

TITLE III: ADMINISTRATION

Chapter

34. FINANCE AND TAXATION

CHAPTER 34: FINANCE AND TAXATION

Section

General Provisions

- 34.01 Duplicate Treasurer's bond eliminated
- 34.02 Destruction of obsolete public records
- 34.03 Letting of contracts

Budget

- 34.15 Fiscal year
- 34.16 Budget
- 34.17 Changes in budget
- 34.18 City funds to be spent in accordance with appropriations

Taxes

- 34.30 Tax on lodging facilities

GENERAL PROVISIONS

§ 34.01 DUPLICATE TREASURER'S BOND ELIMINATED.

(A) Pursuant to Wis. Stats. § 70.67, the city hereby obligates itself to the payment to the Iowa County Treasurer of all taxes of any kind required by law to be paid by the City of Mineral Point Clerk-Treasurer to the County Treasurer.

(B) This section is passed for the purpose of serving as a substitute for the bond otherwise to be required of the City of Mineral Point Clerk-Treasurer for the collection of taxes to be paid to the Iowa County Treasurer and shall be in full force and effect until a certified copy of its repeal shall be filed with the Iowa County Clerk and the Iowa County Treasurer.

(1989 Code, § 3.01) (Ord. 687, passed 12-6-2005)

§ 34.02 DESTRUCTION OF OBSOLETE PUBLIC RECORDS.

See § 33.07 of this municipal code.
(1989 Code, § 3.06)

§ 34.03 LETTING OF CONTRACTS.

The provisions of Wis. Stats. § 62.15 shall be applicable to city contracts.
(1989 Code, § 3.07)

BUDGET

§ 34.15 FISCAL YEAR.

The calendar year shall be the fiscal year.
(1989 Code, § 3.02)

§ 34.16 BUDGET.

(A) *Departmental estimates.* Each year, each officer, department and committee shall file with the Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of the officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of the officer, department or committee during the year, and of the conditions and management of the fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. The statements shall be presented in the form prescribed by the Clerk-Treasurer and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

(B) *Preparation of budget.*

(1) *Budget to include.* Each year the Clerk-Treasurer, Mayor and Finance Committee shall prepare a proposed budget presenting a financial plan for conducting the affairs of the city for the ensuing calendar year. The budget shall include the following information:

(a) The expense of conducting each department and activity of the city for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.

(b) An itemization of all anticipated income of the city from sources other than general property taxes and bond issued, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year.

(c) An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

(d) Such other information as may be required by the Council and by state law.

(2) *Copies.* The city shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(C) *Hearing.* The Council shall hold a public hearing on the budget as required by law. Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the Council as ordinances.

(1989 Code, § 3.03)

§ 34.17 CHANGES IN BUDGET.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof, shall not be changed after approval of the budget except by a 2/3 vote of the entire membership of the Common Council. Notice of the transfer shall be given by publication within 15 days thereafter in the official city newspaper.

(1989 Code, § 3.04)

§ 34.18 CITY FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATIONS.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 34.17. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the General Fund and be subject to reappropriation; but appropriations may be made by Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within that year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(1989 Code, § 3.05)

*TAXES***§ 34.30 TAX ON LODGING FACILITIES.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HOTEL; MOTEL. Have the meaning given in Wis. Stats. § 77.52(2)(a)1. An ***INN*** or ***BED AND BREAKFAST ESTABLISHMENT*** is intended to be included as a ***HOTEL*** or ***MOTEL*** within this definition.

TAXABLE ROOM REVENUE. The revenue from the rental of rooms with beds and does not include revenue from meeting rooms, banquet rooms or any invoices with approved tax exemptions.

TOURISM. Travel for recreational, business or educational purposes.

TOURISM ENTITY. A nonprofit organization that provides staff, development or promotional services for the tourism industry in a municipality.

TRANSIENT. Any person residing for a continuous period of less than 1 month in a hotel, motel or other furnished accommodations available to the public.

(B) *Imposition of tax.* Pursuant to Wis. Stats. § 66.0615, 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 the use of the accommodations. This tax shall be at a rate of 3% of the taxable room revenue from such retail furnishings of rooms or lodging. Any subsequent changes in this tax rate shall be enacted only at the recommendation of the Tourism Commission and by majority vote of the Common Council of Mineral Point, Wisconsin.

(C) *Collection of tax and reporting requirements.*

(1) The tax is imposed following adoption of this section to commence on the first day of the following quarter in the current fiscal year.

(2) The tax is due and payable on or before the last day of the month following the end of each calendar quarter for which the tax is imposed.

(3) Returns shall report taxable room revenue receipts, amount of taxes, and other information as deemed necessary by the Clerk-Treasurer of the city.

(4) Returns shall be accompanied by the same-quarter Wisconsin Sales Tax Return.

(5) Annual Return will summarize quarterly returns, reconcile and adjust for errors.

(6) The Clerk-Treasurer of the City of Mineral Point shall administer this section.

(D) *Tourism Commission.*

(1) A Tourism Commission is created pursuant to Wis. Stats. § 66.0615(b) and (c). Pursuant to Wis. Stats. § 66.0615(1m)(b)4, the Commission shall contract with 1 tourism entity from the municipality to obtain staff, support services and assistance in developing and implementing programs to promote the municipality to visitors. If no tourism entity exists, the Commission shall contract with another organization to perform the functions of a tourism entity.

(2) The Commission shall be composed of 7 members with the following recommended composition:

(a) Two representatives from the lodging establishment in the city with the largest number of guest rooms;

(b) Two representatives selected from the remainder of the lodging establishments in the city;

(c) One representative from the tourism entity with whom the Commission contracts to carry out the activities and functions of the Commission;

(d) One representative from a retail business within the City of Mineral Point; and

(e) One representative from an historic site or other tourist attraction within the City of Mineral Point.

(3) The initial terms for members of the Commission shall be comprised of 4 members with 2-year terms and 3 members with a 1-year term. Subsequent terms shall be 2 years. Members of the Commission may be reappointed.

(4) Members to the Commission shall be appointed by the Mayor and approved by the Common Council. The Room Tax Committee of the Mineral Point Chamber of Commerce shall make recommendations for initial appointments. The Commission shall recommend persons for appointments thereafter.

(5) The Commission shall meet a minimum of once per calendar quarter and from its members shall elect a Chairperson, Vice-Chairperson and Secretary.

(6) The Commission shall report any inaccurate reporting or delinquencies to the Clerk-Treasurer of the city.

(7) The Commission shall submit an annual budget to the city no later than October 1 of each year.

Mineral Point - Administration

(8) The Commission shall submit an annual compilation of expenditures to the city no later than February 1 of each year.

(E) *Distribution of tax.*

(1) Five percent of the tax revenue shall be retained by the city to cover administrative costs.

(2) The remaining 95 % of the tax revenue shall be deposited on a quarterly basis into a segregated fund to be available to the Commission to allocate for implementation of the Commission marketing plan and projects.

(F) *Use of tax.*

(1) The tax revenue shall be used to fund marketing efforts, including off-season events and promotions for tourism intended to increase room night stays during periods of low hotel/motel occupancy.

(2) The tax revenues shall be used solely for marketing efforts that have the potential to increase overnight stays in local hotels, motels, inns or bed and breakfast establishments.

(3) The tax shall not be used, without the approval of the Commission, to support events existing prior to enactment of this section.

(4) The funds collected from this tax shall be an additional source of revenue for purposes stated herein and shall not be considered a replacement of funding from the City of Mineral Point to the Mineral Point Chamber/Main Street.

(G) *Liability on sale of business.*

(1) Upon termination of business by any person liable for any amount of tax under this section, the full amount of tax liability shall become immediately due and payable.

(2) In the event of the sale or termination of a business liable for any amount of tax under this section, the purchasers, successors and assigns shall withhold enough of the purchase price of the business or any asset of the business to cover the full amount of tax due under this section until the former owner produces a receipt from the City Clerk-Treasurer that he or she has been paid, or a certificate stating that no amount is due.

(3) Any person who does not withhold a portion of the purchase price as required shall be personally liable for payment of the tax due to the extent of the price of the business or assets purchased, as valued in money.

(H) *Enforcement of collection of room tax.* As a means of enforcing the collection of the tax imposed under this section, the city may:

(1) Whenever the city has probable cause to believe that the correct amount of room tax has not been assessed or the tax return is not correct, the City Clerk-Treasurer or his or her designee may inspect and audit the financial records of any hotelkeeper. The financial records to be inspected and audited shall include all records pertaining to the furnishing of accommodations.

(2) If any hotelkeeper fails to file a return as required by this section, the City Clerk-Treasurer shall make an estimate of the amount of the taxable room receipts received by the hotelkeeper. This estimate shall be made for the period for which the hotelkeeper failed to file a return and shall be based upon any relevant information available to the City Clerk-Treasurer. On the basis of this estimate, the City Clerk-Treasurer shall compute the amount of tax required.

(3) No refund or modification of the payment determined may be granted until the hotelkeeper files a correct return and permits the City Clerk-Treasurer or his or her designee to inspect and audit his or her financial records.

(4) All delinquent taxes under this section shall bear interest at the rate of 1% per month for every month or portion of a month in which the taxes are delinquent.

(I) Records. Every person liable for tax imposed by this section shall keep or cause to be kept:

(1) Copies of all sales tax reported to the State of Wisconsin;

(2) All documentation necessary to substantiate the figures set forth in the sales tax reports;

and

(3) All records, receipts, invoices and other pertinent papers necessary to support the tax return required under this section.

(J) Returns confidential.

(1) Information obtained under this section shall remain confidential, except that the City Clerk-Treasurer may divulge the contents of tax returns, schedules, exhibits, writings or audit reports relating to the returns to the following and to no others: The person who filed the return or such other persons who use the information in the discharge of duties imposed by law or the duties of their office or by order of a court.

(2) No person having an administrative duty under this section shall make known in any manner the business affairs, operations or other information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person except as described herein.

(3) Any person who violates the division relating to confidentiality may be required to forfeit not less than \$100 or more than \$500.

(K) *Effective date.* This section is effective as of July 1, 2002.
(Ord. 630, passed 6-4-2002)