

**A PARTIAL CODE OF ORDINANCE  
TOWN OF FOREST Ordinance No. 2023-02  
Richland County  
State of Wisconsin**

**The Town Board of the Town of Forest do ordain as follows:**

**ROOM TAX CODE**

- Sec. 1. TITLE/PURPOSE
- Sec. 2. AUTHORITY
- Sec. 3. ADOPTION OF ORDINANCE
- Sec. 4. DEFINITIONS
- Sec. 5. IMPOSITION OF TAX
- Sec. 6. DISTRIBUTION OF ROOM TAXES COLLECTED
- Sec. 7. TRACKING AND REPORTING ROOM TAX REVENUE AND EXPENDITURES
- Sec. 8. COLLECTION OF ROOM TAX
- Sec. 9. SALE OR CONVEYANCE OF BUSINESS
- Sec. 10. ENFORCEMENT OF ROOM TAX
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- Sec. 12. DELINQUENT TAX RETURNS
- Sec. 13. FILING OF FRAUDULENT RETURNS
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- Sec. 15. RECORDKEEPING REQUIREMENTS
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- Sec. 17. EXEMPTIONS
- Sec. 18. PENALTY PROVISION
- Sec. 19. SEVER ABILITY
- Sec. 20. EFFECTIVE DATE

**SECTION 1- TITLE/PURPOSE**

The title of this ordinance is the Town of Forest Room Tax Ordinance. The purpose of this ordinance is to impose a tax on the privilege of furnishing at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public. Town of Forest must spend at least 70 percent of the room tax collected on the promotion and development of tourism, as defined in Section 66.0615 (e), Wis. Stats., and that the remaining amount may be spent as general funds.

The Town of Forest has researched the issue of implementing a room tax and has determined that the collection of such a tax would benefit the Town in its efforts to attract overnight travelers engaged in business, educational or recreational activities.

**SECTION 2- AUTHORITY**

The Town Board of the Town of Forest has the specific authority under Section 175.25, Wis. Stats. and general authority under its village powers to adopt this ordinance.

### SECTION 3- ADOPTION OF ORDINANCE

The Town Board of the Town of Forest, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to collect a tax on the privilege of furnishing at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public.

### SECTION 4- DEFINITIONS

In this chapter, the following shall apply:

"Commission" shall have the meaning set forth in Section 66.015 (1)(a), Wis. Stats. The Town of Forest elects to establish its own Commission to coordinate tourism promotion and tourism development within the Town. The Commission shall consist of four (4) members, one (1) of which shall represent the Wisconsin hotel and motel industry. Members shall be appointed as set forth in Section 66.0615 (1m)(c)(3), Wis. Stats.

"Gross Revenues" has the meaning as defined in Wis. Stat. Section 76.48 (d), insofar as applicable: "Gross receipts" means total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a hotel or motel as defined herein.

"Hotel or Motel" has the meaning set forth in Section 77.52 (2)(a) 1., Wis. Stats., includes a building or a group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartments, hotels, resort lodges and cabins, commercial indoor lodging facilities and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than 30 consecutive days and accommodations furnished by any hospitals, sanitariums or nursing homes 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 the benefit of any private shareholder or individual.

"Lodging Marketplace" has the meaning set forth in Section 66.0615 (6s), Wis. Stats.

"Marketplace Provider" has the meaning set forth in Section 77.51 (ti), Wis. Stats.

"Marketplace Seller" has the meaning set forth in Section 77.51 (7j), Wis. Stats.

"Municipality" means the Town of Forest, Richland County, Wisconsin.

"Payor" means the person or entity that owes the tax imposed by this ordinance.

"Room Tax" means the tax imposed by this ordinance.

"Short Term Rental" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

"Tourism" means any travel for recreational, business, or educational purposes.

"Tourism Entity" shall have the meaning set forth in Section 66.0615 (1)(f), Wis. Stats.

"Transient" means any person residing for a continuous period of less than 30 consecutive days in a hotel, motel, or other furnished accommodations available to the public.

## SECTION 5- IMPOSITION OF TAX

Pursuant to Wis. Stat. 66.0615, a tax is hereby imposed on the privilege and services of furnishings, at retail, of rooms, short term rentals, or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations, that are available to the public. Irrespective of whether membership is required for the use of the accommodations, such tax shall be at the rate of Eight Percent (8%) 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. Stat. 77.52 (2)(a), and may not be imposed upon sales to the federal government and persons listed under Wis. Stat. 77.54 (9a).

