

**TOWN OF HAZELHURST  
ONEIDA COUNTY WISCONSIN  
ROOM TAX ORDINANCE**

**ORDINANCE NO. 22-03**

**State of Wisconsin  
Town of Hazelhurst  
Oneida County**

**Sec. 22-00. Purpose.**

The purpose of this ordinance is to enact a Room Tax Ordinance authorizing the imposition of, and enforcement of a room tax on furnishing rooms or lodging to transients in the Town of Hazelhurst.

## **Sec. 22-01. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*Gross receipts* has the meaning as defined in Wis. Stats. § 77.51(4)(A)--(C), insofar as applicable.

*Hotel or motel* means a building or group of buildings in which the public may obtain accommodations for consideration, including, without limitations, 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; except accommodations, including mobile homes as defined in Wis. Stats. § 66.0435(1)(d), rented for a continuous period of more than one month and accommodations furnished by any hospital, sanatorium, nursing home, 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 benefit of any private shareholder or individual.

*One month* means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of the rental.

*Transient* means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. (Code 1997, § 2.07(1))

**State law reference** – Definitions, Wis. Stats. §§ 66.0615(1), 77.52(2)(a).

## **Sec. 22-02. Established.**

Pursuant to Wis. Stats. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing rooms or lodging to transients by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public, irrespective of membership, for the use of the accommodations. Such tax shall be at the rate of three percent of the gross receipts from such retail furnishing of rooms or lodgings for calendar year 2023. Beginning on January 1, 2024, the room tax rate shall be at the rate of five percent of the gross receipts from such retail furnishings of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. § 77.52(2)(a)1. (Code 1997, § 2.07(2))

**State law reference** – Tax authorized, Wis. Stats. § 66.0615(1m)(a).

## **Sec. 22-03. Collection; distribution.**

(a) *Collection of tax; quarterly and annual filings.* This article shall be administered by the town treasurer. Each calendar year shall be divided into four quarters. The tax imposed for the months of January, February and March shall constitute the first quarter. Those obligated to

collect the tax shall file with the town treasurer the amount of taxes imposed for such period, and such other information as the town treasurer deems necessary and appropriate. The tax due shall be paid with such filing. The filing, and payment of tax, shall be made within 15 days following the end of each quarter. Every person required to file such quarterly return shall also file an annual return. Such annual return shall be filed within 30 days following the close of each calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain such other information as the town treasurer requires. All returns shall be made on forms prescribed by the town treasurer. All returns shall be signed by the person required to file a return or his duly authorized agent. Returns need not be verified. The town treasurer may, for good cause shown, extend the time for filing and return, but such extension shall not exceed 30 days from the date on which the filing was due. Such extension may be granted only for good and sufficient cause.

- (b) *Distribution of tax.* The room tax shall be allocated as follows:
  - (1) Twenty-five percent of the tax collected shall be retained for the cost of administration, maintenance and improvement of recreational facilities and promotional projects; and
  - (2) Seventy-five percent shall be distributed to the Hazelhurst Tourism Committee to promote and develop tourism and such other purpose as may be set forth in Wis. Stats. § 66.0615, as amended from time to time. Payments to such commission shall be made within 30 days after the close of each calendar quarter. (Code 1997, § 2.07(3))

**Sec. 22-04. Business permit – Application; issuance.**

(a) *Required.* No business shall be operated in the town which requires the payment of a room tax, as set forth in this article, unless a permit for that business has been issued by the town treasurer.

(b) *Application.* Every person and organization furnishing rooms or lodging defined in section 22.01 shall file an application with the town treasurer for a permit for each place of business. Applications for a permits shall be made upon a form prescribed by the town treasurer. The application shall include the name under which the applicant transacts or intends to transact business, the location of its place of business and other such information as the town treasurer requires. The application shall be signed by the owner of the business or its authorized agent. An application fee of \$2.00 shall be paid to the town treasurer at the time of the filing of the application.

(c) *Term.* Permits shall be issued annually, and shall be applied for at the town office. The permit shall be applied for prior to June 1 of each year for which the permit will be in effect from January 1 until December 31 of the calendar year. It shall be the responsibility of the business owner or his authorized agent to apply for this permit annually with the town treasurer. There shall be no refund nor prorating of the permit fee should the business change ownership



during the year the permit is in effect. Change of ownership will require the new owner of the business to obtain a permit prior to beginning operation of the business.

(d) *Issuance; display required.* Upon receipt of an application for a permit, properly completed, the town treasurer shall grant and issue to each applicant a separate permit for each place of business within the town. Such permit is not assignable and is valid only for the ~~e~~ person or organization to whom it is issued, and only for the transaction of business at the place designated therein. The permit shall at all times be displayed in a conspicuous location at the place of business for which it has been issued.  
(Code 1997, § 2.07(4); Ord. of 12-8-2002)

#### **Sec. 22-05. Same-Revocation and suspension.**

If any person or organization fails to comply with this article, the town treasurer shall, upon ten days' written notification to same, and after affording such person or organization the opportunity to show cause why this permit should not be revoked or suspended, revoke or suspend any and all of the permits held by such person or organization. The town treasurer shall give written notice to such person or organization of the suspension or revocation. No new permit shall be issued, following such revocation, unless the town treasurer is satisfied that the former holder of the permit will comply with the provisions of this article. A fee of \$2.00 shall be imposed for the renewal or issuance of a permit following such suspension or revocation.  
(Code 1997, § 2.07(5))

