

CITY OF RICHLAND CENTER
CHAPTER 309: ROOM TAX
Current Text and Proposed Amendments
Proposed Effective Date: January 1, 2027

DRAFT FOR LEGAL REVIEW AND COUNCIL CONSIDERATION

How to Read This Document

Part 1 is Chapter 309 as it currently reads. Part 2 shows every proposed change to the current text. Part 3 is a clean copy of Chapter 309 as it would read on January 1, 2027.

In Part 2, ~~struck red text~~ is removed and double-underlined blue text is added. Plain text does not change.

Amendment History

Year	Action	Rate	Notes
2006	Ordinance 2006-11 created Chapter 309	2.5%	Adopted July 5, 2006; effective September 1, 2006
2013	Room Tax Rate Increase	5%	Adopted August 20, 2012; effective October 1, 2013.
2022	Room Tax Rate Increase	7%	Approved April 5, 2022; effective July 1, 2022.
2027	Proposed (this document)	8%	Proposed effective January 1, 2027

Summary of Proposed Changes

Section	Proposed change	Reason
309.01	Rate raised from 7% to 8%. Tax base changed from “gross receipts” to “sales price.” Marketplace providers and short-term rental owners named. Federal and s. 77.54(9a) exemptions added. Selective sales tax sentence removed.	8% is the statutory maximum. Matches the current wording of s. 66.0615(1m)(a). The old “gross receipts” definition, s. 77.51(4), is no longer the measure used. The selective sales tax sentence has no basis in the current statute.
309.02	At least 70% goes to tourism promotion and development through the designated tourism entity (or a commission). The balance goes to the general fund.	Required by s. 66.0615(1m)(d)1. because the City first imposed the tax after May 13, 1994. The current text sends all proceeds to the general fund.
309.03	Returns report the sales price and any sales taxed by a marketplace provider.	Consistent with 309.01 and 309.21.
309.04	Annual return is calendar year only.	The current text says both “calendar year” and “calendar or fiscal year.”

309.06	Room tax sharing program limited to the City's retained share. Treasurer files the annual DOR report by May 1.	Keeps the 70% tourism share intact. The report is required by s. 66.0615(4).
309.07	Short-term rental owners must get a permit before renting, even if they rent only through a platform.	Lets the City know who is renting. Allowed under s. 66.1014(2)(d)2.
309.09	Renumbered from the duplicate "309.05." Appeals follow Chapter 68: request for review to the Treasurer, review by the City Administrator, then appeal to the General Government Committee. The Committee's decision is final, subject to court review.	The Board of Review only hears property assessment matters. Chapter 68 gives operators notice and a hearing before an impartial decision maker.
309.11, 309.12	Headings corrected. Four-year limit on audit determinations added.	The penalty is in 309.12, not 309.11. The four-year limit is in s. 66.0615(2)(a).
309.13(3)	"Refund or" added.	Matches s. 66.0615(2)(d).
309.16	Wording matched to the statute and applied to marketplace providers.	s. 66.0615(2)(e).
309.18	Covers information obtained from marketplace providers. Typo fixed.	s. 66.0615(3).
309.19	Definitions added for hotel, motel, transient, sales price, short-term rental, marketplace terms, and tourism terms.	Puts all definitions in one place.
309.21 (new)	Marketplace providers (such as Airbnb) collect and forward the tax. The City will not collect it again from the host.	s. 66.0615(1r).
309.22 (new)	Forfeiture of \$100 to \$500 for operating without a permit, not filing returns, or other violations.	The 2013 rewrite removed the only penalty for these violations.
Throughout	"This section" and "this ordinance" changed to "this chapter."	Clarity.

PART 1: CHAPTER 309 AS CURRENTLY ADOPTED

CHAPTER 309

CREATING AND IMPOSING A ROOM TAX IN THE CITY OF RICHLAND CENTER

309.01 Seven Percent (7%) Room Tax Imposed. Pursuant to §66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms 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 use of the accommodations. In this Subsection, “hotel”, “motel”, and “transient” shall have the meaning set for in §77.52(2)(a)1, Wis. Stats. and “gross receipts” shall have the meaning set forth in §77.51.(4), Wis. Stats., in so far as applicable. The tax shall be at the rate of seven percent (7%) of the gross receipts from such retail furnishing of rooms or lodging. The tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats.

