

ORDINANCE NO.

**AN ORDINANCE TO AMEND THE *CODE OF ORDINANCES*,
ADOPTED JULY 24, 1989, AT CHAPTER 8, BUSINESS LICENSES,
TAXES AND REGULATIONS BY REWRITING THE ENTIRE SECTION AT
SECTION 8-201, LEVY OF TAXES AND
AT SECTION 8-202, TAX LEVIED IN THE POLICE JURISDICTION**

WHEREAS, Alabama Act 2019-387 amended the Code of Alabama 1975, Section 40-26-1 relating to transient occupancy tax.

WHEREAS, the Act provides that “For transactions entered into on or after October 1, 2019, the tax shall not apply to marine slips, places or spaces for tent camping, or places or spaces provided for motor homes, travel trailers, self-propelled campers or house cars, truck campers, or similar recreational vehicles commonly known as RVs, which are supplied for a period of 90 continuous days or more in any one place.”

WHEREAS, prior to the passage of Act 2019-387, stays of 180 days or longer were exempt from occupancy tax (lodging tax). This does not affect stays in condos, hotels, houses, or duplexes, etc. It is targeted to “spaces” for rent.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 9, 2019, as follows:

Section 1. That Chapter 8, BUSINESS LICENSES, TAXES AND REGULATIONS, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by rewriting Section 8-201, LEVY OF TAXES and Section 8-202, TAX LEVIED IN THE POLICE JURISDICTION in its entirety so the complete updated Article shall read as follows:

CHAPTER 8. BUSINESS LICENSES, TAXES AND REGULATIONS

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ARTICLE VII. SALES, USE, LODGING AND RENTAL TAXES

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SECTION 8-201 Levy of tax.

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 engaging or continuing in this city 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, marine slip, place or space for tent camping, place or space

provided for a motor home, travel trailer, self-propelled camper or house car, truck camper, or similar recreational vehicle commonly known as a R.V. or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, at the rate of seven (7) percent of the gross proceeds derived from the renting or furnishing of such room, rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room; provided, that there is exempted from the tax levied under the provisions of this article any rentals or services taxed under the provisions of Article VII, Division 2, known as the Sales Tax Ordinance. The tax levied under the provisions of this article shall not apply to rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

For transactions entered into on or after October 1, 2019, the tax shall not apply to marine slips, places or spaces for tent camping, or places or spaces provided for motor homes, travel trailers, self-propelled campers or house cars, truck campers, or similar recreational vehicles commonly known as R.V.s, which are supplied for a period of 90 continuous days or more in any place.

SECTION 8-202. - Tax levied in the police jurisdiction.

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 engaging or continuing 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, cabin, marine slip, place or space for tent camping, place or space provided for a motor home, travel trailer, self-propelled camper or house car, truck camper, or similar recreational vehicle commonly known as a R.V. or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, outside the corporate limits of the city, but within its police jurisdiction, at one-half ($\frac{1}{2}$) the rate specified in [Section 8-201](#) of this article; provided, that there is exempted from the tax levied under the provisions of this article any rentals or services taxed under the provisions of Article VII, Division 2, known as the Sales Tax Ordinance. The tax levied under the provisions of this article shall not apply to rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

For transactions entered into on or after October 1, 2019, the tax shall not apply to marine slips, places or spaces for tent camping, or places or spaces provided for motor homes, travel trailers, self-propelled campers or house cars, truck campers, or similar recreational vehicles commonly known as R.V.s, which are supplied for a period of 90 continuous days or more in any place.

Section 2. That Chapter 8, BUSINESS LICENSES, TAXES AND REGULATIONS, of the *Municipal Code of Ordinances* adopted July 24, 1989, be and it is hereby amended by rewriting in its entirety section 8-201. Levy of tax and Section and 8-202. Tax levied in the police jurisdiction.

Section 3. That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

Section 4. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 9th day of September, 2019.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC, City Clerk

CERTIFICATE

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on September 9, 2019 and the same was duly published as required by law.

City Clerk