

CHAPTER 19

HOTEL OR MOTEL OCCUPANCY TAX

19.01 DEFINITIONS.

For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

Hotel room or motel room means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

Owner means any person having an ownership interest in or conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room.

Person means any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency, government corporation, municipal, corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representatives, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

19.02 TAX IMPOSED; LIABILITY FOR PAYMENT; ADDITIONAL TO OTHER TAXES; COLLECTION be amended as follows:

- (a) There is hereby levied and imposed a tax of the gross rent charged for the privilege and use of renting a hotel or motel room within the Village for each twenty-four hour period or any portion thereof for which a daily room charge is made, provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room for more than thirty (30) consecutive days or to a person who works and lives in the same hotel or motel, at the rate indicated by the table below: (*Ord. 2003-19 August 20, 2003*)

Year:	Tax Imposed:
2003	3.00%
2004	4.00%
2005	4.25%

2006	4.50%
2007 & following years	5.00%

- (b) The ultimate incidence of any liability for payment of said tax is to be borne by the person, who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as "rentor".
- (c) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the rentor of the hotel or motel room and to pay over to the village comptroller said tax under procedures prescribed by the village comptroller, or as otherwise provided in this article.
- (d) Every person required to collect the tax levied by this article shall secure said tax from the rentor at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other receipt or other statement or memorandum of the rent given to the rentor at the time of payment, the amount due under the tax provided in this article shall be stated separately on said documents.
- (e) Length of stay. No person registered at a motel/hotel shall be permitted to remain at the motel/hotel for more than 30 days at any one time. *(Ord.2016-14; 5/24/16)*

19.03 RESPONSIBILITY OF OWNER TO KEEP DAILY RECORDS; RIGHT OF VILLAGE TO INSPECT.

- (a) It shall be the duty of every owner to keep accurate and complete books and records to which the village comptroller, or his deputy or representative, authorized by him, shall at all times have full access, which records shall include a daily sheet showing:
 - (1) The number of hotel or motel rooms rented during the twenty-four hour period, including multiple rentals of the same hotel room where such shall occur; and
 - (2) The actual hotel or motel tax receipts collected for the date in question.
- (b) The village comptroller or any person certified by him as his deputy or representative may enter the premises of any hotel or motel for inspection and examination of books and 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 village comptroller or his duly authorized deputy or representative in the discharge of his duties in the performance of this article.

19.04 TRANSMITTAL OF TAX REVENUE.

(a) Quarterly Tax Returns: Every person operating a hotel shall file tax returns showing tax receipts received with respect to each hotel during each three month period ending on January 31, April 30, July 31 and October 31, of each year, within 30 days after the end of the respective date, upon forms prescribed by rules and regulations of the Village. At the time of filing said tax returns, the operator shall pay to the Village all taxes due for the period to which the tax return applies. Each return shall be accompanied by payment to the Village of all taxes due and owing for the quarter covered by the return.

19.05 FAILURE TO PAY TAX.

(a) Interest and Penalty: In the event any hotel owner, manager or operator fails to collect and pay to the village the tax required hereunder within 30 days after the same is due, interest shall accumulate and be due upon said tax at the rate of one percent per month commencing as of the first day of the month following the month for which the tax was to have been collected. In addition, a penalty of 10 percent of the tax and interest due shall be assessed and collected against any hotel owner, manager and operator.

(b) Suit for Collection; whenever any person fails to pay any tax required herein, the Village Attorney shall, upon the request of the Village Comptroller bring or cause to be brought an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction. Any legal fees incurred by the Village in the cost of collection shall be paid by the operator.

(c) Revocation of Village Registration. If the President, after conducting a hearing, finds that any person has willfully avoided payment of the tax imposed herein, he may suspend or revoke all Village Registrations held by the hotel. The operator shall have an opportunity to be heard at a hearing held not less than five days after notice of the time and place of the hearing, with said notice addressed to the operator at the last known place of business, has been delivered to the operator.

19.06 DISPOSITION OF PROCEEDS FROM TAX AND FINES.

(a) The amount collected pursuant to 19.02 (a) above shall be appropriated for and directed for promotion of tourism within the village or otherwise to attract non-residents and overnight visitors to the municipality, and the Village may by special agreement transfer said three (3) percent to a visitor's bureau on an annual basis.

(b) All of the remaining proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the treasury of the village.

19.07 PENALTY: Any person found guilty of violating any provision of this Chapter shall, upon conviction, be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*) (*Ord. 2000-04*)