309.02 Application of Proceeds. The proceeds of the tax, when collected, less all collection expenses, shall be assigned to the general fund and disbursed as provided by State law.

309.03 Tax to be Paid and Returns Filed Quarterly. The tax imposed by this chapter shall be paid for each calendar quarter and shall be due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from the retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary.

309.04 Annual Return Required. Every person required by sec. 309.03 to file a quarterly return shall file an annual calendar year-return. The annual return shall be filed within thirty (30) days of the close of each 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 City Treasurer requires. The annual returns shall be made on forms prescribed by the City 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.

309.05 Extension of Time to File Return on Showing of Good Cause. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the original due date of the return.

309.06 Finance and Budget Committee and City Treasurer to Administer. The provisions of this section shall be administered by the City Treasurer with oversight provided by the City Finance and Budget Committee. The City Council may establish at the recommendation of the Finance and Budget Committee through a separate City Resolution the following programs: (a) Room Tax

Sharing Program. A room tax sharing program may include a separate established review panel made up of other governmental agencies and business and citizens of the community. The City Treasurer shall establish such forms and procedures as are reasonably necessary to carry out its intent and purposes.

309.07 Permit Required. Every person furnishing rooms or lodging under sec. 309.01 shall file with the City Treasurer an application for a permit for each place of business. The application shall be made upon a form prescribed by the City Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the City Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of the owner.

309.08 City Treasurer to Issue Permit. After compliance with sec. 309.07 and sec. 309.17 by the applicant, the City Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

309.05 Appeal of Amount of Room Tax. Any person who shall dispute the amount of tax levied by this ordinance may file a petition with the City Treasurer setting forth the basis for the dispute of the tax. The merits of such dispute shall be determined by the Board of Review. As a condition to filing a petition, the taxes under protest shall first be paid in full. Any such tax wrongfully assessed shall be refunded to the payer.

309.10 Procedure Where Business is Sold. If a person liable for a tax under this section sells the business or terminates the business, the purchaser, successor or assigns of the person so liable shall withhold from the purchase price a sum sufficient to pay any unpaid room taxes accrued prior to the sale or termination until the Seller produces a receipt from the City Treasurer that the tax has been determined and fully paid or a certificate that no tax is due. Any purchaser who fails to withhold the room tax from the purchase price as required herein shall be personally liable for payment of the amount required to be withheld.

309.11 Audits; Penalty for Failure to Allow Inspection.

(1) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this subsection. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determinations may be made by the City Treasurer as deemed necessary.

309.12 Audit.

(1) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the state sales tax records, and memoranda, of any person in order to verify the tax liability of that person or of another person.

(2) If the City 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 City Treasurer may inspect and audit the financial records of any person subject to the room tax pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(3) Any person who fails to comply with a request to inspect and audit the financial records pursuant to (2) shall forfeit to the City an amount equal to five per cent (5%) of the room tax as finally determined.

(4) The City Treasurer is authorized to examine and inspect state sales tax records of the Wisconsin Department of Revenue in order to establish or verify the tax liability.

309.13 Failure to File Returns, Determination of Tax Estimate by City Treasurer, Interest.

(1) If any person required to make a return fails to file, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the City for filing of the return, the City Treasurer shall determine the tax according to his/her best judgment. Such determinations may be made for one or more periods.

(2) Such determination shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or which may come into the City Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum interest at the rate of one per cent (1%) per month on the unpaid balance from the date the tax would have been due had a return been timely filed until the tax is paid.

(3) No modification of the payment so determined may be made until the person files a correct room tax return and permits the City to inspect and audit his or her financial records.

309.14 Interest Charged on Unpaid Tax.

(1) All unpaid taxes imposed under this chapter shall bear interest at the rate of one percent (1%) per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer.

(2) All refunded taxes shall bear interest at twelve percent (12%) per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded.

(3) 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. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, no interest shall be paid thereon.

309.15 Delinquent Returns. Late Filing Fee. Delinquent tax returns shall be subject to a Ten Dollar (\$10.00) late filing fee. The tax imposed by this section shall become delinquent if not paid:

(1) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period if one has been granted.

