



**BOARD OF COMMISSIONERS
COUNTY OF CRAWFORD
COMMONWEALTH OF PENNSYLVANIA**

Ordinance No. _____ of 2016

HOTEL ROOM RENTAL TAX ORDINANCE

**AN ORDINANCE IMPOSING AN EXCISE TAX ON HOTEL ROOMS TO FUND
COUNTY-WIDE TOURIST PROMOTION**

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of the County of Crawford, as provided by Act 18 of 2016, P.L. 134 (16 P.S. § 1770.10) of the General Assembly of the Commonwealth of Pennsylvania, the following Ordinance imposing a hotel room rental excise tax.

Section 1 - Short Title

This Ordinance shall be known and may be cited as the “County Hotel Room Rental Tax Ordinance”.

Section 2 – Purpose

The Commissioners of the County of Crawford, Pennsylvania, intend to raise revenues to directly fund county-wide tourism promotion.

Section 3 - Definitions

The following words and phrases when used in this Ordinance shall have the meaning given to them in this Section unless the context clearly indicates otherwise. All words and terms not defined herein shall be used with a meaning of standard usage.

“Bed and Breakfast” or “homestead.” A public accommodation consisting of a private residence, which contains ten or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

“Cabin.” A permanent structure with beds and running water that is located on a campground on State land or private property and is available to provide overnight lodging for consideration to persons seeking temporary accommodations. The term does not include a yurt or walled tent.

“Consideration.” Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

“County.” The County of Crawford, Pennsylvania.

“Hotel.” The term includes a hotel, motel, inn, guest house, rooming house, bed and breakfast, homestead or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers’ group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; any place recognized as a hostelry or any cabin.

The term does not include any of the following:

- 1.) A charitable institution;
- 2.) A portion of a facility that is devoted to persons who have an established permanent residence;
- 3.) A college or university student residence hall currently occupied by students enrolled in a degree program;
- 4.) An educational or religious institution camp for children, including a camp registered under the act of November 10, 1959 (P.L. 1400, No. 497), entitled “An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties;
- 5.) A hospital;
- 6.) A nursing home;
- 7.) Part of a campground that is not a cabin.

“Immediate family.” A spouse, parent, brother, sister or child.

“Marketing.” An action by a recognized tourism promotion agency that includes, but is not limited to, promoting and encouraging visitors to visit a specific county, counties or geographic region.

“Occupancy.” The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose, or the right to use or possession of the furnishings or to the services accompanying the use and possession of the room.

“Operator.” Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a building to the public for consideration.

“Patron.” Any person who pays the consideration for the occupancy of a room or rooms in a hotel.

“Permanent Resident.” A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty (30) consecutive days.

“Recognized Tourist Promotion Agency.” The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within the counties served by the agency as that term is defined in the act of April 28, 1981 (P.L. 111, No. 50) known as “Tourist Promotion Law”.

“Records.” Includes but is not limited to, the number of daily transactions, the rate of each occupancy, the revenues received for all transactions, cash receipts and sales journals, cash disbursements and purchase journals, and general ledgers.

“Room.” A space in a building set aside for use and occupancy by patrons or otherwise, for consideration, having at least one bed or other sleeping accommodations provided.

“Tax Year.” The tax year is the calendar year.

“Temporary.” A period of time not exceeding thirty (30) consecutive days.

“Transaction.” The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an expressed or implied contract.

“Transient.” An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

“Treasurer.” The Office of the Treasurer of the County of Crawford.

Section 4 – Imposition of Hotel Room Rental Tax

(a) A five percent (5.0%) tax is hereby imposed on the consideration received by each transaction of renting a room or rooms to Transients.

(b) If the County or any duly authorized representative is unable to determine the tax due from operator records, the tax due for each unpaid tax year shall be determined to be the lesser of the following.

(1) Five percent (5.0%) of the consideration that could have been received by the Operator for all hotel rooms during the tax year at occupancy rates in effect at the time of the determination.

(2) Five percent (5.0%) of the annualized consideration received during the tax year prior to the determination.

(c) The County Hotel Room Rental Tax shall take effect on August 1, 2016.

Section 5 – Collection of the Hotel Room Rental Tax

(a) The tax shall be collected by the Operator from the Patron of the room or rooms.

