ORDINANCE NO. 2008-248

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF WINDSOR AMENDING TITLE II, CHAPTER 3, ARTICLE II OF THE TOWN OF WINDSOR MUNICIPAL CODE CONCERNING THE EXISTING TRANSIENT OCCUPANCY TAX

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2-3-200 Amended. Section 2-3-200 of the Town of Windsor Municipal Code is hereby amended to read as follows:

2-3-200 Imposition of Tax; Payment of Tax by Transient.

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. The tax constitutes a debt owed by the transient to the Town, which is extinguished only by payment to the operator or to the Town. 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 by the transient or the operator.

SECTION 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The People of the Town of Windsor hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 3. Election Required for Tax to be Effective. The tax proposed by this ordinance shall not become effective until approved by a majority of the voters voting on the issue at the November 4, 2008 election.

SECTION 4. Effective Date of Tax. If this ordinance is approved by a majority of the voters voting on the issue at the November 4, 2008 election, pursuant to Elections Code Section 9217, this ordinance shall be considered adopted on and the tax shall become effective ten (10) days after the Town Council certifies the results of the election.

SECTION 5. Publication. Within fifteen days after the passage of this ordinance the

Town Clerk shall cause this ordinance or a summary thereof to be published or to be posted in at least three places in the Town of Windsor in accordance with the requirements of California Government Code Section 36933.

APPROVED by the vote of the People of the Town of Windsor on November 4, 2008.