(2) In the case of no return filed, or a return filed late, by the due date of the return.

309.16 Penalty for Failure to Pay Tax. Any person who fails to pay the room tax when due shall forfeit twenty-five percent (25%) of the room tax determined to due for the previous year or \$5,000.00, whichever is less plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, officer, director of such corporation, any partner of such partnership, sole member or managing member of a limited liability company, any trustee of such trust or any officer or principal of any other legal entity may, upon order of the Circuit Court, be subject to any sanctions duly imposed by the Court for such failure to pay. Such forfeiture shall be in addition to all interest imposed by this chapter.

309.17 Records to be Kept. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer requires.

309.18 Confidentiality of Records; Penalty for Improper Disclosure.

(1) All tax returns, schedules, exhibits, writings, audit reports or other information relating to such returns on file with the City Treasurer shall be confidential, except the City Treasurer may divulge their contents to the following and no others:

(a) The person who filed the return.

(b) Officers, agents or employees of the Wisconsin Department of Revenue.

(c) Officers, agents or employees of the City as may be necessary to enforce the or this chapter, manage collection of the room tax or otherwise use the information in the discharge of duties imposed by law or the duties of their office.

(d) As directed by an order of a court.

(2) Any publication of statistics related to the room tax shall be classified so as not to disclose the identity of particular returns.

(3) Any person violating sec. 309.18 may be required to forfeit not less than \$100 nor more than \$500.

309.19 Definition. As used in this chapter, the term person shall include a natural person or any officer of a corporation, any partner of a partnership, any sole member or managing member of a limited liability company, any trustee of a trust or any officer or principal of any other legal entity which is subject to the room tax imposed by this chapter.

309.20 Severability. If any Provision, section, subsection, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, illegal, unconstitutional or otherwise not legally enforceable, whether as to any specific property or as to all properties in a class or as to all properties within the City of Richland Center, such holding or decision shall not affect the validity of the remaining portions of this Ordinance, or the applicability of this Ordinance to any property outside of the class to which it has so been held invalid which can be given effect without the invalid, illegal, unconstitutional provision or application, it being specifically intended that the various provisions of this Ordinance be deemed severable.

Notes on Part 1:

Section 309.01 reflects the 2022 rate increase to seven percent (7%). All other text is from Ordinance 2013-12 as printed, including its original wording, numbering, and typographical errors.

The appeal section is numbered "309.05" in Ordinance 2013-12. It appears between 309.08 and 309.10 and is treated as 309.09.

PART 2: PROPOSED AMENDMENTS (REDLINE)

~~Deleted text~~ | Added text

CHAPTER 309

CREATING AND IMPOSING A ROOM TAX IN THE CITY OF RICHLAND CENTER

309.01 ~~Seven~~Eight Percent ~~(7%)~~(8%) Room Tax Imposed.

~~Pursuant to §66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms 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 use of the accommodations. In this Subsection, "hotel", "motel", and "transient" shall have the meaning set for in §77.52(2)(a)1, Wis. Stats. and "gross receipts" shall have the meaning set forth in §77.51.(4), Wis. Stats., in so far as applicable. The tax shall be at the rate of seven percent (7%) of the gross receipts from such retail furnishing of rooms or lodging. The tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats.~~
Pursuant to s. 66.0615, Wis. Stats., a tax is hereby imposed on the sales price from selling or furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, marketplace providers, owners of short-term rentals, and other persons or retailers selling or furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. The tax shall be at the rate of eight percent (8%) of the sales price from such retail furnishing of rooms or lodging. The tax may be collected from the consumer or user. The tax shall not be imposed on sales to the federal government or to persons listed under s. 77.54(9a), Wis. Stats.

309.02 Application of Proceeds.

~~The proceeds of the tax, when collected, less all collection expenses, shall be assigned to the general fund and disbursed as provided by State law.~~ (1) At least seventy percent (70%) of the room tax collected shall be spent on tourism promotion and tourism development as required by s. 66.0615(1m)(d)1., Wis. Stats. That amount shall be forwarded to the tourism entity designated by the Common Council or, if the City creates a commission under s. 66.0615(1m)(c), Wis. Stats., to that commission, under a written agreement approved by the Common Council.