Section 6 – Payment of the Hotel Room Rental Tax

(a) The Operator shall pay the Hotel Room Rental Tax to the County Treasurer as follows:

(1) Every Operator shall transmit to the Treasurer, on or before the twenty-fifth (25th) day of each calendar month, a return for the calendar month preceding the month in which the return is made, which return shall report the amount of Consideration received for the Transactions during the calendar months for which the return is made, the amount of tax due from the Operator for the month, and such other information as the Treasurer may require.

(2) Every Operator, at the time of filing each required return, shall compute and pay over to the Treasurer the taxes shown as due on the return for the period for which the return is made.

(3) If an Operator enters the business of the renting of Rooms subsequent to the effective date of this Ordinance, the first return shall be filed on the twenty-fifth (25th) day of the first calendar month subsequent thereto. The first return and tax payment due shall be for all Transactions occurring during the preceding calendar month based upon the actual taxable Transactions during the preceding calendar month.

Section 7 – Collection and Disposition of Revenues

(a) The County Treasurer shall collect the tax and deposit the revenues received from the tax in a special fund.

(b) The County shall distribute the revenues from the special fund in the following manner:

(1) Deduct and retain as an administrative fee from the taxes collected hereunder the amount of four per centum (4%) of all taxes collected per taxable year.

(2) Distribute to the Recognized Tourist Promotion Agency authorized to act within the County all remaining revenues not later than sixty (60) days after receipt of the tax revenues.

Section 8 – Use of the Revenues

(a) The Recognized Tourist Promotion Agency shall use tax revenues to directly fund county-wide tourist promotion.

(b) The Recognized Tourist Promotion Agency receiving any revenues from the tax authorized by this Ordinance shall annually submit an audited report on the income and expenditures incurred to the County Board of Commissioners for each calendar year no later than May 1st of the subsequent year.

Section 9 – Record Keeping Requirements

For each calendar year or part thereof during which a Hotel does any business or receives any consideration, the Operator shall maintain and retain all records for such year until the expiration of three (3) years after the Hotel Room Rental Tax return for such year has been filed.

Section 10 – Access to Records

(a) The County or any duly authorized representative shall have access to any books, documents, papers and records of the operator and recognized tourist promotion agency which are directly pertinent to the collection and expenditure of the proceeds of the tax authorized by this Ordinance for the purpose of making audit, examination, excerpts, and transcriptions.

Section 11 – Late Payment Fees

(a) If for any reason the tax is not paid when due under the provisions of Section 6, a late payment fee at the rate of eighteen percent (18.0%) per year (one and one-half percent (1.5%) per month) on the amount of the tax which remains unpaid shall be added and collected.

Section 12 – Enforcement

(a) Whenever any Operator shall fail to pay the tax as herein provided, upon request of the County Treasurer, the County Solicitor may, in addition to any other remedies provided by law, file or cause to be filed a lien upon the hotel in the name of the County and for the use of the County as provided by law.

Section 13 – Penalties

(a) Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before any Magisterial District Judge in Crawford County, be sentenced to pay a fine of not more than Seventy-five Dollars

(\$75.00) for the first offense, One Hundred Fifty Dollars (\$150.00) for the second offense, Two Hundred Fifty Dollars (\$250.00) for the third offense, and Three Hundred Dollars (\$300.00) for the fourth and each additional offense, and cost of prosecution for each violation thereof, and in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

(b) Each twenty-four (24) hour period during which a violation exists after notice shall have been given in writing by registered mail, return receipt requested, shall constitute a separate violation of this Ordinance.

Section 14 – Administration

The County Treasurer shall be responsible for administering the provisions of this Ordinance. The County Treasurer shall promulgate and submit administrative rules and regulations to the Board of Commissioners for their approval within thirty (30) days of the enactment of this Ordinance.

Section 15 – Severability of Provisions

If any provisions, clause, sentence, paragraph, section, or part of this Ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstances involved. It is hereby declared to be the legislative intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

Section 16 – Effective Date

(a) This Ordinance shall become effective on August 1, 2016.

(b) The proper officers of the County are hereby authorized and directed to take any and all action necessary to implement the County Hotel Room Rental Tax in accordance with this Ordinance.

Section 17 – Repeal

This Ordinance repeals and replaces Ordinance No. 2001-02 of Crawford County governing the same subject matter.

ENACTED AND ORDAINED by the Commissioners of Crawford County this _____ day of _____, 2016.

BOARD OF COMMISSIONERS OF CRAWFORD COUNTY

Francis F. Weiderspahn, Jr.

John M. Amato

John Christopher Soff

Attest:

Gina Chatfield, Chief Clerk