## SECTION 6- DISTRIBUTION OF ROOM TAXES COLLECTED

Upon receipt of the room taxes that are collected, the municipality shall distribute 70% of room taxes to the Commission and shall retain 30% in the municipality's general fund. The commission shall contract with another organization to perform the functions of the tourism entity if no tourism entity exists in the Town of Forest

## SECTION 7- TRACKING AND REPORTING ROOM TAX REVENUE EXPENDITURES

The Tourism Entity shall track and measure the impact of all room tax revenue expenditures and shall permit and allow inspections of its records pertaining to the use of the room tax funds upon request of the Town of Forest, at reasonable times. The Tourism Entity shall report at least annually to the Commission the purposes for which the room tax revenues it received were spent and impact of such expenditures as stated above, and the Commission in turn shall report back to the municipality the purposes for which the room taxes revenues it received were spent. No room tax revenue may be used to construct or develop a lodging facility. The Commission shall permit and allow inspections of its records pertaining to the use of the room tax funds upon request of the municipality, at reasonable times. The Commission shall permit and allow inspections of its records pertaining to the use of the room funds upon request of the municipality, at reasonable times.

## SECTION 8- COLLECTION OF ROOM TAX

The municipal treasurer shall administer the collection of the tax imposed by this article. The tax imposed is due and payable on the last day of the month next succeeding the calendar quarters for which it was imposed. A return shall be filed with the municipal treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which the tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarters from such retail furnishings of rooms or lodging, the amount of taxes imposed for such period, and other information as the municipal treasurer deems necessary. Every person required to file such a quarterly return shall, with their first returns, elect to file an annual calendar or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile, and adjust for errors in the quarterly returns, and shall contain such additional information as the treasurer requires. Such annual returns shall be made on forms as prescribed by the municipal treasurer. All such returns shall be signed by the person required to file a return or his/her duly authorized agent, but need not be verified by oath. The municipal treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date. The correct amount of tax shall accompany each quarterly tax return and

be made payable to the Town of Forest\_. Any unpaid tax imposed by this article may, in addition to other penalties available herein, be deemed to be an assessment on any land owned by the pay or inside the legal boundaries of the municipality.

A marketplace provider shall collect the tax imposed herein for a marketplace seller unless the marketplace provider has been issued a waiver under Section 77.52(3m)(b) or (c). The terms and provisions of Section 66.0615 (1r) and (2), Wis. Stats. are incorporated herein by reference.

#### SECTION 9- SALE OR CONVEYANCE OF BUSINESS

If any person liable for any amount of tax under this section sells out their business or stock of goods or quits the business, their successors or assigns shall withhold a sufficient amount of the purchase price to pay any unpaid tax due hereunder until such time as the former owner produces a receipt from the municipal treasurer that it has been paid or a certificate stating that no amount is due. If any person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, they shall become personally liable for payment of the amount due to the Town of Forest.

#### SECTION 10- ENFORCEMENT OF ROOM TAX

As a means of enforcing the collection of the room tax, the municipality may proceed as set forth in Wis. Stat. Section 66.0615 (2) (a)-(e)

#### SECTION 11- FORFEITURES RELATING TO VIOLATIONS UNDER SECTION 10

A. A forfeiture of 5 percent of the tax imposed under Section 5 or Section 10 above, imposed upon a person who fails or refuses to comply with a request to inspect or audit the person's records.

B. A forfeiture of 25 percent of the tax imposed for the previous year under Section 5 or Section 10 above or \$5,000.00 whichever is less, in addition to the costs of the prosecution, is hereby established and is due and owing in the event that the room tax is not paid within 30 days after the due date of the return. In addition to this forfeiture, all unpaid taxes under this section shall bear interest at the rate of 1 percent per month 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 municipal treasurer. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation.

#### SECTION 12- DELINQUENT TAX RETURNS

Delinquent tax returns shall be subject to a \$25.00 late filing fee. The tax imposed by this article shall become delinquent if not paid by the due date of the return.

#### SECTION 13- FILING OF FRAUDULENT RETURNS

If a person files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article, a forfeiture of 50 percent shall be added to the tax required to be paid exclusive of interest and other penalties and costs of prosecution.

