

Subchapter 110. Accomodations Tax

110.1. PURPOSE. The purpose of this ordinance is to impose an Accommodations Tax for the general promotion of tourism, hospitality and recreation facilities in the Town of Presque Isle.

110.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 66.0615(1m)(a), Wis. Stats. to enact this ordinance.

110.3. LOCAL ORDINANCE.

(1). DEFINITIONS.

- (a). Hotel or Motel means a building or group of buildings in which the public may obtain accommodations for consideration, including, without limitations, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or groups 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 corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
- (b). Residential dwelling means any building, structure or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.
- (c). Lodging marketplace means an entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.
- (d). Gross Receipts means total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a hotel or motel as defined herein.
- (e). Transient means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public, except as noted in (e).
- (f). Short Term Rental means a residential dwelling unit that is located in Zoning District R1 or R5 that is rented for periods of more than six (6) but fewer than 29 consecutive days.
- (g). Accommodations Tax means a tax on the Gross Receipts derived from the business of furnishing,

at retail, rooms or lodging to Transients or short term rentals by owners or operators of hotels or motels, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations.

- (h). Accommodations Tax Permit is a permit issued by the Town of Presque Isle to owners or operators of Short Term or Transient Rental properties.
 - (i). Quarterly Accommodations Tax Return is a form prescribed and provided by the Town Treasurer to the owners or operators of Short Term or Transient Rental properties, or their agent, for the purposes of computing payment.
 - (j). Quarterly Amended Accommodations Tax Return is a form provided by the Town Treasurer for the purpose of amending a Quarterly Accommodations Tax Return previously filed with the treasure that requires correction of clerical or accounting errors.
- (2). ENACTMENT OF TAX.

- (a). Accommodations Tax: Pursuant to s. 66.0615(1m)(a), Wis Stats. an Accommodations Tax in the amount of four and half percent (4 1/2%) is hereby imposed on the Gross Receipts derived from the business of furnishing, at retail , rooms or lodging to Transients by hotel keepers, motel operators and others persons furnishing accommodations that are available to the public as defined in Section 1(a) and (b) of this Ordinance. Such Accommodations Tax shall not be subject to the selective Sales Tax imposed by s. 77.52(2)(a)(1), Wis. Stats.
- (b). Membership Hotels: If membership is required for use of the accommodations and the accommodations are provided as part of a package rate which includes other goods and /or services such as food, boat and motor, educational instructions, etc. the tax referred to in Section 2(a) shall be applied only to that portion of the gross sales as is applicable to the accommodations and shall not be applied to the non-accommodations components of the package rate. The determination will be made by the Town Treasurer upon application by the owner or operator of the facility. In the event the Town Treasurer is unable to determine the percentage of gross sales for providing accommodations, he/she shall refer the determination to the Town Board which shall make the final determination. The Town Board shall make such determination based on evidence presented to it by the owner or operator of the facility and after investigation and recommendation by its Accommodations

Committee. The determination so made by the Town Board shall be based on the fair charge for the accommodations which are furnished other than those as an incident of membership. Such tax shall not be subject to the selective sales tax imposed by s. 77.52(2)(a)(1), Wis. Stats.

(c). Distribution of Tax: The revenues collected from the Accommodation Tax shall be allocated as follows:

- (i). Twenty-five percent (25%) shall remain with the Town of Presque Isle: said funds shall be used first for the cost of administration and any remaining balance shall be used for the maintenance and improvements of recreational facilities and promotional projects relating to tourism, upon the advice and with the assistance of the Towns Accommodations Committee.
- (ii). Seventy-five percent (75%) may be paid to the Presque Isle Chamber of Commerce for advertising and promotion of the hospitality and tourist business. The proceeds of this tax shall not be used for outdoor advertising, such as bill boards, etc. The allocation and distribution shall be made within sixty (60) days after each calendar quarter.

(3). ADMINISTRATION OF THE ACCOMMODATIONS TAX.

- (a). Administration: This ordinance shall be administered by the Town of Presque Isle Treasurer.
- (b). Application for an Accommodation Tax Permit: Every person furnishing rooms or lodging, or owning or operating a hotel or motel as defined in section 1(a) of this Ordinance shall file with the town Treasure an application for an Accommodations Tax permit for each place of business. Every application for an Accommodations Tax Permit shall be made upon a form prescribed and provided by the Town Treasurer and at no cost to the applicant.
- (c). Issuing of Accommodations Tax Permits: The Town Treasurer shall grant and issue to each applicant a separate Accommodations Tax Permit for each place of business within the Town. Such Accommodations Tax Permit is not assignable and is valid only for the applicant in whose name it is issued and for the transaction of the business at the place designated therein. It shall at all times be displayed conspicuously at the place for which issued.
- (d). All Lodging Marketplace companies shall provide the Town Treasurer with a list of all rental properties within the township that they represent (including owner's name and property address), to be updated whenever changes occur. A list of all

properties rented each quarter shall also be provided (along with the dollar amount for each) when quarterly returns are submitted as specified in the next section.

