel operator from the transient and remitted to the City by the hotel operator; and

WHEREAS, the Uniform TOT Ordinance, which is on file in the office of the City Clerk, available for public inspection during normal business hours and incorporated herein by reference, governs how the tax is applied and administered; and

WHEREAS, the Fort Bragg Municipal Code, including the Uniform TOT Ordinance, is available online to the public at no charge; and

WHEREAS, this Ordinance approves and imposes an additional 2% transient occupancy tax to be governed by the provisions of the Uniform TUT Ordinance; and

WHEREAS, by the adoption of this Ordinance, the aggregated new and existing transient occupancy taxes will be imposed at the rate of 14% of the room rent charged to the transient by a hotel operator.

**NOW, THEREFORE, OF THE CITY OF FORT BRAGG DO HEREBY ORDAIN AS
FOLLOWS:**

SECTION I: Amendment. Section 3.12.030 of Chapter 3.12 (TRANSIENT OCCUPANCY TAX) of Title 3 (REVENUE AND FINANCE) of the Fort Bragg Municipal Code is hereby amended to read as follows:

"Section 3.12.030 Amount of Tax

A. Pursuant to the authority of Cal. Revenue and Taxation Code §7280, there is levied an occupancy tax on the privilege of occupying a room or rooms in any hotel as defined

by §3.12.020 unless the occupancy is for a period of more than 30 days. The amount of the tax shall be 14% of the room rent charged by the hotel operator. It is the responsibility of the hotel operator to collect the occupancy tax in full at the time of renting a room or rooms to a transient. It is the further responsibility of the hotel operator to remit the 14% occupancy tax to the City within the time limits set forth in this chapter.

B. For purposes of this chapter, the phrase “the privilege of occupying a room or rooms in any hotel” shall be applied and interpreted as described in Cal. Revenue and Taxation Code §7280(b), as amended from time to time.

C. In the event that a transient occupies a room or rooms beyond the period originally contracted for with the hotel operator, it is the responsibility of the hotel operator to collect any unpaid occupancy tax upon the transient’s ceasing to occupy space in the hotel. In the event that the hotel operator fails to collect the tax from the transient, the hotel operator shall be responsible for payment in full of the occupancy tax to the City.

D. The Director of Finance, at the direction and request of the City Manager, (i) shall keep account of how the proceeds of the 2% of the tax approved by the voters in 2016 are being used, (ii) shall keep account of how the proceeds of the 2% of the tax approved by the voters in 2024 are being used, and (iii) shall annually render an itemized written report to the City Council detailing such expenditures.”

SECTION II: Use of Tax Proceeds. The proceeds of the 2% transient occupancy tax imposed by this Ordinance shall be deposited in the City’s general fund and available for any lawful municipal purpose. Once deposited, such proceeds shall be audited as part of City’s annual independent audit of the general fund and shall be accounted for in the City’s Consolidated Annual Financial Report.”

SECTION III: Effective Date. This Ordinance shall take effect on April 1, 2025.

SECTION IV: Amendment. This Ordinance may be amended by the City Council. However, no such amendment can increase the rate of the tax imposed by this ordinance unless such amendment is approved by the voters of the City.

SECTION V: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

ADOPTED by the voters of the City of Fort Bragg at the General Municipal Election of November 5, 2024, by a vote declared by the City Council on _____,2024.

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk