

Passed: 1-13-25
Posted: 1-14-25
Removal: 2-15-25

ORDINANCE NO. 2025-002
**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF
LINN, WALWORTH COUNTY, WISCONSIN, SECTION 19, TAXATION**

Chapter 19. Taxation

Article I. **Room Tax**

§ 19-1 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

GROSS RECEIPTS

Has the meaning as defined in § 66.0420(2)(j)1, Wis. Stats., insofar as applicable.

HOTEL or MOTEL

A building or 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, apartment hotels, resort lodges and cabins and any other buildings or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanatoriums, or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable, nonprofit, or educational purposes provided that no part of the net earnings of such corporations and association inures to the benefit of any private shareholder or individual.

SHORT TERM RENTAL

A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, single-family homes, duplexes, condominium units, inns, motels, tourist homes, apartment hotels, resort lodges, cabins and any other buildings or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month to a single tenant or group of tenants and accommodations furnished by any hospital, sanatorium, or nursing homes or by corporations of associations organized and operated exclusively for religious, charitable, nonprofit, or educational purposes provided that no part of the net

earnings of such corporations and association inures to the benefit of any private shareholder or individual. The use of any building or structure as a short-term rental is deemed to be its primary use if such building or structure is used by or made available for use by the public as a short-term rental for more than 45 nights in any consecutive ninety-day period.

TRANSIENT

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

§ 19-2. Imposition, implementation and allocation of room tax.

Pursuant to § 66.0615, Wis. Stats., a tax is hereby imposed on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operations, and other persons furnishing accommodations to the public, irrespective of whether membership is required for the use of accommodations. Such tax shall be at the rate of 5% of the total room charges from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by § 77.52(2)(a)(1), Wis. Stats. The proceeds of such tax collected shall be apportioned as follows:

- A. Two percent of the gross tax collected to the hotel, motel, bed-and-breakfast or other person filing the return; 98% percent to the Town of Linn. The amount retained by the Town of Linn shall be allocated as follows:
- B. Seventy percent of the tax collected and retained by the Town of Linn shall be allocated to Visit Lake Geneva.
- C. Thirty percent of the amount collected and retained by the Town of Linn shall be placed into the general operating fund.

§ 19-3. Administration.

This section shall be administered by the Town Treasurer. The tax is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return upon a form approved by the Town shall be filed with the Treasurer, by those furnishing at retail such rooms or lodging within the Town on or before the same date on which such tax is due and payable. Every person required to file a quarterly return shall also file an annual return on or before January 31 for the preceding calendar year.

§ 19-4. Annual return.

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 Town Treasurer requires. The Town Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

§ 19-5. Permit required.

A. Any person furnishing rooms or lodging subject to § **19-2** shall annually file with the Treasurer an application for a permit for each place of business. Each application for a permit shall be made upon a form prescribed by the Town Board. The applicant shall pay an amount set by the Town's fee schedule.

A.B. Any person engaged in the renting of a room, building, or portion of building without first obtaining the permit required by § 19-5(A) shall pay an additional fee for failure to register in an amount as set forth in the Town's fee schedule.

§ 19-6. Permit conditions.

A separate permit shall be issued by the Treasurer for each place of business within the Town. Such permit is not assignable and is valid only for the person or entity 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 it is issued. Said permit shall not be issued until the applicant has complied with §§ **19-4** and **19-12** herein.

§ 19-7. Failure to comply.

When any person fails to comply with this article, the Treasurer may, upon 10 days' notification and after affording such person the opportunity to show cause, why his/her permit shall not be revoked; revoke or suspend any or all of the permits held by such person under this article.

§ 19-8. Revocation or suspension of permit.

The Treasurer shall give to such person written notice of the suspension or revocation of such permits. The Treasurer shall not issue a new permit after the revocation of a permit until said person complies with the provision of this article. A fee in an amount set by the Town's fee schedule shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

§ 19-9 Responsibility for unpaid tax.

If any person liable for any amount of tax under this article sells out his business, stock, goods or quits the business, his successors or assigns shall be responsible for any unpaid tax due under this article.

§ 19-10. Determination of tax.

The Treasurer may determine the tax required to be paid to the Town or the refund due to any person under this article. 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 Treasurer's possession.

§ 19-11. Estimated charges.

If any person fails to file a return as required by this article, the Treasurer shall make an estimate of the amount of his/her total room charges under § 19-2. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon state sales tax records and memoranda. On the basis of this estimate, the Treasurer shall compute and determine the amount required to be paid to the Town.

§ 19-12. Interest on unpaid tax.

All unpaid taxes under this article shall bear interest at the rate of 12% per annum from the due date of the return until paid.

§ 19-13. Penalty charges; severability.

Returns filed late shall be subject to a late filing fee in an amount set by the Town's fee schedule. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this ordinance, an additional penalty shall be added to the tax required to be paid, exclusive of interest and other penalties, in an amount set by the Town's fee schedule.

- A. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this article.
- B. All ordinances or parts of ordinances which are inconsistent or contrary to this article are repealed to the extent of such inconsistency.

§ 19-14. **Recordkeeping.**

Every person required to file a return for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices and other pertinent papers and shall enable the Treasurer to ascertain the amount of the tax payable.

§ 19-15. **Confidentiality.**

All returns, schedules, exhibits, writings, or audit reports relating to such returns, on file with the Treasurer, are deemed to be confidential, except the Treasurer may divulge their contents to the following, and no others:

- A. The person who filed the return or their designee;
- B. Officers or agent of the Town as may be necessary to enforce collection; provided, however, this section shall not be construed to preclude an action at law or other remedy to enforce collection.

§ 19-16. **Information to be kept private.**

No person having an administrative duty under this article shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person upon whom a tax is imposed by this article, 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 persons, except as provided in § ~~19-13~~ 19-15.

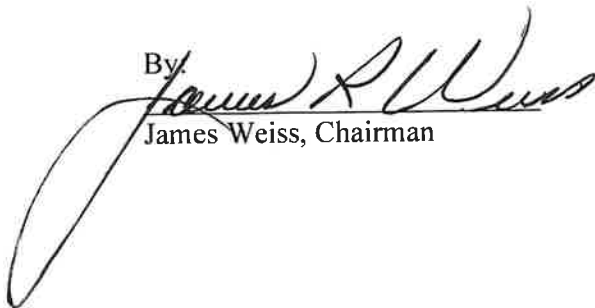
§ 19-17. **Violations and penalties.**

Any person who is subject to the tax imposed by this article who fails to obtain a permit as required by § ~~19-14~~ 19-5, or who fails or refuses to permit the inspection of his/her records by the Town Treasurer after such inspection has been duly requested by the Town Treasurer, or who fails to file a return as provided in this article, or who violates any other provision of this article, shall be subject to a penalty in an amount set by the Town's fee schedule ~~of not less than \$100 nor more than \$500.~~ Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Dated at the Town of Linn this 13th day of January, 2025.

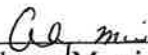
TOWN OF LINN

By:

A large, stylized handwritten signature in black ink, appearing to read 'James Weiss', written over a horizontal line.

James Weiss, Chairman

ATTEST:


Alyson/Morris, Clerk