

Town of Saint Germain, Vilas County

Code of Ordinances Chapter 12: Accommodations Tax

12.01 TITLE AND PURPOSE: The title of this chapter is the Town of Saint Germain Accommodations Tax. The purpose of this ordinance is to impose a tax on the privilege of furnishing accommodations for the general promotion and development of tourism for the Town of Saint Germain.

12.02 AUTHORITY: The town of Saint Germain has the authority to enact this ordinance under its village powers under §60.22, Wis. stats. and the specific authority under § 66.75(1m)(a), Wis. stats.

12.03 DEFINITIONS: In this ordinance,

Accommodations Tax means a tax on the gross receipts derived from furnishing at retail, rooms or lodging 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.

Accommodations Tax Permit means a permit issued by the Town annually to any person furnishing at retail, rooms or lodging to transients or other accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations.

Quarterly Amended Accommodations Tax Return means a form prescribed and provided by the Town Treasurer for the purpose of amending a ~~quarterly~~ an accommodations tax return previously filed with the Treasurer.

Gross Receipts means the meaning given in §77.51(a) Wis. stats., insofar as applicable to receipts from furnishing at retail, rooms or lodging 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 use of the accommodations.

Hotel or 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, tourist 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, including mobile homes as defined in §66.058(1)(d) Wis. stats. This definition does not include accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanatorium or nursing home, or by a corporation or association organized and operated exclusively for Religious, charitable or educational purposes, provided no part of the net earnings of such corporation or association inures to the benefit of any private shareholder or individual.

Permittee means the person to whom the Town has issued an accommodations tax permit, whether the owner of rental property subject to accommodations tax reporting or a property manager who represents one or more rental property owners.

Person means a natural person, sole proprietorship, partnership, limited liability, company, corporation, association, or the owner of a single-owner entity that is disregarded as a separate entity under chapter 71, Wis. stats.

Property Management means the act of managing rental property owned by another party or entity.

Quarterly Accommodations Tax Return means a form prescribed and provided by the Town Treasurer for computing and submitting ~~quarterly~~ payment of the accommodations tax. Such ~~quarterly~~ accommodations tax return shall report the gross receipts subject to the accommodations tax hereunder, the amount of the accommodations tax due and shall contain certain additional information as the Town Treasurer may require on such form.

Transient means any person residing for a continuous period of less than ~~one month~~ 30 days in a hotel, motel or other furnished accommodations available to the public.

Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

12.04 Accommodations Tax Imposed:

(A) Accommodations Tax: Pursuant to §66.75, Wis. State., an accommodations tax in an amount to be periodically set by the Saint Germain Town Board is hereby imposed on the gross receipts derived from furnishing at retail, rooms or lodging 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 use of the accommodations. The current amount of the tax need not be specified in this ordinance, but shall be posted in writing by the Town Clerk in a conspicuous place at the Town Offices. The amount of tax assessed may be revised by the Saint Germain Town Board following a Public Hearing conducted by the Town Board. In the event the tax is changed, notice of the new amount shall be posted by the Town Clerk within 24 hours of the change. Such accommodations tax shall not be subject to the selective sales tax imposed by §77.52(2)(a)(I) Wis. Stats., and may not be imposed on sales to the federal government and persons listed under §77.54(9)(a) Wis. Stats.

(B) Package Rates: If accommodations are provided as part of a package rate which includes other goods and/or services, such as food, boat and motor, educational instruction, etc., irrespective of whether membership is required for use of the accommodations, the tax referred to in sub. (i) shall be applied only to that portion of the package rate representing gross receipts as defined in §12.03(C) of this chapter. The determination of the portion of the package rate representing gross receipts as defined in §12.03(C) of this chapter 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 portion of the package rate representing the gross receipts as defined in §12.03(C) of this chapter, he or 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 the Saint Germain Accommodations Commission, created pursuant to §77.52(2)(a)(I) Wis. Stats.

- (C) Distribution of Tax: No more than 45 days after March 31, June 30, September 30 and December 31 of each year, the Town Board shall allocate and distribute 75% of the accommodations tax revenues collected in the quarter ending December 31, March 31, June 30 and September 30, respectively, in accordance with a contractual agreement between the Town Board and the Chamber of Commerce specifying advertising and promotion of the hospitality and tourism business requirements to be performed by the Chamber of Commerce

12.05 ADMINISTRATION OF THE ACCOMMODATIONS TAX:

- (A) Administration: This chapter shall be administered by the Town Treasurer.
- (B) Application for an Accommodations Tax Permit:
- (1) Every person furnishing retail rooms or lodging to transients and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations shall file annually with the Town Treasurer an application for accommodations tax permit for each place of business.
 - (a) Owners of rental property subject to this chapter have the option of either applying for the required accommodations tax permit themselves or requiring their Property manager to obtain the permit on their behalf.
 - (b) Managers of properties subject to reporting accommodations taxes must annually identify, and provide names and mailing addresses for, owners of all rental properties they represent.
 - (c) The party to whom the accommodations tax permit is issued shall be held fully responsible for complying with all provisions of this chapter.
 - (2) 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 business at the place designed therein. It shall at all times be displayed conspicuously at the place for which issued.
- (D) Quarterly Accommodations Tax Return and Tax Payment Due Dates: Every person furnishing at retail, rooms or lodging to transients and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations, shall file ~~a quarterly~~ accommodations tax returns and tax payments with the Town Treasurer ~~on or before January 30, April 30, July 30 and October 30 of each year for the calendar quarter ending on the last day of the previous month.~~ within 30 days of the end of the applicable month or quarter as follows:
- (1) Accommodations businesses that submit their Wisconsin Sales Tax returns on a monthly basis shall also submit their Accommodations Tax returns on a monthly basis.

