

## ARTICLE IV. HOTEL-MOTEL TAX

### **Sec. 15-51. Definitions:**

Certain words or terms herein shall have the meaning ascribed to them as follows:

*Facilitator.* Any person or entity who provides a means through which a person may book a Hotel room to Lessees, regardless of whether payment is transferred through or processed by such Facilitator. Facilitators are considered Lessors, as used herein. Online Travel Companies are considered Facilitators, as used herein.

*Gross Rent.* The total amount of consideration for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, including but not limited to, amounts charged for the making, booking, facilitating or servicing of reservations. Gross rent means both (a) the "net rate" paid to the hotel or motel by a Facilitator for room occupancy by the consumer; and (b) the amount retained by the Facilitator for travel-related services provided to the consumer (sometimes referred to as a "facilitation fee"), and any additional amounts retained by the Facilitator as compensation for its services to the consumer for the individual transaction, or, in the instance of a consumer's direct rental of a room with the hotel or motel, gross rent shall mean the amount charged by the hotel or motel directly to the consumer for the occupancy of the room.

*Hotel.* A structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment, home, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

*Lessor.* Any person having a sufficient proprietary interest in conducting the operation of a Hotel, or receiving the consideration for the rental of all or part of such Hotel, so as to entitle such person to all or a portion of the net receipts thereof, including Facilitators, as defined herein.

*Lessee.* Any person who pays for the privilege of occupying all or part of a Hotel.

*Online Travel Company.* An organization that books, reserves, or rents hotel or motel rooms and makes other travel arrangements for consumers via the World Wide Web, internet or other digital means. Online Travel Companies are considered Facilitators, as used herein.

*Permanent resident.* Any person who has occupied or has the right to occupy all or part of a Hotel for more than (30) consecutive days. A person who works and lives in the same hotel is also considered a permanent resident.

*Person.* Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "Person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the offices thereof, or any other entity recognized by law as the subject of rights and duties. (Ord. 84-68, 12-27-1984; Ord. 074-2021, 12-14-2021)

### **Sec. 15-52. Hotel Use Tax Imposed:**

(a) There is levied and imposed a tax of seven (7) percent of the Gross Rent charged for the privilege and use of renting a Hotel room within the City for each twenty-four (24) hour period or any portion thereof for which a room charge is made.

(b) Accommodations within said buildings or structures which are leased to the same occupant for a period of more than thirty (30) consecutive days shall be exempt from the tax provisions of this Article.

(c) Lessors renting or leasing Hotel rooms within the City are required to collect the Hotel Use Tax; however, the ultimate incidence of any liability for payment of the tax is to be borne by the Lessee.

(d) The Hotel Use Tax shall be paid in addition to any and all other taxes and charges.

(e) It shall be the duty of every Lessor of every Hotel within the City to separately state such tax at the seven (7) percent rate upon the total amount of compensation charged for the use of the Hotel. The Lessor shall also state separately the amount of tax on the invoice for the transaction that will be tendered to the Lessee.

(f) It shall be the duty of every Lessor of every Hotel within the City to collect the tax from the Lessee at the time the Lessee pays for the privilege of occupying all or part of a Hotel, and to remit to the City the tax under procedures provided for in this chapter or otherwise prescribed by the City. If more than one Person is the Lessor as related to a particular transaction, the Lessors are jointly and severally responsible for collecting and remitting the tax.

(g) It shall not be a defense to this ordinance that the Lessor is not licensed by the City to rent Hotels and the Lessor will still be required to remit the proper tax to the City. (Ord. 84-68, 12-27-1984; Ord. 91-12, 2-11-1991; Ord. 003-2010, 1-18-2010; Ord. 011-2010, 3-8-2010; Ord. 074-2021, 12-14-2021)

### **Sec. 15-53. Rules And Regulations.**

The City Finance Director may promulgate rules and regulations not inconsistent with the provisions of this chapter concerning enforcement and application of this chapter. The phrase "rules and regulations" includes, but is not limited to, case-by-case determination of whether or not the tax imposed by this chapter applies. (Ord. 074-2021, 12-14-2021)

### **Sec. 15-54. Books And Records:**

The finance director may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this article, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the finance director in the discharge of his duties in the performance of this article. It shall be the duty of every owner to keep accurate and complete books and records to which the finance director shall at all times have full access, which records shall include a daily sheet showing:.

(a) The number of hotel or motel rooms rented during the twenty four (24) hour period, including multiple rentals of the same hotel or motel room where such shall occur; and

(b) The actual hotel or motel tax receipts collection for the date in question. (Ord. 84-68, 12-27-1984; Ord. 074-2021, 12-14-2021)

### **Sec. 15-55. Transmittal Of Tax Revenue:**

(a) The Lessor of each Hotel within the City shall file returns and remit collected taxes, to the City Finance Department showing tax receipts received with respect to each Hotel during each monthly period commencing on January 01, 2022, and continuing on the first day of every month thereafter on forms prescribed by the City. The return shall be due on or before the last day of the calendar month succeeding the end of the monthly filing period. Each Lessor shall file an application with the City for a City Taxpayer Identification Number prior to filing its first tax return.

(b) If the owner's average monthly tax receipts do not exceed one hundred dollars (\$100.00) when using as a minimum the last six (6) consecutive months for a database, the Finance Director may authorize the owners to file the return on a quarterly basis per the below schedule.

(1) January, February, and March of a given year being due on or before April 30 of such year

(2) April, May, and June of a given year being due on or before July 31 of such year

(3) July, August, and September of a given year being due on or before October 31 of such year

(4) October, November, and December of a given year being due on or before January 31 of the following year

(c) The first taxing period for the purpose of this chapter shall commence on January 01, 2022; and the tax return and payment for such period shall be due on or before February 28, 2022. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this chapter. At the time of filing such tax

returns, the owner shall pay to the City all taxes due for the period to which the tax return applies. (Ord. 84-68, 12-27-1984; Ord. 058-2018, 10-8-2018; Ord. 074-2021, 12-14-2021)

**Sec. 15-56. Penalties:**

(a) Any person found guilty of failing to pay, collect, report, or transmit the Hotel or Motel Tax to the Finance Director in accordance with the terms of this article shall, except when otherwise specifically provided, be guilty of an offense, and upon the first conviction therefor within a two (2) year calendar period be punished by a fine of not less than two hundred dollars (\$200.00) nor more than two hundred ninety nine dollars (\$299.00) and upon the second and third convictions therefor within the same period be punished by a fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).

(b) Repeated offenses of this article in excess of three (3) within any two (2) calendar years shall constitute misdemeanors and upon conviction therefor shall be punished by a fine of not more than five hundred dollars (\$500.00), incarceration in a place other than a penitentiary for a term not to exceed thirty (30) days, or both.

(c) A separate and distinct offense shall be regarded as committed each day upon which the person shall continue any violation of this article, or permit any such violation to exist after notification thereof. (Ord. 84-68, 12-27-1984; Ord. 074-2021, 12-14-2021)

**Sec. 15-57. Other Actions Authorized:**

The officers, employees and/or agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the City are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with these amendments. Any and all actions previously performed by officials, employees and/or agents of the City in connection with carrying out and consummating the intent of this ordinance are hereby authorized, approved and ratified by this reference. (Ord. 074-2021, 12-14-2021)

**Secs. 15-58 – 15-59. Reserved:**