

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING SECTION 7-602 OF THE FRESNO MUNICIPAL  
CODE, RELATING TO TRANSIENT ROOM TAX

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 7-602 of the Fresno Municipal Code is amended to read:

SECTION 7-706. – DEFINITIONS. Except where the context otherwise requires, the definitions given in this section govern the construction of this ordinance.

(a) "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, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

(b) "Legislative body" means the City Council of the City of Fresno.

(c) "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portions thereof, in any hotel for dwelling, lodging, or sleeping purposes.

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

(d) "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, and includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to collect or remit the tax imposed by this article on behalf of such corporation or partnership. [Where the Operator performs its 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 article. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both.]

(e) "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.

(f) "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 all receipts, cash, credits, and property and services of any kind or nature, without any deduction therefrom whatsoever.

(g) "Tax Administrator" means the Controller and Director of Finance of the City of Fresno. "Tax Administrator" as used herein, shall,

where applicable, also include the person(s) authorized to collect assessments on behalf of the Tourism Business Improvement District, to the extent authority is delegated by ordinance, resolution, or agreement with the city.

(h) "Transient" means any person who exercises occupancy or is entitled to occupancy in a hotel by reason of a lease, concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2023  
Mayor Approval/No Return: \_\_\_\_\_, 2023  
Mayor Veto: \_\_\_\_\_, 2023  
Council Override Vote: \_\_\_\_\_, 2023

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_ Date  
Deputy

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_ Date  
Brandon M. Collet  
Supervising Deputy City Attorney