#### SECTION 14- POSTING OF SECURITY AS REQUIRED BY MUNICIPAL TREASURER

In order to protect the revenue of the municipality, the municipal treasurer may require any person liable for the tax imposed by this chapter to place with him or her a bond or other security, not in excess of \$5,000.00, as the municipal treasurer determines. If any taxpayer is delinquent in the payment of taxes imposed by this article, the municipal treasurer may, upon 10 days notice, recover the taxes, interest and penalties from the security placed with the municipal treasurer by such taxpayer. No interest shall be paid or allowed by the municipality to any person for the deposit of such security.

#### SECTION 15- RECORDKEEPING REQUIREMENTS

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

#### SECTION 16- CONFIDENTIALITY OF TAX RETURNS

All tax returns, schedules, exhibits, writings, and audit reports relating to such returns, on file with the municipal treasurer, shall be deemed to be confidential. The municipal treasurer may only divulge the information contained therein to the following persons: the person who filed the return; the officers, employees, or agents of the municipal treasurer; other persons for use in the discharge of their duties as imposed by law or in the discharge of the duties of their office (unless otherwise prohibited by law); or by an order of a court. No person in the administration of this section shall disclose the business affairs, operations or information obtained through an investigation of records from anyone upon whom a tax is imposed by this ordinance. Neither shall the amount or source of income, profits, losses, expenditures nor any part thereof, that is set forth or disclosed in any return be further disclosed. No such administrator shall permit any return or copy thereof to be seen nor examined by any person, except as provided in this section or by any subsequent ordinances or resolutions adopted by the municipality pertaining to the confidentiality of the information described in this section. Persons that violate this section may be required to forfeit not less than \$100.00 or more than \$500.00 for each such act committed, in addition to the costs of prosecution.

#### SECTION 17- EXEMPTIONS

For the tax year 2023, any person or business otherwise required to file a return and make payment to the municipality under this article will be allowed an exemption from the requirement to collect and pay room tax for any contract signed and dated prior to adoption of this ordinance in which the contract guarantees the lodging rates. This exemption will expire on January 1, 2024.

#### SECTION 18- PENALTY PROVISION

Any person who is subject to the tax imposed by this chapter who fails or refuses to permit the inspection of records by the municipal treasurer after such inspection has been duly requested by the municipal treasurer, or who fails to file a return as provided in this ordinance, or who fails to post security requested by the municipal treasurer or who violates any other provisions of this ordinance, shall be subject to a

forfeiture of \$100.00 for each day, or portion thereof, that such violation continues, in addition to the costs of prosecution. Each day is hereby deemed to constitute a separate offense. The total forfeiture imposed may not exceed the maximum forfeitures allowed under Section 11 for the violations specified therein.

SECTION 19- SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 20- EFFECTIVE DATE

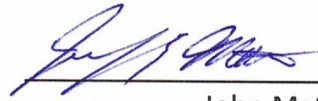
This ordinance shall take effect on 01 July, 2023, and all ordinances or parts of ordinances inconsistent with or contrary to the terms and provisions contained herein are hereby repealed, except nothing in this ordinance shall be interpreted so as to conflict with State laws or orders or any of the requirements of any ordinance of the Town of Forest not mentioned or made inapplicable by the express terms of this Ordinance.

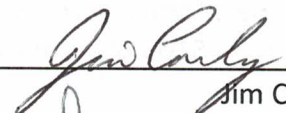
The town clerk shall properly post or publish this ordinance as required under Sec. 60.80, Wis. Stats.

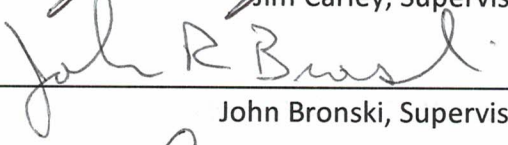
Adopted this 18 of April, 2023

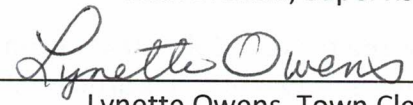
Effective Date: 01 July, 2023

Town of Forest Town Board:

  
\_\_\_\_\_  
John Matthes, Chairperson

  
\_\_\_\_\_  
Jim Carley, Supervisor

  
\_\_\_\_\_  
John Bronski, Supervisor

Attest:   
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Lynette Owens, Town Clerk