#### **Sec. 22-06. Procedure upon sale of business.**

If any person or organization liable for tax hereunder sells its business, the new owner shall require the sellers to withhold a sufficient amount of the purchase price to cover unpaid room taxes until the former owner produces a receipt from the town treasurer showing all taxes have been paid, or certificates showing no amount is due. If such new owner fails to require the seller to withhold such amount of tax from the purchase price, as required in this section, such new owner shall become personally liable for all unpaid room tax owed by the prior owner.  
(Code 1997, § 2.07(6))

#### **Sec. 22-07. Audits.**

If the town treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the town treasurer may inspect and audit the financial records of the person or organization required to file such return, pertaining to the furnishing of accommodations, to determine whether the amount of room tax is correct. Such audit may be made as follows:

- (1) *Office.* The town treasurer may, by office audit, determine the tax required to be paid to the town or the refund due to any person or organization under this article. The determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information in the treasurer's

possession. One or more such office audit determinations may be made of the amount due for any person or organization, or for more than one period.

- (2) *Field.* The town treasurer, may, by office audit, determine the tax required to be paid to the town or the refund due to any person or organization under this article. Such determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the town treasurer's possession. The treasurer 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 or organization. Nothing herein shall prevent the town treasurer from making a determination of a tax at any time.
- (3) *Failure to allow inspection.* If any person or organization who is required to file a room tax return fails to comply with a request to inspect and audit the person or organization's financial returns, as set forth hereunder, such person or organization shall forfeit an amount equal to five percent of the tax determined to be due in addition to payment of such tax.
- (4) *Completion.* Upon completion of the audit, as set forth herein, the town treasurer shall notify the person or organization from whom the room tax is due, of the amount of the tax which is due and penalty. The notice from the town treasurer shall advise the person or organization that he is required to file a return and to pay the penalty as set forth herein.

(Code 1997, § 207(7))

**State law reference**—Audit authorized, Wis. Stats. 66.0615(2)(a).

#### **Sec. 22-08. Penalty—Failure to file a return.**

If any person fails to file a return as required by this article, the town treasurer shall make an estimate of the amount of the gross receipts as defined in section 29-78. Such estimate shall be made for the period for which said person or organization failed to make a return and shall be based upon any information in the town treasurer's possession or that may come into his possession as set forth in section 2-84(1) and (2). On the basis of this estimate, the treasurer shall compute and determine the amount required to be paid to the town, adding to the sum that is arrived at, interest and penalties as set forth herein. One or more such determinations may be made for one or for more than one period.

(Code 1997, § 2.07(8))

#### **Sec. 22-09. Same—Interest.**

All unpaid and delinquent taxes under this article shall bear interest at the rate of ten percent per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the town treasurer.

(Code 1997, § 2.07(9))



**State law reference**—Interest authorized at the rate of one percent per month on unpaid balance, Wis. Stats. § 66.0615(2)(d).

**Sec. 22-10. Same—Failure to pay tax.**

If the tax required to be paid by this article is not paid by the due date, or any extension date if one has been granted, in addition to the interest penalty set forth herein, the entire tax finally determined to be due shall be subject to a penalty of 25 percent of the tax due for the previous year or \$5,000.00 whichever is less.

(Code 1997, § 2.07(10))

**State law reference**—Authority to assess penalty, Wis. Stats. §66.0615(2)(e).

**Sec. 22-11. Records required.**

Every person or organization liable for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices or other pertinent papers, and in such forms, as the treasurer requires.

(Code 1997, § 2.07(11))

**Sec. 22-12. Confidentiality.**

All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the treasurer shall be confidential; provided, however, the treasurer may divulge their contents to person using the information in discharge of duties imposed by law or the duties of their office or by order of a court. The town, may, from time to time, publish statistics as to room tax collections, provided such statistics are classified so as not to disclose the identity of particular returns.

(Code 1997, § 2.07(12))

**State law reference**—Confidentiality of information, Wis. Stats. § 66.0615(3).

**Sec. 22-13. Enforcement.**

Any person or organization who is required to obtain a permit as set forth herein, who fails to obtain a permit, or who violates any other provisions of this article, shall be subject to a forfeiture not less than \$100.00 nor more than \$500.00. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

(Code 1997, § 2.07(13))

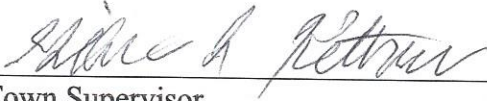
**Sec.22-14. Effective Date.**

This Ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under §60.80 Wis. Stats. This Ordinance shall apply to businesses affected hereby beginning on January 1, 2023.

Signed this 15<sup>th</sup> day of November, 2022



Town Chairman

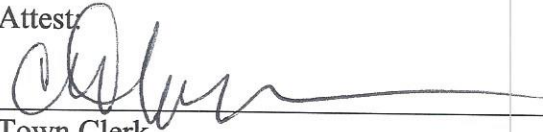


Town Supervisor



Town Supervisor

Attest:



Town Clerk

10/10/20

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