

CHAPTER 41 HOTEL/MOTEL TAX

41.01 DEFINITIONS

Hotel: Any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses, retreat centers, conference centers, and hunting lodges.

Operator: Any person operating a hotel.

Occupancy: The use or possession, or the right to the use or possession, of any rooms in a hotel for any purpose, or the right to the use or possession of the furnishings, or to the services and accommodations accompanying the use and possession of the room or rooms.

Room or Rooms: Any living quarters, sleeping or housekeeping accommodations.

Permanent Resident: Any person who has occupied or has the right to occupy any room or rooms, regardless to whether or not it is the same room or rooms, in a hotel for at least 30 consecutive days.

Rent or Rental: The consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits, property or services of any kind or nature.

Person: Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

41.02 TAX IMPOSED

A tax be imposed upon persons engaged in the business or renting, letting or leasing rooms in a hotel at the rate of five percent (5%) of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel.

41.03 PAYMENT AND COLLECTION

- A. The tax levied herein shall be paid in addition to any and all other taxes. It shall be the duty of the operator of every hotel to collect said tax from the guest or lodger, and to pay over to the Village Administrator or his/her designee said tax on a monthly basis as provided herein.
- B. Every person required to collect the tax levied by this ordinance shall receive said tax from the guest or lodger at the time the room charge is paid. A receipt, invoice or other

statement or memorandum showing the itemized rental and all taxes shall be issued to the user, lessee or tenant.

41.04 ADMINISTRATION AND ENFORCEMENT

- A. Inspections. The Village Administrator or his/her designee may enter the premises of any hotel for inspection and examination of books and records for the proper administration of this ordinance and enforcement and collection of the tax imposed. It shall be unlawful for any person to prevent, hinder or interfere with the Village Administrator or his/her designee in enforcing this ordinance.
- B. Records Required. It shall be the duty of every person operating a hotel in the Village to keep accurate and complete books and records to which the Village Administrator or his/her designee shall, at all times, have full access, which records shall include a daily sheet showing:
1. The number of hotel rooms rented during the 24 hour period, including multiple rentals of the same hotel when such occurs; and
 2. The actual hotel room tax receipts collected from the date in question.
- C. Monthly Tax Returns. Every person operating a hotel shall file tax returns showing tax receipts received with respect to each hotel during each month of each year, within 30 days after the end of the respective date, upon forms prescribed by the rules and regulations of the Village Administrator or his/her designee. At the time of filing said tax returns, the operator shall pay to the Village Administrator or his/her designee all taxes due for the period 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.
- D. Failure to Pay Tax.
1. 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 (1%) 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 (10%) of the tax and interest due shall be assessed and collected against any hotel owner, manager or operator.
 2. Suit for Collection. Whenever a person fails to pay tax required herein, the Village Attorney shall, upon the request of the Village Administrator or his/her designee, 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 the collection shall be paid by the operator.

3. Revocation of Village Licenses. If the Village Administrator or his/her designee, after conducting a hearing, finds that any person has willfully avoided payment of the tax imposed herein, he may suspend or revoke all Village licenses 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 hearing, with said notice addressed to the operator at the last known place of business, has been delivered to the operator.

41.05 PENALTY

Any person found guilty of violating any provision of this ordinance, shall, be fined not less than \$100.00 nor more than \$1,000.00 for each offense and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day that a violation continues shall be considered a separate offense.