

ORDINANCE NO. 18-07

CREATING CHAPTER 98 OF THE CITY OF MADEIRA CODE OF ORDINANCES TO PROVIDE FOR AN ADMISSIONS TAX TO GENERATE REVENUE FOR OPERATING EXPENSES

WHEREAS, the City of Madeira is a chartered municipality in the State of Ohio;

WHEREAS, City Council is undertaking various actions as part of a larger funding effort to support sustainability and development in the City of Madeira;

WHEREAS, specifically, due to anticipated additional expenses being requested by the Madeira Indian Hill Joint Fire District and other operational needs, City Council has determined that it is necessary to raise additional revenue to be allocated to the City's operating fund; and

WHEREAS, as part of the larger funding effort, City Council desires to create a new Chapter 98 of the Code of Ordinances to provide for an admissions tax in order to generate revenue for operating expenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Section 1. The City of Madeira shall enact Chapter 98 of the Code of Ordinances as set forth in **Exhibit A**, which is attached hereto and incorporated herein by reference.

Section 2. The title of Chapter 98 of the Code of Ordinances shall be "Admissions Tax."

Section 3. This Ordinance is adopted in accordance with the Charter of the City of Madeira and shall become effective from and after the earliest period allowed by law.

PASSED ON THE ___ DAY OF _____, 2018
BY THE FOLLOWING _____ VOTE:

YEA: **NAY:** **ABSTAIN:** **ABSENT:**

Traci Theis
Nancy Spencer
Melisa Adrien
Chris Hilberg
Scott Gehring
Brian Mueller
Matt Luther

Traci Theis, Mayor

Christine Doyle, Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Madeira, hereby certifies this to be a true and exact copy of Ordinance No. _____, adopted by the Council of the City of Madeira on _____, 2018.

Clerk of Council

ORDINANCE NO. 18-07

EXHIBIT A

CHAPTER 98: ADMISSIONS TAX

Section

- 98.01 Purpose and Effective Period
- 98.02 Rate of Tax
- 98.03 Collection
- 98.04 Allocation of Revenue
- 98.05 Monthly Reports and Payment of Tax
- 98.06 Adoption of Rules and Regulations
- 98.07 Taxes Made a Lien
- 98.08 Notices Authorized by Mail

- 98.99 Penalty

§ 98.01 PURPOSE AND EFFECTIVE PERIOD.

For the purpose of supporting sustainability and development in the City of Madeira, and providing revenue to defray a portion of current operating expenses and other expenditures of the City, there is hereby levied a tax on any monthly or annual membership dues paid to every entity, of any nature, owning or operating a golf course situated anywhere within the municipal boundaries of the City of Madeira, commencing on April 1, 2019, and thereafter.

§ 98.02 RATE OF TAX.

The tax imposed by this section shall be at the rate of Three Percent (3%) on any monthly or annual membership dues paid to every entity, of any nature, owning or operating a golf course situated anywhere within the municipal boundaries of the City.

§ 98.03 COLLECTION.

The aforementioned taxes are to be paid by the purchaser or payor, collected by every entity, of any nature, owning or operating a golf course as trustee for the City of Madeira, and returned and paid by every entity, of any nature, owning or operating a golf course in the manner and subject to the interest provided in Section 98.05.

§ 98.04 ALLOCATION OF REVENUE.

The revenue collected under the provisions of this Chapter shall be deposited in the operating fund of the City of Madeira.

§ 98.05 MONTHLY REPORTS AND PAYMENTS OF TAX.

(A) On or before the twentieth (20th) day of each calendar month, every entity, of any nature, owning or operating a golf course shall make a return to the Tax Commissioner in such form as the Tax Commissioner may prescribe, showing the amount of monthly and annual membership dues paid, the amount of taxable fees collected during the preceding calendar month, the amount of tax hereby imposed on the same, and such other facts and information as the Tax Commissioner may require in the form of returns prescribed by the Tax Commissioner. The person making the return shall certify that it is complete, true and accurate.

(B) All such returns shall be held confidential by the Tax Commissioner and Treasurer and shall not be available for inspection unless ordered by a court of competent jurisdiction, except that the Tax Commissioner may furnish copies to the internal revenue department and to the City Manager or person designated by the City Manager.

(C) Each person making such return shall, at the time of making the same, pay the amount of taxes shown thereby to the Tax Commissioner. Such payments shall be paid to the City of Madeira. The Tax Commissioner may adopt uniform rules and regulations not inconsistent with the method of making returns and payments, as provided herein.

