

Ordinance No. 230

**An Ordinance of the City of East Palo Alto
Imposing a Transient Occupancy Tax on the
Occupancy of Hotels and Similar Short-Term
Lodging and Providing For an Election Thereon**

Subject to the approval of the electorate, the City Council of the City of East Palo Alto does ordain as follows:

Section 1. Title. This Ordinance shall be known as the Uniform Transient Occupancy Tax of the City of East Palo Alto. This Ordinance may also be known as the Hotel Room tax.

Section 2. Definitions. Except where the context otherwise requires, the definitions given in this Section govern the construction of this Ordinance:

- (a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- (b) Hotel. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, public or private club, or other similar structure or portion thereof. Excluded from this definition are facilities licensed by the State of California or County of San Mateo as group care or foster care facilities primarily intended for the protection and/or safe care of the occupants and residents thereof.
- (c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.
- (d) Transient. "Transient" means any individual who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such individual so occupying space in

a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the individual providing for a longer period of occupancy.

In determining whether an individual is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this Ordinance may be considered. For the purposes of this Ordinance, an individual is deemed to be a physical person only as opposed to a legal person or organization.

- (e) Rent. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.
- (f) Operator. "Operator" means the person who is proprietor of the hotel whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Ordinance and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Ordinance by either the principal or the managing agent shall, however, be considered to be compliance by both.
- (g) Tax Administrator. "Tax Administrator" means the City Manager or designated representative thereof.

Section 3. Tax Imposed. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve percent (12%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.