AN ORDINANCE PROVIDING FOR THE ADOPTING OF A SIX PERCENT (6%) HOTEL/MOTEL TAX IN THE CITY OF DUBLIN, OHIO

WHEREAS, for the purpose of providing funds with which to meet the needs of the City of Dublin for the use of the GENERAL FUND of the City, for the advancement of the cultural development of the City, for the promotion, and publicizing of the City of Dublin as a desirable location for conventions, trade shows, and similar events to encourage the patronage and business of cultural, educational, religious, professional, sports, and other activities to utilize the City of Dublin and its facilities for such events all for the benefit of the citizens of Dublin, an excise tax of three percent (3%) is hereby levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished to transient guests, pursuant to Ohio Revised Code 5739.02(C)(1) and furthermore, an additional excise tax of three percent (3%) is hereby levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished pursuant to Ohio Revised Code 5739.02(C)(2).

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 7 of the elected members concurring that:

Section 1. The City of Dublin Codified Ordinances are hereby amended to add Chapter 182.

182.01 DEFINITIONS

(A) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. The term "Hotel" shall include "Motel".

(B) "Transient accommodations" means every establishment kpet, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four or less rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

(C) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(D) "Vendor" means the person who is the owner or operator of the hotel or transient accommodation and who furnishes the loding.

182.02 IMPOSITION OF TAX

(A) For the purpose of providing revenue to enhance the City's appeal to visitors and tourists and for the further purpose of providing revenues to promote and publicize the City, an excise tax of three percent (3%) is hereby levied on transactions by which lodging by a Hotel or Transient accommodation is or is to be furnished to transient guests, pursuant to Ohio Revised Code Section 5739.02(C)(1) and furthermore, an additional excise tax of three percent (3%) is hereby levied on transactions by which lodging by a Hotel or Transient accommodation is or is to be furnished to transient guests pursuant to Ohio Revised Code Section 5739.02(C)(2).

(B) Although the above levies are separate and distinct for purposes of determining distribution, the combined amounts of six per-

(D) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax it is presumed that all lodging furnished by hotels or transient accommodations in this City to transient guests is subject to tax until the contrary is established.

(E) Sixty days after the passage of this Ordinance, all revenues generated by the provisions of this chapter shall be disbursed as follows:

(1) 25% of the revenues shall be placed into a holding account, which is hereby established, in which revenues payable to the Dublin Visitors and Convention Bureau will accrue through each quarterly period of a calendar year and be paid to the Dublin Visitors and Convention Bureau on the 20th day of the month following the close of a quarterly period.

(2) (a)
Seventy-five percent (75%) of the revenues shall be designated within the City's annual budget for the following purposes:

1. Additional Convention and Visitors Bureau expenses beyond the twenty-five percent (25%) of the tax mandated for this purpose by State law;
2. Cultural arts;
3. Beautification of public property;
4. Improvement of the historic district;
5. Special events;
6. Any other project or expenditure which would enhance the City's appeal to visitors and tourists.

(b)
Any community organization which wishes to apply for this portion of the tax revenues shall submit a written proposal, along with an annual budget, each year prior to the budget hearings to the City Manager by a date to be established by the City Manager. The proposals shall be presented to Council during the annual budget hearings, during which a representative of each applicant shall be present to discuss its proposal. Council shall review and approve, modify, or disapprove the proposals at the same time that the annual City budget is approved. Council may also provide an opportunity for further applications for funding throughout the year, in its discretion, if tax revenues are available.

182.03 TRANSIENT GUEST TO PAY TAX

(A) The tax imposed by this chapter shall be paid by the transient guest to the vendor, and each vendor shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

(B) If the transaction is claimed to be exempt, the transient guest must furnish to the vendor, and the vendor must obtain from the transient guest, a statement specifying the reason that the sale is not legally subject to the tax. If no statement is obtained, it shall be presumed the tax applies.

182.04 REFUND OF ILLEGAL OR ERRONEOUS PAYMENTS

The Finance Director shall refund to vendors the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor has not reimbursed himself from the transient guest. When such illegal or erroneous payment or assessment was not paid to a vendor but was paid by the transient guest directly to the City Finance Director he shall refund to the transient

amount of refund due and draw a warrant for such amount to the person claiming such refund. The Finance Director shall make such payments from a Tax Refund Account as established by the Ordinance and the same is hereby established. Refunds from payments previously made in accordance with Sections 182.02(E)(2) and (3) shall be deducted from current quarterly accruals.