(2) Accommodations that submit their Wisconsin Sales Tax returns on a quarterly or annual basis shall submit their Accommodations Tax returns either monthly or quarterly, but not annually.

- (E) Timely Filing of Returns: Any return to be filed under the provisions of this chapter that is postmarked by the United States Post Office on or before the date due shall be considered timely filed. If a return is postmarked after the due date, a delinquent filing fee will be imposed in an amount determined by the Saint Germain Town Treasurer. Unpaid taxes bear interest of 1% per month from due date, until first day of month following month of payment.
- (F) Extension of Time to File Returns: The Town Treasurer may, for good cause, grant an extension of time to file a quarterly accommodations tax return or accommodations tax annual reconciliation return for a period not exceeding 30 days from the date due.
- (G) Estimate of Taxes for Failure to File: If any person fails to file a return as required by this chapter within 30 days following the due date, the Town Treasurer shall give such person written notice of the failure to file. In the event that such person fails to respond by filing all required returns within 10 days of the date of the notice, the Town Treasurer shall make an estimate of the amount of the gross receipts under this chapter. 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 information as the Town Treasurer to inspect and audit his or her financial records. Each person required to pay accommodations tax determined pursuant to this subsection shall also pay interest at the rate of 1% per month on the unpaid balance.
- (H) Record Keeping Requirements: Every person subject to the tax imposed by this chapter shall keep or cause to be kept accurate records of gross receipts from furnishing at retail rooms or lodging to transients and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations.
- (I) Responsibility for Unpaid Tax:
- (1) If any person liable for any amount of tax under this chapter sells his or her business, stock of goods, or quits the business, the original owner and, his or her successors or assigns shall be jointly and severally liable for any unpaid tax due under this chapter.
 - (2) If any permittee, who is a property manager, fails to comply with §12.05(F) & (G) of this chapter, the Town Treasurer shall notify in writing, within 10 days of the delinquency commencing, all rental property owners represented by said property manager:
 - (a) That their property manager is delinquent in filing a tax return.
 - (b) That the tax return for their rental property or properties is subject to an interest rate of 1% per month on the unpaid balance.
 - (c) That their property manager may become subject to the enforcement provisions of §12.10 of this chapter, including revocation of accommodations tax permit for their property.
- (J) Audit Procedures: Whenever the Town Treasurer has probable cause to believe the correct amount of accommodations tax has not been assessed or that any return

required to be filed under this chapter is not correct, the Town Treasure may, by the office of field audit, inspect an audit the financial records of any person pertaining to the furnishing of accommodations to determine whether or not any return required to be filed under this chapter is correct. The Town Treasurer may determine the tax required to be paid to the Town or the refund due any person under this chapter. This determination may be made upon facts contained in the returns being audited or on the basis of any other information within the Town Treasurer's possession.

- (K) Confidentiality: All tax returns, schedules, exhibits, writing or audit reports relating to such returns on file with the Town Treasure are deemed to be confidential, except that the Town Treasurer may divulge their contents to the following and no others:
- (i) The persons who filed the return or their legal representatives.
 - (ii) The Wisconsin Department of Revenue.
 - (iii) Persons using the information in the discharge of duties imposed by law or the duties of their office or by order of a court.

12.06 SEVERABILITY: The provisions of this chapter shall be deemed severable. If any sections subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this chapter 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 chapter.

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

12.08 STATE LAW APPLIES: Nothing contained in this chapter 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 chapter.

12.09 PREVIOUS ORDINANCES: This ordinance repeals and replaces Town of Saint Germain Accommodations Tax Ordinance SG-1998, adopted March 12, 1998 and all subsequent amendments.

12.10 ENFORCEMENT:

- (A) Revocation of Permit: When any person fails to comply with any provision of this chapter, the Town Treasurer may, upon 10 days written notification and after affording such person the opportunity to show cause why their permit should not be revoked, revoke or suspend any or all permits held by such person under this chapter. In the event such a permit is revoked or suspended, the Town Treasurer shall send to such person written notice of the same. The Town Treasurer shall not issue a new permit after revocation of a permit until such person complies with the provisions of this chapter. A fee of \$10 shall be imposed for the renewal of a permit which has been previously suspended or revoked.
- (B) Late Filing Fee: 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 \$20.00 late filing penalty, exclusive of interest or other penalties.

- (C) Forfeitures: Any person who violates any provisions of this ordinance shall be subject to a forfeiture of \$50.00 plus court costs for the first violation, \$100.00 plus court costs for the second violation and \$200.00 plus court costs for all subsequent violations, or an amount not to exceed 25 percent of the room tax due for the previous year, whichever is less. Each day a violation exists shall constitute a distinct and separate violation and forfeitures shall apply accordingly.
- (D) Issuance of Citation: The Town Board Chairman shall be authorized to issue a citation pursuant to §778.25. Wis. Stats., for any violation of this Chapter.
- (E) Unpaid Judgement or Taxes Due: In the event the Town initiates legal action for a violation of this Chapter and resulting judgement is unpaid for a period of 90 days, or in the event unpaid Accommodations Tax receipts are due for a period of 90 days, the Town Treasurer may add the judgement amount or taxes due amount to the annual property tax for the affected parcel. Notice of such assessment shall be provided by the Town, in writing, to the owner or owners of the affected parcel, within 10 days of levying the assessment.

12.11 EFFECTIVE DATE: This revision supersedes St. Germain Code of Ordinances, Chapter 12 - Accommodations Tax adopted June 21, 2017 and is effective on publication or posting as required under §60.80, Wis. stats., and is applicable to all property rentals effective January 1, 2018.

Adopted this 9th day of October 2017

Attest:

Tom Christensen
Town Chairman

Tom Martens
Town Clerk