- (e). Quarterly Accommodations Tax Return and Tax Payment Due Dates: The Accommodations Tax is due and payable within thirty (30) days of the close of each calendar quarter. A Quarterly Accommodations Tax Return shall be filed with the Town Treasurer by owners or operators of hotels, motels, Lodging Marketplace, or others as defined in Section 1 of this Ordinance, at the same time that said Accommodations Tax is due and payable. A handling fee of 1% or a minimum of \$2.00 of the room tax collected shall be retained by the proprietor of said establishment.
- (f). Annual Accommodations Tax Reconciliation Return Due Date: An annual accommodations Tax Reconciliation shall also be required to be filed, along with any tax that may be due, with the Town Treasurer within thirty (30) days of the close of each calendar year. Said Annual Accommodations Tax Reconciliation shall summarize the Quarterly Returns, reconcile and adjust for errors in the quarterly Returns, and shall contain certain additional information as the Treasurer may require on said form.
- (g). Timely Filing of Returns: Any return required to be filed under the provisions of this Ordinance shall be postmarked by the United states Postal service no later than the due date of such return and shall be considered filed in a timely manner.
- (h). Extension of Time to File Returns: The Town Treasurer may, for good cause, grant an extension of time to file any Quarterly Accommodations Tax Return or Annual Accommodations Tax Reconciliation Return, but in no event shall said extension exceed one (1) month from the required filing date. Said extension will avoid the late filing penalty, but interest will accrue on any tax not paid by the original due date of the return.
- (i). Record Keeping Requirements: Every person liable for the tax imposed by this ordinance shall keep or cause to be kept accurate records of Gross Receipts for the business of providing rooms or lodging in hotels, motels or other as defined in section 1(a) and 1(c) of this Ordinance.
- (j). Interest Charges for Unpaid Taxes: All Accommodations Taxes not paid by the due date of any return required by this Ordinance shall bear interest at the rate of twelve percent (12%) per annum from the due date of the return until said tax is paid, exclusive of any other penalties.
- (k). Responsibility for Unpaid Tax: If any person liable for any amount of tax under this Ordinance sell his or her business, stock of goods, or quits

the business, his or her successors or assigns shall be responsible for any unpaid tax due under this ordinance.

- (l). Audit Procedures: The Town Treasurer may, by office of field audit, determine the tax required to be paid to the Town or the refund due any person under this Ordinance. This determination may be made upon the basis of the facts contained in the returns being audited or on the basis of any other information within the Treasurer's possession.
- (m). Confidentiality: All tax Returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Town Treasurer are deemed to be confidential, except that the Treasurer may divulge their contents to the following and no others:
 - (i). The persons who filed the return.
 - (ii). Officers or agents of the town as may be necessary to enforce collection.
- (n). Settlement: The Town Treasurer shall make payment of the Accommodation Taxes collected during any calendar quarter to the Presque Isle Area Chamber of Commerce within sixty days after the end of the quarter. Such settlement shall be on a form prescribed by the Town Treasurer.
- (o). The Presque Isle Chamber of Commerce shall provide a quarterly financial statement reflecting the proceeds that it receives and the amounts which it spent and for what purpose.

110.4. ENFORCEMENT.

- (1). Revocation of Permit: When any person fails to comply with any provision of this Ordinance, the Treasurer may, upon ten (10) days written notification and after affording such person the opportunity to show cause why his/her permit should not be revoked, revoke or suspend any or all of the permits held by such person under this Ordinance. In the event that such a permit is revoked or suspended, the Treasurer shall give to such person written notice of the same. The Treasurer shall not issue a new permit after the revocation of a permit until said person complies with the provisions of this Ordinance. A fee of ten dollars (\$10.00) shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.
- (2). Estimate of Taxes for Failure to File and Failure to File Penalty: If any person fails to file a return as required by this Ordinance, within thirty (30) days following the due date, the Town Treasurer shall give said person written notice that a Failure to File Penalty shall be assessed. In the event that said person fails to respond by written notification to the Town Treasurer within ten (10) days as to why said penalty shall not be assessed, the Treasurer shall make an estimate of the amount of the Gross Receipts under this Ordinance. Such estimate shall be made for the

period for which such person failed to file a return, based upon the prior year's returns, if available, or upon any Quarterly Returns as have been filed with the Treasurer, or upon any such information as the Treasurer may obtain concerning the business. On the basis of this estimate, the Treasurer shall compute and determine the amount of tax due the Town, adding to the sum thus arrived at a Failure to File Penalty equal to twenty-five percent (25%) of the Tax Due, exclusive of interest or other penalties.

- (3). Late Filing Penalty: Any delinquent tax return for which an Extension of Time to File has not been granted by the Town Treasurer, shall be subject to a twenty dollar (\$20.00) Late Filing Penalty, exclusive of interest or other penalties.
- (4). False or Fraudulent Return Penalty: Any person who files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this Ordinance shall be assessed a Fraudulent Filing Penalty of fifty percent (50%), of the tax due, exclusive of interest and other penalties.
- (5). Forfeiture: Any person who is subject to the tax imposed by this Ordinance who fails to obtain a permit as required in Section 3(b), or who fails or refuses to permit the inspection of his or her business 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 Ordinance, or who violates any other provision of this Ordinance, shall be subject to a forfeiture not to exceed two hundred dollars (\$200.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.
- (6). Issuance of Citation: The Town Clerk, Town Treasurer or Town Board of Presque Isle shall be authorized to issue a citation pursuant to Wisconsin Statute 778.25 for any violation of this Ordinance.

110.5. VALIDITY. The provisions of this Ordinance shall be deemed severable. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

110.6. REFERENCES. Reference to the terms "person", "anyone", "others" or like references shall be deemed to refer to a person, a sole proprietorship, a company, a partnership, a corporation, a municipal corporation and also a responsible member or a responsible officer or a responsible managing agent or any single proprietorship, partnership, company of corporation unless the context clearly indicates otherwise.

110.7. STATE LAW ALSO APPLIES. Nothing contained in this Ordinance shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

110.8. PREVIOUS ORDINANCES. All ordinances or parts of ordinances which are inconsistent or contrary to this ordinance are repealed.

110.9. EFFECTIVE DATE. This ordinance will become effective January 1, 1999 upon passage and publication as provided by law.