

ORDINANCE # 2010-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING SECTION 3.24.030 OF THE AMERICAN CANYON MUNICIPAL CODE CONCERNING AN INCREASE IN THE EXISTING TAX RATE ON TRANSIENT OCCUPANCY ("HOTEL VISITOR'S TAX") FROM 10% TO 12%

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15378(b)(4) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended ("CEQA"), because the submittal of proposals to a vote of the people of the state or a particular community is not a "project" for purposes of the CEQA.

THE PEOPLE OF THE CITY OF AMERICAN DO ORDAIN AS FOLLOWS:

SECTION I

Section 3.24.030 of the American Canyon Municipal Code is hereby amended by deleting Section 3.24.030 A entitled "Tax imposed" in its entirety and adding a new Section 3.24.030 A entitled "Tax imposed" to read as follows:

"3.24.030 Tax imposed.

A. 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 or otherwise payable by the transient. Insofar as the transient is concerned, the tax constitutes a debt owed by the transient to the operator or to the city."

SECTION II

The qualified voters of the City of American Canyon reserve the right to change the general tax herein enacted and imposed by this Ordinance. The City Council may modify this Ordinance without a vote of the people but not to increase the tax rate or to expand the application of said tax.

SECTION III

This Ordinance, being for the increase of a general tax, shall be submitted to a vote of the people at the City's General Municipal Election scheduled for November 2, 2010. This Ordinance shall become valid and binding if a majority of the voters voting thereon vote in its favor at said election and shall be effective on the date that the City Council certifies the results of said election. If the provisions of Government Code Sections 53720 *et seq.* or Article XIII C of the California Constitution are duly repealed or amended, or interpreted by the courts so that a vote of the people is not required for enactment of this Ordinance, then this Ordinance shall take effect as provided for all other City ordinances and may be amended in the same manner as all other City ordinances.

SECTION IV

If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this

Ordinance, the application thereof, and the general taxes imposed shall not be affected thereby but shall remain in full force and effect, it being the intention of the voters to adopt each and every section, subsection, part, clause, sentence or phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION V

This Ordinance shall be in full force and shall take effect as provided by law on December 17, 2010.

SECTION VI

This Ordinance is enacted by the electorate at the general municipal election on November 2, 2010 and accepted by the City Council on December 7, 2010 and is effective December 17, 2010.