(2) The balance of the room tax collected shall be assigned to the general fund.

309.03 Tax to be Paid and Returns Filed Quarterly.

The tax imposed by this chapter shall be paid for each calendar quarter and shall be due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer by those furnishing at retail such rooms and lodging

on or before the same date on which such tax is due and payable. Such return shall show the ~~gross total receipts~~ sales price of the preceding calendar quarter from the retail furnishing of rooms or lodging, any sales on which a marketplace provider collected the tax under sec. 309.21, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary.

309.04 Annual Return Required.

Every person required by sec. 309.03 to file a quarterly return shall file an annual calendar ~~year-return~~ year return. The annual return shall be filed within thirty (30) days of the close of each 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 City Treasurer requires. The annual returns shall be made on forms prescribed by the City 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.

309.05 Extension of Time to File Return on Showing of Good Cause.

The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the original due date of the return.

309.06 Finance and Budget Committee and City Treasurer to Administer.

The provisions of this ~~section~~ chapter shall be administered by the City Treasurer with oversight provided by the City Finance and Budget Committee. The City Council may establish at the recommendation of the Finance and Budget Committee through a separate City Resolution the following programs: (a) Room Tax Sharing Program. A room tax sharing ~~program~~ program, funded only from the balance retained by the City under sec. 309.02(2), may include a separate established review panel made up of other governmental agencies and business and citizens of the community. The City Treasurer shall establish such forms and procedures as are reasonably necessary to carry out its intent and purposes. The City Treasurer shall file the annual room tax report with the Wisconsin Department of Revenue on or before May 1 of each year as required by s. 66.0615(4), Wis. Stats.

309.07 Permit Required.

Every person furnishing rooms or lodging under sec. ~~309.01~~ 309.01, including the owner of a short-term rental, shall file with the City Treasurer an application for a permit for each place of ~~business~~ business before furnishing rooms or lodging at that place. A permit is required even if all rentals are made through a marketplace provider that collects the tax under sec. 309.21. The application shall be made upon a form prescribed by the City Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the City Treasurer requires. The application shall

be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of the owner.

309.08 City Treasurer to Issue Permit.

After compliance with sec. 309.07 and sec. 309.17 by the applicant, the City Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

~~309.05~~ 309.09 Appeal of ~~Amount of Room Tax.~~ Tax Determination.

~~Any person who shall dispute the amount of tax levied by this ordinance may file a petition with the City Treasurer setting forth the basis for the dispute of the tax. The merits of such dispute shall be determined by the Board of Review. As a condition to filing a petition, the taxes under protest shall first be paid in full. Any such tax wrongfully assessed shall be refunded to the payer.~~ (1) Any person aggrieved by a determination of the City Treasurer under this chapter may seek review under Chapter 68, Wis. Stats., as provided in this section. A written request for review shall be filed with the City Treasurer within thirty (30) days after notice of the determination.

(2) The City Administrator shall review the determination and issue a written decision within fifteen (15) days after the request is filed.

(3) A person aggrieved by the review decision may appeal to the General Government Committee within thirty (30) days after notice of that decision. The Committee shall serve as the impartial decision maker under s. 68.11, Wis. Stats. No member who took part in the determination or review, or who has a financial interest in the matter, shall participate. The Committee's written decision shall be final, subject to judicial review under s. 68.13, Wis. Stats.

(4) As a condition of review, the tax determined to be due shall first be paid in full, under protest if the person so elects. Any tax found to be wrongfully assessed shall be refunded with interest as provided in sec. 309.14(2).

309.10 Procedure Where Business is Sold.

If a person liable for a tax under this ~~section~~chapter sells the business or terminates the business, the purchaser, successor or assigns of the person so liable shall withhold from the purchase price a sum sufficient to pay any unpaid room taxes accrued prior to the sale or termination until the Seller produces a receipt from the City Treasurer that the tax has been determined and fully paid or a certificate that no tax is due. Any purchaser who fails to withhold the room tax from the

purchase price as required herein shall be personally liable for payment of the amount required to be withheld.

