

## ACCOMMODATION ORDINANCE

AN ORDINANCE PROVIDING FOR THE ASSESSMENT AND COLLECTION OF AN EXCISE TAX ON PERSONS ENGAGED IN THE BUSINESS OF PROVIDING ROOMS FOR DWELLING, LODGING, OR SLEEPING PURPOSES TO TRANSIENT GUESTS; PURPOSE: TO REQUIRE REPORTS, PROVIDE FOR THE POWERS AND DUTIES OF THE COUNTY TREASURER, POWER TO CONTRACT FOR FUND ADMINISTRATION, TO PROVIDE PENALTIES, TO PROVIDE FOR ABATEMENTS AND REFUNDS, AND TO PROVIDE FOR DISPOSITION OF REVENUES.

### SECTION 1. DEFINITIONS

- (a) "Accommodations" means the room or other space provided for sleeping, including furnishings and other accessories therein; does not include food and beverages.
- (b) "County Treasurer" means the elected county treasurer or his duly authorized representative.
- (c) "Convention and entertainment facilities" means all or any part or any combination of convention halls, auditoriums, stadiums, music halls, arenas, meeting rooms, exhibit areas, and related public areas.
- (d) "Person" means a natural person, partnership, fiduciary, association, corporation, or other entity.
- (e) "Revenues" means the income derived from the excise tax levied under this Ordinance, plus interest and penalties imposed by this Ordinance.
- (f) "Transient guest" means a natural person staying less than thirty (30) consecutive days.

### SECTION 2. PURPOSE

The purpose of this Ordinance is to raise money to promote and encourage tourist and convention business in the County of Kalamazoo and to finance the acquisition, construction, improvement, enlargement, repair, or maintenance of convention and entertainment facilities.

### SECTION 3. LEVY OF TAX; COLLECTION; RATE; EXCEPTIONS

- (a) There is hereby levied upon and shall be collected from all persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests, whether or not membership is required for the use of the accommodations, an excise tax equal to 5 percent of the total charge for accommodations.
- (b) No tax shall be imposed hereunder upon cottages, hospitals or nursing homes, or upon a corporation or association organized and operated exclusively for

religious, charitable, or educational purposes in which no part of the net earnings inures to the benefit of any private shareholder or individual.

#### SECTION 4. COLLECTIONS

All persons who are engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests shall collect the tax imposed in Section 3 hereof for the County of Kalamazoo.

#### SECTION 5. REPORTS; REMITTANCES

On or before the fifteenth day of each month, every person required in Section 4 hereof to collect the tax imposed herein shall file a report for the preceding month with the County Treasurer showing the total amount of consideration paid for all accommodations in the preceding month, the amount of the tax collected on such accommodations, and any other information that the County Treasurer may reasonably require. Such person shall pay the tax due on such accommodations at the time of filing his report with the County Treasurer. All remittances of taxes imposed by this Ordinance shall be to the County Treasurer by bank draft, check, cashier's check, money order, certificate of deposit, or money. The County Treasurer shall issue his receipt and shall forthwith deposit all monies received in a special fund of the County, provided however, that no remittance other than cash shall be a final discharge of liability for the tax herein assessed and levied unless and until it has been paid in cash.

#### SECTION 6. POWERS AND DUTIES OF COUNTY TREASURER; RULES AND REGULATIONS; COLLECTION EXPENSES

The County Treasurer shall collect the tax imposed in Section 3 herein and shall administer and enforce this Ordinance. The County Treasurer shall have the power to make such rules and regulations, subject to the approval of the Board of Commissioners, as are necessary to effectively collect the tax levied herein and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this Ordinance in the amount of taxes due under the provisions of this Ordinance. The County Treasurer shall furnish forms, instructions, manuals, and other materials necessary for enforcement of the tax and the auditing of tax returns to each taxpayer. The County will receive one and one-half percent (1½%) of all proceeds collected under this Ordinance for collection expenses incurred by the County Treasurer's Office.

#### SECTION 7. POWER TO CONTRACT FOR FUND ADMINISTRATION

The County of Kalamazoo may enter into a contract with a non-profit agency outside of the County government to carry out the purposes of this Ordinance.

#### SECTION 8. PENALTIES

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars (\$500.00) or imprisoned in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, any person who fails to remit the tax or violates the reporting provision imposed by this Ordinance within the time required shall forfeit an additional five percent (5%) of the amount of the unpaid tax per month or fraction thereof after the due date thereof until paid; provided, however, said penalty shall not exceed twenty-five percent (25%) of the unpaid tax. In addition, delinquent taxes shall draw interest at the rate of one percent (1%) per month or fraction thereof of the unpaid tax after the due date thereof until paid. Any penalty and/or interest added hereto shall be collected as part of the tax.

#### SECTION 9. ABATEMENTS AND REFUNDS

If a return or remittance is filed after the due date set forth in Section 5, and it is shown that the failure to file it was due to reasonable cause and not due to willful neglect, as determined by the County Treasurer, the penalty and interest prescribed in Section 8 shall not apply; provided, however, the County Treasurer shall at no time have the power or authority to cancel or diminish any part of the tax imposed under this Ordinance unless the tax was inadvertently collected from a person meeting the requirements in Section 3(b) or a court of competent jurisdiction orders such.

#### SECTION 10. OTHER TAXES NOTWITHSTANDING

The taxes levied under this Ordinance shall be in addition to any other taxes, charges, or fees.

#### SECTION 11. DISPOSITION OF REVENUES

The revenues derived from the taxes imposed pursuant to this Ordinance may be used by the County or an authority which is organized pursuant to state law for only the following purposes:

- (a) The cost of administration and enforcement of the Ordinance.
- (b) The financing of the acquisition, construction, improvement, enlargement, repair or maintenance of convention and entertainment facilities, including the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the County for convention and entertainment facilities.
- (c) Current or future annual rental payable by the County to an authority organized pursuant to state law for the purpose of acquiring, constructing, improving, enlarging, repairing or maintaining the convention and entertainment facilities and leasing them to the County.

(d) The promotion and encouragement of tourist and convention business in the County.

SECTION 12. EFFECTIVE DATE

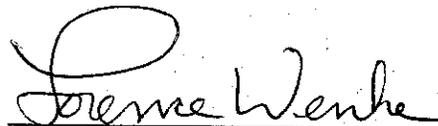
This Ordinance shall become effective on the 1st day of January 1975.

SECTION 13. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held 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 portions thereof.

CERTIFICATE

The foregoing Ordinance was adopted by the Board of Commissioners of Kalamazoo County, Michigan on the 15th day of October 1974; was amended on the 19th day of July 1983, the 7th day of February 1984, the 20th day of October 1992, and the 21<sup>st</sup> day of August, 2002; and was duly recorded, posted, and authenticated by the Chairman of the Board and the County Clerk as provided by law.



Lorence Wenke, Chairperson  
Kalamazoo County Board of  
Commissioners