

Chapter 5

Hotel and Motel Room Tax

7-5-1	Definitions
7-5-2	Tax Imposed
7-5-3	Clerk to Administer
7-5-4	Permit Required
7-5-5	Issuance of Permit
7-5-6	Revocation of Permit
7-5-7	Liability on Sale of Business
7-5-8	Audits
7-5-9	Failure to File Return
7-5-10	Bond
7-5-11	Records
7-5-12	Returns Confidential
7-5-13	Penalty

Sec. 7-5-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Hotel or Motel.** 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 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, irrespective of whether membership is required for use of the accommodations, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospitals, sanitariums 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 Sec. 77.51(11)(a), (b) and (c), Wis. Stats., insofar as applicable.
- (c) **Transient.** Any person residing for a continuous period of less than one (1) month in a hotel, motel or other furnished accommodations available to the public.

Hotel and Motel Room Tax

7-5-2

Sec. 7-5-2 Tax Imposed.

Such tax shall be at a rate of seven percent (7%) of the gross receipts from such retail furnishing of rooms or lodging until January 1, 2015 at which time the tax rate shall be at a rate of six percent (6%) of the gross receipts from such retail furnishing of rooms and lodging.

Sec. 7-5-3 Clerk to Administer.

This Chapter shall be administered by the City Clerk. The tax imposed for each calendar quarter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Clerk by those furnishing at retail such rooms and lodging, on or before the same date on 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 and such other information as the City Clerk deems necessary. The return shall be accompanied by a copy of the Wisconsin Sales Tax Return filed by the person filing the room tax return for the same period of time set forth in the room tax return. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns and shall contain certain such additional information as the City Clerk requires. Such annual returns shall be made on forms as prescribed by the City Clerk. All such returns shall be signed by the person required to file a return or his duly authorized agent, but need not be verified by oath. The City Clerk may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.

Sec. 7-5-4 Permit Required.

Every person furnishing rooms or lodging under Section 7-5-2 shall file with the City Clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the City Clerk 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 City Clerk 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 owner(s). At the time of making an application, the applicant shall pay to the City Clerk a fee of Twenty-Five Dollars (\$25.00) for a one year permit, Thirty Dollars (\$30.00) for a two year permit, said fee to be reviewed annually. The permit shall be obtained annually (or every two years if so selected) and be valid for the period of July 1 to June 30 of each year.

Hotel and Motel Room Tax

7-5-5

Sec. 7-5-5 Issuance.

After compliance with Sections 7-5-4 and 7-5-10 by the applicant, the City Clerk shall grant and issue to each applicant a separate permit for each place of business within the City. 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.

Sec. 7-5-6 Revocation of Permit.

Whenever any person fails to comply with this Chapter, the City Clerk may, upon ten (10) days' notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The City Clerk shall give to such person written notice of the suspension or revocation of any of his permits. The City Clerk shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this Chapter. 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.

Sec. 7-5-7 Liability on Sale of Business.

If any person liable for any amount of tax under this Chapter sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the City Clerk that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this Chapter fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

Sec. 7-5-8 Audits.

- (a) The City Clerk may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any of the information within the City Clerk's possession. One (1) or more such office audit determinations may be made of the amount due for anyone or for more than one (1) period.

Hotel and Motel Room Tax

7-5-8

- (b) The City Clerk may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Clerk's possession. The City Clerk 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 City Clerk from making a determination of tax at any time.

Sec. 7-5-9 Failure to File Return.

- (a) If any person fails to file a return as required by this Chapter, the City Clerk shall make an estimate of the amount of the gross receipts under Section 7-5-2. 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 City Clerk's possession or may come into his possession. On the basis of this estimate, the City Clerk shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof. One (1) or more determinations may be made for one (1) or more than one (1) period.
- (b) All unpaid taxes under this Chapter shall bear interest at the rate of eighteen percent (18%) per annum from the due date of the return until the first day of the month following the month in which the tax is due or deposited with the City Clerk.
- (c) Delinquent tax returns shall be subject to a Fifty Dollar (\$50.00) late filing fee. The tax imposed by this Chapter shall become delinquent if not paid:
 - (1) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period if one has been granted.
 - (2) In the case of no return filed or a return filed late, by the due date of the return.
- (d) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of twenty-five percent (25%) of the tax exclusive of interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this Chapter, a penalty of fifty percent (50%) shall be added to the tax required to be paid, exclusive of interest and other penalties.

Sec. 7-5-10 Bond.

In order to protect the revenue of the City, the City Clerk may require any person liable for the tax imposed by this Chapter to place with him, before or after a permit is issued, such security, not in excess of Five Thousand Dollars (\$5,000.00) as the City Clerk determines. If any taxpayer fails or refuses to place such security, the City Clerk may refuse to revoke such permit. If any taxpayer is delinquent in the amount of the taxes imposed by this Chapter, the City Clerk may, upon ten (10) days' notice, recover the taxes, interest and penalties from the security placed with

Hotel and Motel Room Tax

7-5-10

the City Clerk by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security.

Sec. 7-5-11 Records.

Every person liable for the tax imposed by this Chapter shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Clerk requires.

Sec. 7-5-12 Returns Confidential.

- (a) All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Clerk may divulge their contents to the following and no others:
 - (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.
 - (3) Officers, employees or agents of the City Clerk.
 - (4) Such other public officials of the City when deemed necessary.
- (b) No person having administrative duty under this Chapter 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 Chapter or the 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 herein.

Sec. 7-5-13 Penalty.

Any person who is subject to the tax imposed by this Chapter who fails to obtain a permit as required in Section 7-5-4 or who fails or refuses to permit the inspection of his records by the City Clerk after such inspection has been duly requested by the City Clerk, or who fails to file a return as provided in this Chapter, or who violates any other provision of this Chapter shall, upon conviction thereof and in addition to any other penalty imposed herein, forfeit an amount as prescribed by Section 1-1-7 of this Code of Ordinances and the costs of prosecutions and, in default of payment of such forfeiture, be confined in the La Crosse County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation. Each day or portion thereof that such violation continues is hereby deemed to constitute a separate offense.