182.05 REQUIRED RECORDS: INSPECTION AND DESTRUCTION

Each vendor shall keep complete and accurate records of lodgings furnished, together with a record of the tax collected thereon, which shall be the amount due under this chapter, and shall keep all invoices and such other pertinent documents. If the vendor furnishes lodging not subject to the tax, the vendor's records shall show the identity of the transient guest, if the sale was exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. Such records and other documents shall be open during business hours to the inspection of the Finance Director and shall be preserved for a period of four years, unless the Finance Director, in writing, consents to their destruction within that period, or by order requires that they be kept longer.

182.06 RETURNS REQUIRED

Each vendor shall file a monthly return on forms prescribed by the Finance Director showing receipts from furnishing lodging, the amount of tax due from the vendor to the City for the period covered by the return, and such other information as the Finance Director deems necessary for the proper administration of this chapter. The monthly return is due on or before the 15th day of each month during a calendar year. The Finance Director may extend the time for making and filing returns. Returns shall be filed by mailing the same to the Finance Director, together with payment of the amount of tax shown to be due thereon. The Finance Director shall stamp or otherwise mark on all returns the date received by him and shall also show thereon by stamp or otherwise the amount of payment received with the return. Any vendor who fails to file a return under this chapter shall forfeit and pay into the City Treasury the sum of one percent (1%) of the tax due. The Finance Director, if he deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods. The returns shall be signed by the vendor or his authorized agent.

182.07 LIABILITY: ASSESSMENT AND PETITION FOR REASSESSMENT: PENALTIES

(A) If any vendor collects the tax imposed by or pursuant to this chapter and fails to remit the same to the City as prescribed, he shall be personally liable for any amount collected which he failed to remit. The Finance Director may make an assessment against such vendor based upon any information in the Finance Director's possession. If any vendor fails to collect the tax or any transient guest fails to pay the tax imposed by or pursuant to this chapter on any transaction subject to the tax, such vendor or transient guest shall be personally liable for the amount of the tax applicable to the transaction. The Finance Director may make an assessment against either the vendor or transient guest, as the facts may require, based upon any information in his possession. An assessment against a vendor in cases where the tax imposed by or pursuant to

(B) In each case the Finance Director shall give to the vendor or transient guest assessed written notice of such assessment. Such notice may be served upon the vendor or transient guest assessed personally or by registered or certified mail. An assessment issued against either, pursuant to the provisions of this chapter shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no assessment shall be issued against any vendor or transient guest for the tax due on a particular transaction if said tax has actually been paid by another.

(C) The Finance Director may make an assessment against any vendor who fails to file a return required by this chapter or fails to remit the proper amount of tax in accordance with this chapter. When information in the possession of the Finance Director indicates that the amount required to be collected is, or should be, greater than the amount remitted by the vendor, the Finance Director may upon the basis of test checks of a vendor's business for a representative period which are hereby authorized, determine the ratio which the tax required to be collected under this chapter bears to the hotel's or transient accommodations' lodgings which determination shall be the basis of an assessment as herein provided in this chapter. Notice of such assessment shall be made in the manner prescribed in this chapter.

(D) Unless the vendor or transient guest, to whom said notice of assessment is directed, files within thirty days after service thereof, either personally or by registered or certified mail a petition in writing, verified under oath by said vendor, transient guest, or his authorized agent, having knowledge of the facts, setting forth with particularity the items of said assessment objected to, together with the reasons for such objections, said assessment shall become conclusive and the amount thereof shall be due and payable, from the vendor or transient guests so assessed, to the Finance Director, City of Dublin, Ohio. When a petition for reassessment is filed, the Finance Director shall assign a time and place for the hearing of same and shall notify the petitioner thereof by registered or certified mail, but the Finance Director may continue the hearings from time to time if necessary.

(E) A penalty of eighteen percent (18%) shall be added to the amount of every assessment made under this chapter. The Finance Director may adopt and promulgate rules and regulations providing for the remission of penalties added to assessments made under this chapter.

(F) When any vendor or transient guest files a petition for reassessment as provided in this chapter, the assessment made by the Finance Director, together with penalties thereon, shall become due and payable within three days after notice of the finding made at the hearing has been served, either personally or by registered or certified mail, upon the party assessed.

182.08 FOUR-YEAR LIMITATION FOR ASSESSMENTS; EXCEPTIONS

(1) When the Finance Director has substantial evidence of amounts of taxes collected by a vendor from transient guest's lodging which were not returned to the City;
(2) When the vendor assessed failed to file a return as required.

182.09 TAX PAID TRANSIENT GUEST: FALSE EVIDENCE OF TAX-EXEMPT STATUS

No transient guest shall refuse to pay the full and exact tax as required by this chapter, or present to the vendor false evidence indicating that the lodging as furnished is not subject to the tax.