(D) If the tax imposed by this Chapter is not paid when due, there shall be added as part of the tax interest at the rate of one percent per month from the time when the tax became due until paid.

§ 98.06 ADOPTION OF RULES AND REGULATIONS.

(A) The Tax Commissioner shall have power to adopt and promulgate such rules and regulations as the Tax Commissioner may deem necessary to carry out the provisions of this Chapter.

(B) Every entity, of any nature, owning or operating a golf course shall keep records and receipts of monthly membership dues paid, annual membership dues paid, and other pertinent documents, in such form as the Tax Commissioner may by such regulation require. Such records and other documents shall be open at any time during business hours to the inspection of the Tax Commissioner, and shall be preserved for a period of three years, unless the Tax Commissioner shall in writing require that they be kept longer.

§ 98.07 TAXES MADE A LIEN.

(A) Taxes imposed by this Chapter shall be a lien upon the property owned by every entity, of any nature, owning or operating a golf course. If any entity, of any nature, owning or operating a golf course shall sell out or quit business, it shall be required to make out a return provided for under this Chapter within 30 days after the date of sale of such business, and the

successor in business shall be required to withhold a sufficient amount of the purchase money to recover the amount of said taxes so collected and unpaid, together with interest, if any, until such time as the former owner shall produce a receipt from the Treasurer showing that the taxes have been paid, or a certificate that no taxes are due.

(B) If the purchaser of any entity, of any nature, owning or operating a golf course shall fail to withhold purchase money as above provided, and the taxes so collected shall be due and unpaid after the 30-day period allowed, the purchaser shall be liable for the payment of the taxes collected and unpaid on account of the operation of a golf course by the former owner(s), together with interest, as provided by this Chapter.

(C) The lien for unpaid taxes herein imposed shall not become effective until such time as the Treasurer shall certify to the Auditor of Hamilton County, Ohio the amount of taxes delinquent, and such certification is placed on record by the Recorder of Hamilton County, Ohio in a book maintained for that purpose.

§ 98.08 NOTICES AUTHORIZED BY MAIL.

Any notice authorized or required under the provisions of this Chapter may be given by mailing the same to a designated representative of every entity, of any nature, owning or operating a golf course, in a post-paid envelope addressed to such person at the address given in the last return filed by every entity, of any nature, owning or operating a golf course, pursuant to the provisions of this Chapter, or if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be prima facie evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Chapter by the giving of notice shall commence to run from the date of mailing such notice.

§ 98.99 PENALTY.

(A) *Violations.* Any person who shall:

(1) Fail, neglect, or refuse to make any report or declaration required by this Chapter;

(2) Provide to the City an incomplete, false, or fraudulent report or declaration;

(3) Fail, neglect, or refuse to pay the tax, penalties, or interest imposed by this Chapter;

(4) Refuse to permit the Tax Commissioner or any duly authorized agent or employee to examine his or her or his or her books, records, papers, or other tax filings in connection with the taxes imposed by this Chapter;

(5) Fail to appear before the Tax Commissioner, or to produce his or her books, records, papers, or tax filings upon order or subpoena of the Tax Commissioner;

(6) Refuse to disclose to the Tax Commissioner any information with respect to monthly membership or annual membership dues paid; or

(7) Fail to cause the taxes imposed by this Chapter to be paid to the City in accordance with the provisions of § 98.05.

(B) *Time limitations on prosecutions.* All criminal prosecutions under this section must be commenced within three years, and all civil actions within five years following the date on which the final return for a taxable year was due, or five years from the time of any other offense complained of.

(C) *Failure to obtain forms not a defense.* The failure of any entity, of any nature, owning or operating a golf course, or person affiliated therewith, to procure a return, declaration or other required form shall not excuse him or her from providing any report, information return, or declaration to the Tax Commissioner, or from paying the subject tax.

(D) *Responsibility of golf course's or country club's management team.* The term *PERSON*, as used in this section, shall include any owner, partner, member, officer, director, president, chief financial officer, treasurer, or any other member of every entity, of any nature, owning or operating a golf course management team who can be found within the corporate limits of the municipality.

(E) *Penalty.* Whoever is found guilty of a violation of any part of this Chapter shall be guilty of a misdemeanor of the third degree and may be punished by a fine of not more than \$500 and imprisonment of not more than 60 days.