

ORDINANCE NO. 8592

An ordinance to amend the Grand Island City Code by adding Article VI and Sections 23-55 through 23-63 entitled "Hotel Accommodations" to impose a two percent (2%) occupation tax for rental of rooms, "Hotel Defined", "Occupied Room" Defined; Exceptions", "Collection", "Records", "Due Date", "Intent", "Sunset Provision", and "Penalty"; to repeal all ordinances and resolutions or parts thereof in conflict herewith; and to provide for publication in pamphlet form, and to provide the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The Grand Island City Code is hereby amended by adding Article VI entitled "Hotel Tax", and Sections 23-55 through 23-63 as follows:

**Article VI. Hotel Tax**

**§23-55. Hotel Accommodations**

Each person engaged in the business of operating a hotel in the city shall pay an occupation tax in the amount of two percent (2%) of the basic rental rates charged per occupied room per night.

**§23-56. Hotel Defined**

*Hotel* shall mean any facility in which the public may, for a consideration, obtain sleeping accommodations in any space ordinarily used for accommodations. The term shall include hotels, motels, tourist hotels, campgrounds, courts, lodging houses, inns and nonprofit hotels; but "hotel" shall not be defined so as to include hospitals, sanitariums, nursing homes, chronic care centers, or dormitories or facilities operated by an educational institution and regularly used to house students.

**§23-57. Occupied Room; Defined; Exceptions**

(A) *Occupied Room* shall mean any space ordinarily used for sleeping accommodations and for which any occupant has, for consideration, obtained the use or possession, or the right to use or possess, for a period not to exceed thirty (30) contiguous days. The term shall include camping space, trailer space or recreational vehicle space. The term does not include a function room such as a ballroom, banquet room, reception room, or meeting room, provided it is not used as temporary sleeping accommodations.

(B) The term "occupied room" shall not mean, and no tax imposed by this article shall be measured by or collected for:

- (1) Complimentary or other sleeping accommodations for which no consideration is charged;
- (2) Sleeping accommodations for which the consideration is paid by a person not subject to the sales and use tax imposed by the Nebraska Revenue Act of 1967, as it is amended from time to time; or

Approved as to Form ▼   
May 19, 2000 ▲ City Attorney

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(3) Sleeping accommodations leased by an employer for use by its employees when a specific room is the subject of the lease, the lease extends for more than thirty (30) consecutive days, and consideration is actually paid for use during at least thirty (30) consecutive days.

**§23-58. Collection**

The tax imposed by this article shall be collected by the hotel operator from the occupant of each room to which the tax applies. The tax may be shown as an add-on to the charge for occupancy of the rooms and shall be collectible at the time the lodging is furnished, regardless of when the charge for the occupancy is paid. The operator shall remain responsible for payment of all taxes imposed whether or not the taxes are actually collected from the guests.

**§23-59. Records**

It shall be unlawful for any hotel operator subject to this article to fail to maintain or fail to make available to the city, upon seventy-two (72) hours notice, written records accurately and completely evidencing the number of rooms occupied, the dates the rooms are occupied, the amount of occupation tax due or paid under this article, and such other information as is required by the Director of Finance. Such records shall be maintained for a period of three (3) years after the occupation tax is due.

**§23-60. Due Date**

Notwithstanding any contrary provision of this chapter, the tax imposed by this article shall be due and payable on the first day of each calendar month next succeeding the month during which the room was occupied. All taxes not paid by the twenty-fifth day of the month in which they are due and payable shall be deemed to be delinquent. The operator shall be assessed a penalty of ten percent (10%) on all delinquent amounts as well as interest of one percent (1%) per month or fraction thereof from the first of the month in which such tax becomes due and payable until the date of payment.

**§23-61. Intent**

It is the intent of the City Council that the city shall use the revenue generated by the occupation tax imposed by this article to fund the design, construction, maintenance and operation of an agricultural exposition center to be built, owned and operated by Fonner Park Exposition and Events Center, Inc. for the purposes set forth in Neb. Rev. Stat. §13-315 (1997).

**§23-62. Sunset Provision**

The occupation tax imposed by this ordinance shall terminate and hotels shall cease collecting the tax at 12:00 a.m. (midnight) December 31, 2025. Nothing in this ordinance shall prohibit the City Council from taking action by ordinance to renew or re-establish this tax before or after the effective date of such termination.

**§23-63. Penalty**

Any person, partnership, firm or corporation violating any of the provisions of Sections 23-55 through 23-62 shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 1-7 of this Code. Each distinct act or violation of the terms of Sections 23-55 through 23-62 shall constitute a separate offense.

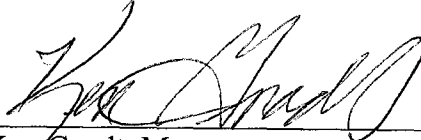
SECTION 2. It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Grand Island City Code, and the sections of this Ordinance may be renumbered to accomplish such intention.

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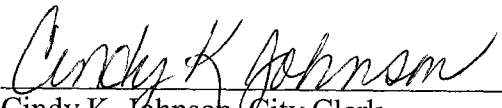
SECTION 3. Any ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, in pamphlet form, within fifteen days in one issue of the Grand Island Independent as provided by law, and on July 1, 2000.

Enacted: May 23, 2000.

  
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Ken Gnadt, Mayor

Attest:

  
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Cindy K. Johnson, City Clerk

