

### **SECTION I – TITLE AND PURPOSE**

The title of this Ordinance is the Town of Winchester Accommodations Tax Ordinance. The purpose is to impose a tax, for the promotion and development of tourism, on Transient Lodging and Short-term Rental.

### **SECTION II – AUTHORITY**

The Town Board has the authority under 66.0103 Wis. Stat.

### **SECTION III – ADOPTION AND ABORGATION**

- A. This Ordinance was adopted by a roll call vote of the Town Board.
- B. This Ordinance supersedes all prior Town of Winchester Ordinances regarding the subject matter of this Ordinance. However, where or to the extent another ordinance imposes greater restriction, the provisions of the more restrictive ordinance shall prevail.
- C. The effective date of this Ordinance shall be as indicated in Section VIII below.
- D. The obligation to collect and remit taxes to the Town of Winchester on Gross Receipts under this ordinance shall apply to Gross Receipts earned beginning as of January 1, 2025.

### **SECTION IV – DEFINITIONS**

- A. Accommodation Tax: As used in this Ordinance, Accommodation Tax includes Room Tax, or any other or similar applicable tax based on a percentage of Gross Receipts but does not include Sales Tax.
- B. Commission: an entity created by the Town, or by two or more towns in a Zone, to coordinate tourism promotion and tourism development for the Town.
- C. Gross Receipts: the entire sales price charged to the purchaser, excluding applicable taxes, including all charges applicable to facilitating the sale such as, but not limited to, cleaning costs, fees, and the cost of consumable supplies provided at an extra charge, insofar as applicable to receipts from furnishing rooms or lodging to transients by hotel keepers, motel operators and other owners or lodging marketplaces furnishing lodging available to the public.
- D. Hotel or Motel: a building or group of buildings in which the public may obtain furnished 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, including mobile homes, manufactured, and recreational vehicles. This definition does not include lodging rented for a continuous period of 30 days or more, lodging furnished by any hospital, sanatorium, or nursing home, or by a corporation or association organized and operated exclusively for religious, charitable, or educational purposes, provided no part of the net earnings of such corporation or association inures to the benefit of any private shareholder or individual.
- E. Lodging Marketplace: any person who facilitates a retail sale or rental by a seller by listing or advertising for sale by the seller, in any manner for the rental of property, tangible personal property, or items, property, or goods and, who directly, through agreement or arrangements

- with 3rd parties, processes the payment from the purchaser for the retail sale, regardless of whether the person receives compensation or other consideration in exchange for the services provided by the person.
- F. Ordinance means the Town of Winchester Accommodations Tax Ordinance No. 2024 -06.
  - G. Permit: As used in this Ordinance shall mean permit, approval, or authorization from the Town of Winchester to engage in activities subject to this ordinance within the Town of Winchester during the current Permit year.
  - H. Permit Fees: Includes the initial application fee paid to the Town of Winchester in the Accommodation Room Tax application process, and all required annual renewals of the Permit. The initial permit fee and annual renewal fee amount is twenty-five (\$25) dollars US.
  - I. Person: a natural person, sole proprietorship, partnership, limited liability company, corporation, association, trust, or the owner of a single-owner entity that is disregarded as a separate entity.
  - J. Short-term Rental: rental of a residential dwelling or any part thereof for fewer than 30 consecutive days.
  - K. Transient Lodging: A commercial lodging establishment, which rents sleeping quarters or dwelling units for periods of fewer than 30 consecutive days.
  - L. Tourism entity: A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development and provides destination marketing staff and services for the tourism industry.
  - M. Tourist or Transient: A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.
  - N. Town means the Town of Winchester, Vilas County, Wisconsin.
  - O. Town Board means the Board of Supervisors for the Town of Winchester, Vilas County, Wisconsin, and includes designees of the Town Board authorized to act for or on behalf of the Town Board
  - P. Town Clerk means the clerk of the Town of Winchester, Vilas County, Wisconsin.
  - Q. Town Treasurer means the treasurer of the Town of Winchester, Vilas County, Wisconsin.
  - R. Wis. Stats. means Wisconsin Statutes.
  - S. Zone: an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

#### **SECTION V – COVERAGE**

- A. This Ordinance applies to any person or organization that is required to obtain an Accommodations Tax permit as set forth herein.

#### **SECTION VI – SPECIFICATIONS**

- A. Accommodations Tax: Pursuant to Section 66.0615(1M)(a) Wis. Stats., an Accommodations Tax in the amount of Four and one half Percent (4.5%) is hereby imposed on the gross receipts derived from the business of furnishing rooms or lodging to transients by hotel keepers, motel operators, short-term rentals and other persons furnishing accommodations that are available to the public in the Town. Such Accommodations Tax shall not be subject to the selective sales tax imposed by Section 77.52(2)(A)(1) Wis. Stats.

