



Legislation Text

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Ordinance 0012-18 - Transient Lodging Tax

Sec. 90-51. - Authority and purpose

Wis. Stats. § 66.0615 authorizes the imposition of a tax on the privilege of furnishing, at retail, lodging for transients by hotelkeepers, motel operators, owners of short-term rentals and certain other persons. The common council finds that such a tax is in the best interest of the public under the condition that the proceeds be used for the promotion of tourism, hospitality and convention facilities, and recreation facilities in the greater Racine area.

Sec. 90-52. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross receipts means the total amount of the rental price, with the conditions and exceptions provided in Wis. Stats. § 77.51(4)(a), (b) and (c).

Innkeeper means the owner of a lodging facility.

Lodging facility 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, bed and breakfast establishments, tourist homes, tourist rooming houses, lodging houses, rooming houses, apartment hotels, hotels, resort lodges, cabins, short-term rentals, 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, sanitarium, nursing home, 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 or associations inures to the benefit of any private shareholder or individual.

Lodging marketplace has the meaning as defined in Wis. Stat. sec. 66.0615(1)(bs).

Transient means any person residing for a period of less than 29 days continuously in a lodging facility.

Treasurer means the treasurer of the city or their designated representative.

Sec. 90-53. - Imposed.

Pursuant to Wis. Stat. sec. 66.0615, there is hereby imposed a tax on the privilege and service of furnishing, at retail, rooms or lodging to transients by innkeepers, whether or not membership is required for the use of such accommodations. The tax shall be at the rate of eight percent of the gross receipts from such retail furnishing of rooms or lodging and shall be payable by innkeepers of lodging facilities in the city. From the proceeds of such tax, five percent will be allocated to the innkeeper filing the return.

Sec. 90-54. - Collection and remittance.

The tax imposed under this article is due and payable on a monthly basis not later than the 20th day of the month following that for which the tax is due. Not later than the 20th of each month or quarter that the lodging facility has overnight guests, every innkeeper shall file a return with the Treasurer on a form provided by the Treasurer and shall remit to the Treasurer the tax as provided in such return.

Sec. 90-55. - Room tax permit.

(a) No innkeeper shall operate a lodging facility without first obtaining a room tax permit for each lodging facility. Application for such permit shall be made to the Treasurer on forms provided by the Treasurer. The Treasurer shall issue a permit to the innkeeper for each lodging facility for which application is made upon payment of a one-time fee of \$3.00 for each lodging facility. Lodging facilities that are current on all inspections and which have paid and are current on payment of room taxes prior to [the date of enactment of the ordinance changes], shall not be required to pay the permit fee and shall be issued a room tax permit. The permit is nontransferable and is valid only for the named lodging facility and the innkeeper named in such permit. The permit shall be posted in a conspicuous place in the lodging facility for which it is issued.

(b) If the innkeeper ceases to do business at the lodging facility for which the room tax permit was issued, or conveys or transfers the business or his interest in it, or assigns his interest to another person, the innkeeper shall, within ten days of such event, notify the Treasurer of such change and turn into the Treasurer any such permit issued for the lodging facility.

Sec. 90-56. - Violations; penalty.

(a) Whenever any 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 or her permit should not be revoked, revoke or suspend any or all of the permits held by such person. The Treasurer shall give to such person written notice of the suspension or revocation of any of his or her permits. The Treasurer shall not issue a new permit after the revocation of a permit unless he or she is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of three dollars (\$3.00) shall be imposed for the renewal or issuance of a permit that has been previously suspended or revoked.

(b) Except as otherwise provided, in addition to the remedy in section (a) above, any innkeeper who is subject to the tax imposed by this article who fails to obtain a permit as required or who fails or refuses to permit the inspection of such innkeeper's state sales tax records by the Treasurer after such inspection has been duly requested, or who fails to file a return as required in this article, or who violates any other provision of this article, shall be subject to a forfeiture as provided in section 1-15 <https://library.municode.com/wi/racine/codes/code_of_ordinances?

nodeId=PTIIMUCO_CH1GEPR_S1-15PEVICO>. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Sec. 90-57. - Liability.

If an innkeeper who is liable for any tax under this article sells, conveys, assigns or transfers his lodging facility business or stock of goods or quits such business, the innkeeper's successors or assigns shall be responsible for the payment of any unpaid tax due under this article.

Sec. 90-58. - Records; determination of tax by treasurer; appeal.

Every innkeeper holding a permit under this article shall, for a period of three full calendar years, maintain available for inspection by the Treasurer the account books, records, receipts, invoices, property, and similar records relating to the rental of rooms and lodging in the lodging facility. The Treasurer may, upon audit of returns, records, memoranda, and other information received, determine the tax to be paid or refunded. An appeal from any additional tax imposed may be made by the innkeeper upon written notice to the Treasurer within 20 days following the date that notice of the assessment is mailed to such innkeeper. The Finance and Personnel committee of the common council shall hold a hearing on such appeal within 30 days after the Treasurer receives the notice of appeal, and shall recommend to the common council whether such appeal should be granted or denied. The common council shall grant or deny such appeal within 30 days of its receipt of such recommendation.

Sec. 90-59. - Assessment of unpaid taxes.

If an innkeeper fails to file a return as required by this article, the Treasurer shall make an estimate of the amount of the gross receipts for such lodging facility. The estimate shall be made for the period for which the innkeeper failed to make a return and shall be based upon state sales tax records and records described in section 90-58. On the basis of such estimate, the Treasurer shall compute and determine the amount of the tax. In addition to the tax, a penalty in the amount of ten percent of the amount owed shall be assessed.

Sec. 90-60. - Delinquent returns.

A penalty of 25% of the room tax due for the previous year or \$5,000, whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within ten days after the due date of the return. In addition to this penalty, all unpaid taxes assessed or imposed under this article shall bear interest at the rate of 12 percent per annum from the due date of the return until paid. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. Delinquent tax returns shall be subject to a late filing fee of \$15.00.

Sec. 90-61. - Records; confidentiality.

All tax returns, schedules exhibits, writings, or audit reports relating to such returns, on 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, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue;
- c) Officers, employees, or agents of the Finance Director;
- d) Such other public Officials of the City of Racine, when deemed necessary.

Fiscal Note: N/A