

Ordinance #4.01 Recommended by Town of Pelican Board

An Ordinance To Amend and Create Section 4.01 of the Town Code Relative to Room Tax

The Town Board of Pelican does ordain as follows:

All existing ordinances, codes or portions thereof in conflict herewith are hereby repealed, and Section 4.01 is created as follows:

ACCOMMODATIONS TAX

1. IN THIS SECTION:

(A) "Hotel" or "Motel" means a building or group of buildings in which the public may obtain accommodations for consideration, including, without limitation, 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 group of buildings in which accommodations are available to the public except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanatoriums, 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) "Gross receipts" has the meaning as defined in WI Statutes section 77.51 (4)(a), (b), + (c).

(C) "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.

2. Pursuant to WI Statutes, Section 66.75, a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging or sites to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. Such tax shall be at the rate of three and one-half percent (3.5%) of the gross receipts from such retail furnishings of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes, Section 77.52 (2) (a) 1.

3. Collection of Tax.

- (a) This section shall be administered by the Town Treasurer. The tax imposed shall constitute the first quarter and each calendar quarter thereafter the tax imposed is due and payable within thirty (30) days of the end of that quarter. A return shall be filed with the Town Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period. All such returns shall be signed by the person required to file a return or his or her duly authorized agent, but need not be verified by oath. The Town Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month for the filing date.**
- (b) Distribution of Tax. Commencing with the balance of the calendar year 1994, the room tax collection shall be allocated as follows:**

- (1) Five percent (05%) to the Town of Pelican for the cost of administration and maintenance of recreational and promotional projects, plus any cost over 5% incurred by the Town.
 - (2) Ninety-five (95%) to the Town of Pelican Room Tax Committee for advertising and promotion of tourism, development, improvement and promotion of tourism related facilities and activities in the Town of Pelican and Rhinelander area. The allocation and distribution shall be made thirty days after each tax payment deadline. In support of this quarterly allocation and distribution, the Town of Pelican Room Tax Committee shall, not later than October 1st of each year, submit to the Town Board a proposed budget setting forth the anticipated programs and expenditures to be funded this allocation. In addition, the Town of Pelican Room Tax Committee shall submit to the Town Treasurer quarterly statements setting forth the expenditures of this allocation.
- (c) Town of Pelican Room Tax Committee. This committee shall be comprised of the following:
 - (1) One (1) representative appointed by the Town Board (optional), a representative from each of the two highest collectors of the accommodations tax, and four (4) representatives elected at an annual meeting of all collectors of the accommodations tax at an annual meeting held by August 31st of each year. Each collector shall be entitled to one (1) vote. Ballots may be cast in person or by mail. The terms of office for the four (4) elected members shall consist of: two (2): one (1) year terms;
one (1): two (2) year terms; one (1): three (3) year term.
 - (2) The Town of Pelican Room Tax Committee shall establish by-laws to guide the committee.
4. Every person furnishing rooms or lodging under subsection (2) shall file with the Town 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 Town Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business and such other information as the Town Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers.
5. After compliance with subsection(3) by the applicant, the Town Treasurer shall grant and issue to each applicant a separate permit for each place of business within the Town. 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.
6. If any person liable for any amount of tax under the section sells out his/her business or stock of goods or quits the business, his/her successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt the Town Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he/she shall become personally liable for payment of the amount required to be withheld by him/her to the extent of the price of the accommodations valued in money.
7. Whenever the Town has probable cause to believe that the correct amount of accommodations tax has not been paid, or that the tax return is not correct, the Town

Treasurer, or his/her designee may inspect and audit the financial records of any person subject to subsection (1) pertaining to the furnishing of accommodations, determine whether or not the correct amount of accommodations tax is assessed, and whether or not any accommodations tax return is correct.


- 8. The Town Treasurer may, by field audit, determine the tax required to be paid to the Town or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Town Treasurer's possession. The Town Treasurer or his/her designee is authorized to examine and inspect the books, records memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the Town Treasurer from making a determination at any time. In the event any person fails to comply, or hinders in any manner, the request to inspect and audit their person's financial records, they shall be penalized 5% of the accommodations tax that the Town Treasurer determines was due for the preceding year.**
- 9. If any person fails to file a return as required by this section, the Town Treasurer shall make an estimate of the amount of the gross receipts under Subsection (2). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Town Treasurer's possession or may come into his/her possession. On the Treasurer's possession or may come into his/her possession. On the basis of this estimate, the Town Treasurer shall compute and determine the amount required to be paid to the Town, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof. One or more such determinations may be made for one or more than one period.**
- 10. All unpaid taxes under this section shall bear interest at the rate of one percent (1.0%) per month from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the Town Treasurer.**
- 11. Delinquent tax returns shall be subject to a twenty-five dollar (\$25.00) late filing fee. The tax imposed by this section shall become delinquent if not paid:**
 - (a) In the case of a timely filed return, the due date of the return or within thirty (30) days after the expiration of an extension period if one has been granted.**
 - (b) In the case of no return filed or a return filed late, by the due date of the return.**
- 12. In the event a person fails to pay accommodations tax that is due to the Town under this section, in addition to any other penalties for late filing or audit, the person shall be subject to and pay a penalty of twenty-five percent (25%) of the tax in addition to the amount that is due and owing. This penalty shall not exceed five thousand dollars (\$5,000.00).**
- 13. 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 Town requires.**
- 14. 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 the Town Treasurer may divulge their contents to the following and no others:**
 - (a) The person who filed the return.**

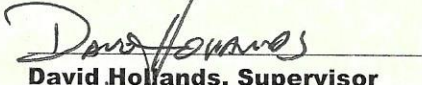
(b) Such other public official of the Town of Pelican when deemed necessary and after notification of the licensee.

15. No person having an administration duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or any amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in Subsection (14).
16. Any person who is subject to the tax imposed by this section who fails to obtain a permit, the inspection of his/her records by the Town Treasurer after such inspection has been duly requested by the Town Treasurer, or who fails to file a return as provided in this section, or who violates any other provisions of this section, shall be subject to a forfeiture not to exceed two hundred fifty dollars (\$250.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.
17. Separability and Conflict. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this ordinance is for any reason held 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 portions of this ordinance.
18. This ordinance amendment shall take effect and be in force effective October 1st 1994 for a period of two (2) years.....
.....highlighted text shall be amended to read...November 25th 2019 and may be amended only upon a majority vote of those hotel/motel establishment owners responsible for collecting room tax in the Town of Pelican.

This ordinance amendment shall take effect from and after its passage and publication as provided by law.

Passed and approved by the Town Board of Pelican this 25th day of November 2019.


Gerald Roou, Chairman


David Hollands, Supervisor


Walter J. Dahlquist, Jr., Supervisor

ATTEST:


Kenneth J. Gardner, Clerk