309.11 ~~Audits;Office~~ ~~Penalty for Failure to Allow Inspection.~~Audit.

~~(1)~~The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this ~~subsection.~~chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determinations may be made by the City Treasurer as deemed necessary.

309.12 ~~Audit.~~Field Audit; Penalty for Failure to Allow Inspection.

(1) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this ~~section.~~chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the state sales tax records, and memoranda, of any person in order to verify the tax liability of that person or of another person.

(2) If the City 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 City Treasurer may inspect and audit the financial records of any person subject to the room tax pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct. A determination under this subsection shall be provided in writing within four (4) years after the due date of the return, unless no return has been filed.

(3) Any person who fails to comply with a request to inspect and audit the financial records pursuant to (2) shall forfeit to the City an amount equal to five per cent (5%) of the room tax as finally determined.

(4) The City Treasurer is authorized to examine and inspect state sales tax records of the Wisconsin Department of Revenue in order to establish or verify the tax liability.

309.13 Failure to File Returns, Determination of Tax Estimate by City Treasurer, Interest.

(1) If any person required to make a return fails to file, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the City for filing of the return, the City Treasurer shall determine the tax according to his/her best judgment. Such determinations may be made for one or more periods.

(2) Such determination shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or which may come into the City Treasurer's possession. On the basis of this estimate, the City

Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum interest at the rate of one per cent (1%) per month on the unpaid balance from the date the tax would have been due had a return been timely filed until the tax is paid.

(3) No refund or modification of the payment so determined may be ~~made~~granted until the person files a correct room tax return and permits the City to inspect and audit his or her financial records.

309.14 Interest Charged on Unpaid Tax.

(1) All unpaid taxes imposed under this chapter shall bear interest at the rate of one percent (1%) per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer.

(2) All refunded taxes shall bear interest at twelve percent (12%) per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded.

(3) 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. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, no interest shall be paid thereon.

309.15 Delinquent Returns. Late Filing Fee.

Delinquent tax returns shall be subject to a Ten Dollar (\$10.00) late filing fee. The tax imposed by this ~~section~~chapter shall become delinquent if not paid:

(1) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period if one has been granted.

(2) In the case of no return filed, or a return filed late, by the due date of the return.

309.16 Penalty for Failure to Pay Tax.

Any person who fails to pay the room tax when due shall forfeit twenty-five percent ~~(25%)~~(25%) of the room tax ~~determined to~~ due for the previous year or \$5,000.00, whichever is ~~less~~less, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, officer, director of such corporation, any partner of such partnership, sole member or managing member of a limited liability company, any trustee of such trust or any officer or principal of any other legal entity may, upon order of the Circuit Court, be subject to any sanctions duly imposed by the Court for such failure to pay. Such forfeiture shall be in addition to all interest imposed by this chapter.

This section also applies to a marketplace provider that fails to file a return or pay the tax as required by sec. 309.21.

309.17 Records to be Kept.

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

309.18 Confidentiality of Records; Penalty for Improper Disclosure.

(1) All tax returns, schedules, exhibits, writings, audit reports or other information relating to such returns on file with the City ~~Treasurer~~Treasurer, including information obtained under s. 66.0615(1r) and (2), Wis. Stats., shall be confidential, except the City Treasurer may divulge their contents to the following and no others:

- (a) The person who filed the return.
- (b) Officers, agents or employees of the Wisconsin Department of Revenue.
- (c) Officers, agents or employees of the City as may be necessary to enforce ~~the or~~ this chapter, manage collection of the room tax or otherwise use the information in the discharge of duties imposed by law or the duties of their office.
- (d) As directed by an order of a court.

(2) Any publication of statistics related to the room tax shall be classified so as not to disclose the identity of particular returns.

(3) Any person violating sec. 309.18 may be required to forfeit not less than \$100 nor more than \$500.

309.19 ~~Definition.~~Definitions.

~~As used in this chapter, the term person shall include a natural person or any officer of a corporation, any partner of a partnership, any sole member or managing member of a limited liability company, any trustee of a trust or any officer or principal of any other legal entity which is subject to the room tax imposed by this chapter.~~ As used in this chapter:

(1) "Hotel," "motel," and "transient" have the meanings given in s. 77.52(2)(a)1., Wis. Stats.