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- B. The Accommodation Tax shall be due and payable quarterly to the Town of Winchester, to be paid no later than the 30<sup>th</sup> day of the month following the Quarter in which the applicable Gross Receipts were earned. The quarterly return and the Total tax due shall be paid to the Town of Winchester and submitted to the Town Treasurer in the form specified by the Town (See Link) on before April 30 (1<sup>st</sup> quarter) July 31 (2<sup>nd</sup> quarter) October 31 (3<sup>rd</sup> quarter) and January 31(4<sup>th</sup> quarter). Payments not timely made are subject to Permit Cancellation; \$50.00 late fees; and interest charges on the unpaid balance at a rate of 1% per month of the unpaid balance due. Interest charges continue to accrue until fully paid.
- C. Administration: This Ordinance shall be administered by the Town of Winchester, Vilas County, Wisconsin.
- D. Distribution of Tax: No more than 60 days after March 31, June 30, September 30 and December 31, the Town Board shall allocate and distribute 70% of the accommodation tax revenues collected in the quarter ending December 31, March 31, June 30 and September 30, respectively, to a tourism entity as specified in § 66.0615(1)(f) Wis. Stats. Thirty percent (30%) shall remain with the Town of Winchester, Vilas County, Wisconsin; said funds shall be used for the cost of administration and for the maintenance and improvements of recreational facilities and promotional projects relating to tourism.
- E. Application for an Accommodation Tax Permit: Every person or organization furnishing rooms or lodging or owning or operating a hotel or a motel or short-term rental shall file an application for an Accommodations Tax Permit for each place of business and pay all required fees. Every application for an Accommodations Tax Permit shall be made on a form prescribed by and in accordance with the process as directed by the Town.
- F. Accommodation Tax Permits issued by the Town of Winchester are owner and location specific and are not transferrable.
- G. Duration: The Accommodations Tax Permit issued by the Town of Winchester (See Link) are annual permits based on the calendar year and expire at 11:59 pm on December 31 of the current permit year. All permits for the upcoming calendar year must be renewed prior to December 15 of the permit year.
- H. Failure to timely renew the Permit and pay the annual fee will result in the automatic termination of the Permit.
- I. Forfeiture: Any person or organization that is required to obtain a permit as set forth herein, that fails to obtain a permit; fails to reacquire a permit after having been revoked; or violates any other provision of the Ordinance; or fails to or refuses to permit the inspection of business records by the Treasurer after such inspection has been duly requested shall be subject to a forfeiture not less than \$100 nor more than \$500, or as otherwise set forth in the Town of Winchester Penalties, Deposit, and Fees Ordinance. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.
- J. Issuance of Citation: The Town Clerk, Town Treasurer, Town Chairman or Supervisors shall be authorized to issue a citation pursuant to the provisions of the Town of Winchester Citation Ordinance.
- K. Every person liable for the tax imposed by this Ordinance shall keep or cause to be kept accurate records of gross receipts for the business of providing rooms or lodging in hotels, motels, or short-term rentals.

- L. Confidentiality: All tax returns, schedules, exhibits, writing, or audit reports relating to such returns on file with the Town Treasurer are deemed to be confidential, except that the Town Treasurer may divulge their contents to the following and no others:
  - a. The owners or lodging marketplaces who filed the return or their legal representatives.
  - b. The Wisconsin Department of Revenue.
  - c. Owners or lodging marketplaces using the information in the discharge of duties imposed by law or the duties of their office or by order of a court.
- M. The Town Chairman shall appoint a Tourism Entity or members of the Accommodations Tax Commission to be confirmed by a majority vote of the members of the Town Board. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed. The Commission shall consist of 4 members. One of the Commission members shall represent the Hotel or Motel or Short-term rental industry. The Commission shall meet regularly to monitor and report on the collection of room taxes from the Town. The Commission shall use the room tax revenue that it receives from the Town for tourism promotion as required under 66.0615 Wis. Stat.

#### **SECTION VII – SEVERABILITY CLAUSE**

The provisions of this ordinance are severable to the extent that If any provision of this ordinance or its application to any person or circumstance is found by a Court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

#### **SECTION VIII – EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The town clerk shall properly post/publish this Ordinance as required under 60.80 Wis. Stats.

Adopted this 4th day of September, 2024