

CHAPTER 154. ACCOMMODATIONS TAX.

154.01. Definitions.

(a) "Hotel" and "Motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including without limitation, such establishments as inns, motels, tourist homes, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitarium, or nursing homes, or by corporation or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earning of such corporations and association inures to the benefit of any private shareholder or individual.

(b) "Gross Receipts" has the meaning as defined in Sec. 77.51 (1) (A)(B) and (C), Wis. Stats., insofar as applicable.

(c) "Transient" means any person residing for a continuous period of less than one (1) month in a hotel/motel or other furnished accommodations available to the public.

154.02. Tax Imposed. Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail rooms, lodging or sites to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations.

154.03. Tax Rate. The accommodations tax shall be at the rate of six and one-half (6.5%) percent of the gross receipts from such retail furnishing of rooms, lodging or sites. The tax shall not be subject to the selective sales tax imposed by Sec. 77.52 (2) (a) 1, Wis. Stats.

(a) The proceeds of the six and one-half (6.5%) percent tax shall be allocated as follows:

(1) 32.31% of the tax proceeds shall go to the City to a special fund earmarked for waterfront development. Investment and expenditures of the funds for waterfront development are to be determined at the discretion of the Common Council.

(2) 2.31% of the tax proceeds to the City for administration.

(3) 65.38% of the tax proceeds to the Ashland Area Chamber of Commerce, Inc. (the "Chamber").

154.04 Payments by Chamber. Each calendar year for the next twenty-five (25) years, beginning with calendar year 1998, the Chamber shall pay \$26,000.00 of the room tax it receives to the Bay Area Civic Center, Inc. (the "Civic Center"). Each calendar year, \$25,000.00 of such amount shall be used by the Civic Center only for servicing the presently existing debt of the Civic Center and such additional debt as may be incurred to construct a women's locker room, and \$1,000.00 of such amount is to be used for maintenance of the Civic Center building. Such

\$26,000.00 amount shall be paid by the Chamber to the Civic Center in four equal installments of \$6,500.00, approximately quarterly. If the accommodations tax payment to the Chamber from the City in a given quarter is less than \$6,500.00, then the Civic Center is to be paid the full amount which the Chamber receives for that quarter, with the remaining balance of the \$6,500.00 due to the Civic Center for that quarter to be paid from the next quarterly accommodation tax payment which the Chamber receives. Any accommodations tax payments which the Chamber receives from the City which is not paid to the Civic Center shall be used by the Chamber for the promotion of the hospitality and tourism businesses.

154.05. Chamber and Civic Center Reports. On or before September 1 of every year and of any other reasonable time as required by the City, the Chamber and Civic Center shall provide reports and document any evidence that the tax proceeds are being used for the purposes set forth in sec. 154.04, above.

154.06. Payment of Tax. This section shall be administered by the City Treasurer. The tax imposed is due and payable within thirty (30) days of the end of each calendar quarter. A return shall be filed with the Treasurer, by those furnished at retail such room, lodging or sites with the City on or before the same date on which such tax is due and payable upon a form approved by the City Treasurer. Every person required to file such quarterly returns shall file an annual calendar year return. Such annual return shall be filed within thirty (30) days of the close of each calendar year.

154.07. Annual Return. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the Treasurer requires. The Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.

154.08. Permit Application. Every person furnishing rooms, lodging or sites under sec. 154.01(a) shall file with the Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Treasurer. At the time of making an application, the applicant shall pay the Treasurer a fee as set forth in the City's Comprehensive Fee Schedule.

154.09. Issuance of Permit. Upon compliance by the applicant with all applicable provisions of this Chapter, the Treasurer shall grant and issue a permit to each hotel. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

154.10. Failure to Comply. When a person fails to comply with this section, the Treasurer may, upon ten (10) days notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person under this ordinance.

154.11. Notice of Suspension/Revocation. The Treasurer shall give to such person written notice of the suspension or revocation of any of his permits. The Treasurer shall not issue a new

permit after the revocation of a permit until said person complies with the provision of this section. A fee as set forth in the City's Comprehensive Fee Schedule shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

154.12. Liability. If any person liable for any amount of tax under this section sells out his business or stock of goods or quits the business, his successors or assigns shall be responsible for any unpaid tax due under this ordinance.

154.13. Determination of Payment. The Treasurer may, by office or field audit, determine the tax required to be paid to the municipality or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the Treasurer's possession.

154.14. Failure to File. If any person fails to file a return as required by this section, the Treasurer shall make an estimate of the amount of the gross receipts. Such estimates shall be made for the period for which such person failed to make a return. On the basis of this estimate, the Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof.

154.15. Unpaid Taxes. All unpaid taxes under this section shall bear interest at the rate of ten percent (10%) per annum from the due date of the return until paid.

154.16. Delinquent Tax Returns. Delinquent tax returns shall be subject to a ten and no/100 dollars (\$10.00) late filing fee. In addition, if due to negligence no return is filed, or a return is filed late, the entire tax finally determined shall be subject to a penalty of twenty-five percent (25%) of the tax, exclusive of any interest or other penalties. If a person fails to file a return when due or file a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of fifty percent (50%) shall be added to the tax required to be paid, exclusive of interest and other penalties.

154.17. Records. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Treasurer requires.

154.18. Confidentiality. All tax returns, schedules, exhibits, writings or audit reports relating to such returns of file with the Treasurer are deemed to be confidential, except the Treasurer may divulge their contents to the following and no others:

(a) The person who filed the return.

(b) Officers, or agents of the City as may be necessary to enforce collection.

(c) Any person who is subject to the tax imposed by this section who fails to obtain a permit as required by this Chapter or who fails or refused to permit the inspection of his state sales tax records by the Treasurer after such inspection has been duly requested by the Treasurer, or who fails to file a return as provided in this section, or who violates any other provision of this

section, shall be subject to a forfeiture not to exceed two hundred and no/100 dollars (\$200.00). Each day or portion thereof that such violation continues is hereby deemed to constitute a separate offense.

ADOPTED: 154 (982) 4/13/1982

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