(2) "Marketplace provider," "marketplace seller," "tourism entity," and "tourism promotion and tourism development" have the meanings given in s. 66.0615(1), Wis. Stats.

(3) "Sales price" has the meaning given in s. 77.51(15b), Wis. Stats.

(4) "Short-term rental" has the meaning given in s. 66.0615(1)(dk), Wis. Stats.

(5) The term person shall include a natural person or any officer of a corporation, any partner of a partnership, any sole member or managing member of a limited liability company, any

trustee of a trust or any officer or principal of any other legal entity which is subject to the room tax imposed by this chapter.

309.20 Severability.

If any ~~Provision~~provision, section, subsection, sentence, clause, or phrase of this ~~Ordinance~~chapter shall for any reason be held to be invalid, illegal, unconstitutional or otherwise not legally enforceable, whether as to any specific property or as to all properties in a class or as to all properties within the City of Richland Center, such holding or decision shall not affect the validity of the remaining portions of this ~~Ordinance~~chapter, or the applicability of this ~~Ordinance~~chapter to any property outside of the class to which it has so been held invalid which can be given effect without the invalid, illegal, unconstitutional provision or application, it being specifically intended that the various provisions of this ~~Ordinance~~chapter be deemed severable.

309.21 Marketplace Providers.

(1) A marketplace provider shall collect the tax imposed by this chapter for a marketplace seller and forward it to the City Treasurer on a quarterly basis, along with the form prepared by the Wisconsin Department of Revenue, as required by s. 66.0615(1r), Wis. Stats., unless the marketplace provider has been issued a waiver under s. 77.52(3m)(b) or (c), Wis. Stats. The City Treasurer may enter into a written agreement with a marketplace provider for more frequent submissions.

(2) The City shall not collect the tax from a marketplace seller on any sale for which a marketplace provider has collected and forwarded the tax under sub. (1).

309.22 General Penalty.

Any person who fails to obtain a permit required by sec. 309.07, fails to file a return required by this chapter, or violates any other provision of this chapter for which a penalty is not otherwise provided shall, upon conviction, forfeit not less than \$100 nor more than \$500 for each violation, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats. Each calendar quarter for which a required return is not filed, and each month that a person furnishes rooms or lodging without a required permit, shall be a separate violation.

PART 3: CHAPTER 309 AS PROPOSED (CLEAN COPY)

Effective January 1, 2027

CHAPTER 309

CREATING AND IMPOSING A ROOM TAX IN THE CITY OF RICHLAND CENTER

309.01 Eight Percent (8%) Room Tax Imposed. Pursuant to s. 66.0615, Wis. Stats., a tax is hereby imposed on the sales price from selling or furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, marketplace providers, owners of short-term rentals, and other persons or retailers selling or furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. The tax shall be at the rate of eight percent (8%) of the sales price from such retail furnishing of rooms or lodging. The tax may be collected from the consumer or user. The tax shall not be imposed on sales to the federal government or to persons listed under s. 77.54(9a), Wis. Stats.

309.02 Application of Proceeds.

(1) At least seventy percent (70%) of the room tax collected shall be spent on tourism promotion and tourism development as required by s. 66.0615(1m)(d)1., Wis. Stats. That amount shall be forwarded to the tourism entity designated by the Common Council or, if the City creates a commission under s. 66.0615(1m)(c), Wis. Stats., to that commission, under a written agreement approved by the Common Council.

(2) The balance of the room tax collected shall be assigned to the general fund.

309.03 Tax to be Paid and Returns Filed Quarterly. The tax imposed by this chapter shall be paid for each calendar quarter and shall be due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the total sales price of the preceding calendar quarter from the retail furnishing of rooms or lodging, any sales on which a marketplace provider collected the tax under sec. 309.21, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary.

309.04 Annual Return Required. Every person required by sec. 309.03 to file a quarterly return shall file an annual calendar year return. The annual return shall be filed within thirty (30) days of 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 additional information as the City Treasurer requires. The annual returns shall be made on forms prescribed by the City 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.

309.05 Extension of Time to File Return on Showing of Good Cause. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the original due date of the return.