182.10 VENDOR TO COLLECT TAS: PROHIBITION AGAINST REBATES

No vendor shall fail to collect the full and exact tax as required by this chapter. No vendor shall refund, remit or rebate to a transient guest, either directly or indirectly any of the tax levied pursuant to this chapter, or make in any form of advertising, verbal or otherwise, any statements which might imply that he is absorbing the tax, or paying the tax for the transient guest by an adjustment of prices, or furnishing lodging at a price including the tax, or rebating the tax in any other manner.

182.11 REPORTS MUST BE FILED: FRAUDULENT REPORTS

(A) No person, including any officer of a corporation or employee of a corporation having control or supervision of or charged with the responsibility of filing returns, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report or statement.

(B) If any vendor required to file monthly returns under this chapter fails on two consecutive months or on three or more months within a twelve month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the Finance Director to file returns at less frequent intervals, fails on two or more occasions within a twenty-four month period, to file such returns when due or to pay the tax due thereon, the Finance Director may: require such vendor to furnish security in an amount equal to the average tax liability of the vendor for a period of one year, as determined by the Finance Director from a review of returns or other information pertaining to such vendor, which amount shall in no event be less than one thousand dollars ($1,000.00). The security may be in the form of a payment to be applied to pay the tax due on subsequent returns, or a corporate surety bond, satisfactory to the Finance Director, conditioned upon payment of the tax due with the returns from the vendor. The security must be filed within ten days following the vendor's receipt of the notice from the Finance Director of its requirements.

(C) A corporate surety bond filed under this section shall be returned to the vendor if, for a period of twelve consecutive months following the date the bond was filed, the vendor has filed all returns and remitted payment therewith within the time prescribed in this chapter.

(D) Each recipient organization of funds pursuant to the above Ordinance shall within 120 days after the end of their fiscal year provide to the Finance Director financial statements of the organization for such fiscal year prepared in accordance with standards set forth by the Director of Finance.

182.12 PERSONAL LIABILITY OF CORPORATE OFFICERS OR EMPLOYEES

fails for any reason to make such filing or payment, any of its officers charged with the responsibility of filing returns and making payments, shall be personally liable for such failure. The dissolution of a corporation shall not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or remit tax due. The sum due for such liability may be collected by assessment in the manner provided in this chapter.

182.13 INTENT OF CHAPTER

It is the intent of this chapter to levy the excise tax of six percent (6%) on transactions by which lodging by a hotel/motel is or is to be furnished to transient guests as referred to authorized by Ohio R.C. 5739.02(C), and further, to levy an excise tax of six percent (6%) on transactions by which lodging by accommodations is or is to be furnished to transient guests. Accordingly, this chapter shall be construed to effectuate those purposes and so as to be consistent with any requirement of law compliance with which is a prerequisite to the validity of the tax intended to be levied hereby.

182.99 PENALTY

Whoever violates any provision of this chapter shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for a first offense. For each subsequent offense such person shall, if a corporation, be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00), or if an individual, or a member of a partnership, firm or association, be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00), or imprisoned nor more than sixty days, or both.

Section 2. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

Passed this 21st day of December, 1987.

Mayor - Presiding Officer

Attest:

Frances M. Urban
Clerk of Council

Sponsor: Income Tax Administrator

MEMORANDUM

Date: December 21, 1987
To: Dublin City Council
From: Council members David Amorose, Barbara Maurer, Jan Rozanski, Daniel Sutphen, Dublin Area Chamber of Commerce representative William Fearon, and Dublin Arts Council representative Barbara Stewart.
Re: Amendment to Ordinance No. 133-87.

Most of the council members have expressed a concern about accountability in regard to the use of the portion of the hotel/motel tax which has not been designated by law to a convention and visitors bureau. A majority of council members have expressed a desire to have the revenues from this tax used to enhance the city's appeal to visitors and tourists. Therefore, we propose the following compromise amendments to this ordinance.

1. Change the first phrase of Section 182.02 to read:
(A) For the purpose of providing revenue <u>to enhance the City's appeal to visitors and tourists</u> and for the further purpose of providing revenues to promote and publicize the City, ...

2. Omit Sections 182.02 (E)(1) and (3) as now written.

3. Renumber Section 182.02 (E)(2) as 182.02 (E)(1)

4. Add Section 182.02(E)(2) as follows:
(2)(a) Seventy-five per cent (75%) of the revenues shall be designated within the city's annual budget for the following purposes:

1. Additional convention and visitors bureau expenses beyond the twenty-five per cent of the tax mandated for this purpose by state law;
2. Cultural arts
3. Beautification of public property;
4. Improvement of the historic district;
5. Special events;
6. Any other project or expenditure which would enhance the city's appeal to visitors and tourists.

(b) Any community organization which wishes to apply for this portion of the tax revenues shall submit a written proposal, along with an annual budget, each year prior to the budget hearings to the city manager by a date to be established by the city manager. The proposals shall be presented to Council during the annual budget hearings, during which a representative of each applicant shall be present to discuss its proposal. Council shall review and approve, modify, or disapprove the proposals at the same time that the annual city budget is approved. Council may also provide an opportunity for further applications for funding throughout the year, in its discretion if tax revenues are available.

