

**TOWN OF MERRIMAC**  
**ORDINANCE 2013-10**

**AN ORDINANCE AMENDING ORDINANCE 1-78 FOR ROOM TAX  
NON-PAYMENT PENALTIES AND NON-COMPLIANCE**

**Whereas**, the Town Board of the Town of Merrimac adopted a Room Tax Ordinance on February 7, 1978; and

**Whereas**, the Town Board of the Town of Merrimac amended the ordinance increasing the room tax rate from 5% to 7% effective January 1, 1992; and

**Whereas**, Wisconsin Statute has renumbered Section 66.75 to Section 66.0615 and Section 77.52 (2) to Section 77.52 (2) (a) 1;

**Whereas**, Wisconsin Statute 66.0615(2) establishes a higher forfeiture rate for non-payment and non-compliance of the room tax ordinance;

**Therefore**, be it hereby ordained by the Town Board of the Town of Merrimac, Sauk, County, Ordinance 1-78 be amended as follows:

1. Section A (2): Pursuant to Wisconsin Statutes 66.0615, a tax is hereby imposed on the privilege and server of a furnishing, at retail, of 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 the use of the accommodations. Such tax shall be at the rate of 7 percent of the gross receipts from such retail furnishing of the rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes, Section 77.52 (2) (a) 1.
2. Section 3: **Permit**
  - a. Every person furnishing rooms or lodging in the town of Merrimac shall file with the Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form the treasurer prescribes 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 treasurer requires. The owner, if a sole proprietor, shall sign the application and if not a sole proprietor, the person authorized to act on behalf of such applicant shall sign. If the applicant is not the owner, the applicant shall include a guaranty signed by the owner assuring payment of any room tax collected by the applicant. In lieu of said guaranty, the applicant may post a bond, in a form and issued by a bonding company acceptable to the town treasurer, in an amount equal to the estimated gross annual room tax to be collected for said property.

3. Section 4: Upon determination that the application complies with this section, the treasurer shall grant and issue to each applicant a separate permit for each place of business within the town. Such permit is not assignable and is valid only for the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.
4. **Definitions.** The definitions of s. 66.0615 (1) and 77.51(1f) Wis. Stats. are adopted and incorporated herein. The meaning of “gross receipts” includes the definition of s. 77.51 (4)(c), Wis. Stats, and bundled transactions as further defined.
  - a. Gross receipts. Means total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by an operator including all bundled transactions.
  - b. Bundled transaction. A bundled transaction is one in which distinct and other identifiable amenities, services or products are sold for one non-itemized price.
5. Section A (8): The Treasurer may, by field audit, determine the tax required to be paid to the Town 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 in the Treasurer’s possession. The Treasurer is authorized to examine and inspect the state sales tax records, and memorandum, of any person in order to verify the tax liability of that person or another person. Section A (10): All unpaid taxes under this section shall bear interest at the rate of 1 (one) percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality to inspect and audit his or her financial returns per Wis. Stat. 66.0615 (2) (a).
6. Section A (16): Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in Subsection 4 or who fails or refuses to permit the inspection of state sales records by the Treasurer after such inspection has been duly requested by the Treasurer, shall be subject to a forfeiture not to exceed two hundred fifty dollars (\$250). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.
7. Any person subject to this ordinance ~~or~~ who fails to file a return and pay the tax due, or who violates any other provision of this section, shall be subject to a forfeiture not to exceed 25 percent of the room tax due for the previous year under Subsection 2 or \$5,000, whichever is less.
8. In addition to the penalties provided herein, whenever any person fails to comply with this ordinance the Treasurer may, upon ten (10) days notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend the Room Tax Permit held by such person. The

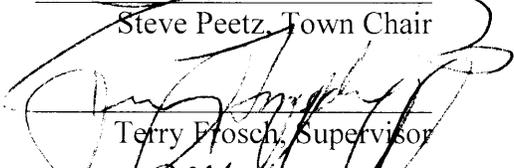
Treasurer shall give to such person written notice of the suspension or revocation of any of his permits. The treasurer shall reinstate the room tax permit only upon payment in full of the amount due and owing including all penalties and interest.

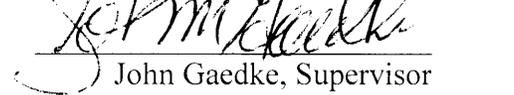
9. When circumstances warrant, the town board may reinstate a room tax permit upon such terms and conditions it deems appropriate. A fee of Twenty-five dollars (\$25.00) shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

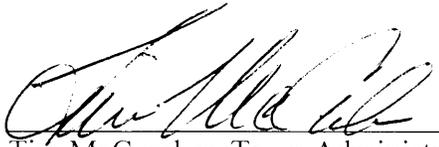
10. This Ordinance shall take effect on January 1, 2014.

Adopted this 4<sup>th</sup> day of December, 2013.

  
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Steve Peetz, Town Chair

  
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Terry Frosch, Supervisor

  
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John Gaedke, Supervisor

Attest:   
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Tim McCumber, Town Administrator & Clerk - Treasurer