309.06 Finance and Budget Committee and City Treasurer to Administer. The provisions of this chapter shall be administered by the City Treasurer with oversight provided by the City Finance and Budget Committee. The City Council may establish at the recommendation of the Finance and Budget Committee through a separate City Resolution the following programs: (a) Room Tax Sharing Program. A room tax sharing program, funded only from the balance retained by the City under sec. 309.02(2), may include a separate established review panel made up of other governmental agencies and business and citizens of the community. The City Treasurer shall establish such forms and procedures as are reasonably necessary to carry out its intent and purposes. The City Treasurer shall file the annual room tax report with the Wisconsin Department of Revenue on or before May 1 of each year as required by s. 66.0615(4), Wis. Stats.

309.07 Permit Required. Every person furnishing rooms or lodging under sec. 309.01, including the owner of a short-term rental, shall file with the City Treasurer an application for a permit for each place of business before furnishing rooms or lodging at that place. A permit is required even if all rentals are made through a marketplace provider that collects the tax under sec. 309.21. The application shall be made upon a form prescribed by the City Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the City Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of the owner.

309.08 City Treasurer to Issue Permit. After compliance with sec. 309.07 and sec. 309.17 by the applicant, the City Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

309.09 Appeal of Room Tax Determination.

(1) Any person aggrieved by a determination of the City Treasurer under this chapter may seek review under Chapter 68, Wis. Stats., as provided in this section. A written request for review shall be filed with the City Treasurer within thirty (30) days after notice of the determination.

(2) The City Administrator shall review the determination and issue a written decision within fifteen (15) days after the request is filed.

(3) A person aggrieved by the review decision may appeal to the General Government Committee within thirty (30) days after notice of that decision. The Committee shall serve as

the impartial decision maker under s. 68.11, Wis. Stats. No member who took part in the determination or review, or who has a financial interest in the matter, shall participate. The Committee's written decision shall be final, subject to judicial review under s. 68.13, Wis. Stats.

(4) As a condition of review, the tax determined to be due shall first be paid in full, under protest if the person so elects. Any tax found to be wrongfully assessed shall be refunded with interest as provided in sec. 309.14(2).

309.10 Procedure Where Business is Sold. If a person liable for a tax under this chapter sells the business or terminates the business, the purchaser, successor or assigns of the person so liable shall withhold from the purchase price a sum sufficient to pay any unpaid room taxes accrued prior to the sale or termination until the Seller produces a receipt from the City Treasurer that the tax has been determined and fully paid or a certificate that no tax is due. Any purchaser who fails to withhold the room tax from the purchase price as required herein shall be personally liable for payment of the amount required to be withheld.

309.11 Office Audit. The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determinations may be made by the City Treasurer as deemed necessary.

309.12 Field Audit; Penalty for Failure to Allow Inspection.

(1) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the state sales tax records, and memoranda, of any person in order to verify the tax liability of that person or of another person.

(2) If the City 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 City Treasurer may inspect and audit the financial records of any person subject to the room tax pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct. A determination under this subsection shall be provided in writing within four (4) years after the due date of the return, unless no return has been filed.

(3) Any person who fails to comply with a request to inspect and audit the financial records pursuant to (2) shall forfeit to the City an amount equal to five per cent (5%) of the room tax as finally determined.

(4) The City Treasurer is authorized to examine and inspect state sales tax records of the Wisconsin Department of Revenue in order to establish or verify the tax liability.

309.13 Failure to File Returns, Determination of Tax Estimate by City Treasurer, Interest.

(1) If any person required to make a return fails to file, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the City for filing of the return, the City Treasurer shall determine the tax according to his/her best judgment. Such determinations may be made for one or more periods.

(2) Such determination shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or which may come into the City Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum interest at the rate of one per cent (1%) per month on the unpaid balance from the date the tax would have been due had a return been timely filed until the tax is paid.

(3) No refund or modification of the payment so determined may be granted until the person files a correct room tax return and permits the City to inspect and audit his or her financial records.

309.14 Interest Charged on Unpaid Tax.

(1) All unpaid taxes imposed under this chapter shall bear interest at the rate of one percent (1%) per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer.

(2) All refunded taxes shall bear interest at twelve percent (12%) per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded.