Finance amendment

DATE: DECEMBER 17,1987

TO: COUNCIL MEMBERS

FROM: FINANCE DIRECTOR

SUBJ: HOTEL/MOTEL TAX ORDINANCE

AFTER THE DECEMBER 7, 1987 COUNCIL MEETING THE PROPOSED HOTEL/MOTEL TAX ORDINANCE WAS REFERRED TO THE FINANCE SUB-COMMITTEE FOR REVIEW CONCERNING KEY POINTS IN HOW THE FUNDS WERE TO BE DISTRIBUTED. THE FOLLOWING CHANGES TO THE ORDINANCE ARE NOW OFFERED:

DELETE SECTION 182.02 (E) (3) IN ITS ENTIRETY.

CHANGE THE PERCENTAGE IN SECTION 182.02 (E) (1) TO 75% FROM 50%.

ADD THE FOLLOWING LANGUAGE TO A NEWLY CREATED SECTION 182.11 (D):

"EACH RECIPIENT ORGANIZATION OF FUNDS PURSUANT TO THE ABOVE ~~DESCRIBED ALLOCATIONS~~ Ordinance SHALL WITHIN 120 DAYS AFTER THE END OF THEIR FISCAL YEAR PROVIDE TO THE FINANCE DIRECTOR FINANCIAL STATEMENTS OF THE ORGANIZATION FOR SUCH FISCAL YEAR PREPARED IN ACCORDANCE WITH ~~GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, CONSISTENTLY APPLIED, WITH AN OPINION THEREON BY A FIRM OF CERTIFIED PUBLIC ACCOUNTANTS."~~ standards set forth by the director of finance

DATE: DECEMBER 17,1987

TO: COUNCIL MEMBERS

FROM: FINANCE DIRECTOR

SUBJ: HOTEL/MOTEL TAX ORDINANCE

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City of Dublin

6665 Coffman Road
Dublin, Ohio 43017

NOTICE OF PUBLIC HEARING

DUBLIN CITY COUNCIL MEETING

December 7, 1987
7:30 P.M.

There will be a Public Hearing on December 7, 1987, at 7:30 P.M. in the Dublin Municipal Building, 6665 Coffman Road, Dublin, Ohio, regarding Ordinance No. 133-87 which reads as follows:

AN ORDINANCE PROVIDING FOR THE ADOPTION OF AL SIX PERCENT (6%) HOTEL/MOTEL TAX IN THE CITY OF DUBLIN, OHIO

fmu

City of Dublin, Ohio

Hotel/Motel Operators Monthly Return of Hotel/Motel Tax

Ordinance Number 133-87 Passed December 21, 1987

TO:

For month ending:

Due on or before: 15th of following month

Item	Description	Amount
1.	**Gross Receipts:** All hotel and motel lodging furnished to guests	
2.	**Exempt Receipts:** Lodging furnished the State or any of its political subdivisions or any charitable organization for the lodging of transient or indigent individuals	
3.	**Other Exemptions:** Attach a copy of exemption certificate or exemption	
4.	**Net Taxable Receipts:** Subtract lines 2 and 3 from line 1	
5.	**Hotel/Motel Tax Due:** Multiply line 4 by 6%	
6.	**Adjustments:** Include prior month corrections. Attach explanation	
7.	**Penalty:** 1% of tax due if filing after due date	
8.	**Total Tax Due:** Items 5, 6 and 7	

I hereby certify that the information and statements contained herein are correct.

Print Name _____ Official Title _____

Signature _____ Date _____

Federal ID Number _____

Make Checks Payable To: **City of Dublin**

Mail To: **City of Dublin, Division of Taxation, PO Box 9062, Dublin, OH 43017-0962**

(614) 410-4431 Fax: (614) 448-9454

CITY OF DUBLIN.

Division of Taxation
5200 Emerald Parkway
P.O. Box 9062
Dublin, Ohio 43017-0962

Phone: 614-410-4460
Fax: 61-761-6582
Web site: www.dublin.oh.us

CERTIFICATE OF EXEMPTION
HOTEL/MOTEL
EXCISE TAX

Name of Hotel, Apartment Hotel Or Lodging House — Date

Address — Date of Occupancy

This is to certify that the undersigned hereby claims exemption from the hotel/motel excise tax, imposed by Dublin City Ordinance 133-87, payable to said establishment.

Purchaser must state statutory reason for claim exemption or exception.

Name (Please print)

Signature (Fiscal Officer) — Date

Employer and Statutory Reason for Exemption

Bill must be paid with government check or government credit card.