(3) 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. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, no interest shall be paid thereon.

309.15 Delinquent Returns. Late Filing Fee. Delinquent tax returns shall be subject to a Ten Dollar (\$10.00) late filing fee. The tax imposed by this chapter shall become delinquent if not paid:

(1) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period if one has been granted.

(2) In the case of no return filed, or a return filed late, by the due date of the return.

309.16 Penalty for Failure to Pay Tax. Any person who fails to pay the room tax when due shall forfeit twenty-five percent (25%) of the room tax due for the previous year or \$5,000.00, whichever is less, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, officer, director of such corporation, any partner of such partnership, sole member or managing member of a limited liability company, any trustee of such trust or any officer or principal of any other legal entity may, upon order of the Circuit Court, be subject to any sanctions duly imposed by the Court for such failure to pay. Such forfeiture shall be in addition to all interest imposed by this chapter. This section also applies to a marketplace provider that fails to file a return or pay the tax as required by sec. 309.21.

309.17 Records to be Kept. 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 City Treasurer requires.

309.18 Confidentiality of Records; Penalty for Improper Disclosure.

(1) All tax returns, schedules, exhibits, writings, audit reports or other information relating to such returns on file with the City Treasurer, including information obtained under s. 66.0615(1r) and (2), Wis. Stats., shall be confidential, except the City Treasurer may divulge their contents to the following and no others:

(a) The person who filed the return.

(b) Officers, agents or employees of the Wisconsin Department of Revenue.

(c) Officers, agents or employees of the City as may be necessary to enforce this chapter, manage collection of the room tax or otherwise use the information in the discharge of duties imposed by law or the duties of their office.

(d) As directed by an order of a court.

(2) Any publication of statistics related to the room tax shall be classified so as not to disclose the identity of particular returns.

(3) Any person violating sec. 309.18 may be required to forfeit not less than \$100 nor more than \$500.

309.19 Definitions. As used in this chapter:

(1) "Hotel," "motel," and "transient" have the meanings given in s. 77.52(2)(a)1., Wis. Stats.

(2) "Marketplace provider," "marketplace seller," "tourism entity," and "tourism promotion and tourism development" have the meanings given in s. 66.0615(1), Wis. Stats.

(3) "Sales price" has the meaning given in s. 77.51(15b), Wis. Stats.

(4) "Short-term rental" has the meaning given in s. 66.0615(1)(dk), Wis. Stats.

(5) The term person shall include a natural person or any officer of a corporation, any partner of a partnership, any sole member or managing member of a limited liability company, any trustee of a trust or any officer or principal of any other legal entity which is subject to the room tax imposed by this chapter.

309.20 Severability. If any provision, section, subsection, sentence, clause, or phrase of this chapter shall for any reason be held to be invalid, illegal, unconstitutional or otherwise not legally enforceable, whether as to any specific property or as to all properties in a class or as to all properties within the City of Richland Center, such holding or decision shall not affect the validity of the remaining portions of this chapter, or the applicability of this chapter to any property outside of the class to which it has so been held invalid which can be given effect without the invalid, illegal, unconstitutional provision or application, it being specifically intended that the various provisions of this chapter be deemed severable.

309.21 Marketplace Providers.

(1) A marketplace provider shall collect the tax imposed by this chapter for a marketplace seller and forward it to the City Treasurer on a quarterly basis, along with the form prepared by the Wisconsin Department of Revenue, as required by s. 66.0615(1r), Wis. Stats., unless the marketplace provider has been issued a waiver under s. 77.52(3m)(b) or (c), Wis. Stats. The City Treasurer may enter into a written agreement with a marketplace provider for more frequent submissions.

(2) The City shall not collect the tax from a marketplace seller on any sale for which a marketplace provider has collected and forwarded the tax under sub. (1).

309.22 General Penalty. Any person who fails to obtain a permit required by sec. 309.07, fails to file a return required by this chapter, or violates any other provision of this chapter for which a penalty is not otherwise provided shall, upon conviction, forfeit not less than \$100 nor more than \$500 for each violation, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats. Each calendar quarter for which a required return is not filed, and each month that a person furnishes rooms or lodging without a required permit, shall be a separate violation.