

CITY OF SKY VALLEY, GEORGIA

AN ORDINANCE TO BE ENTITLED

AN ORDINANCE TO AMEND PREVIOUS ORDINANCES TO INCREASE THE EXCISE TAX ON ROOMS, LODGINGS, OR ACCOMMODATIONS (HOTEL/MOTEL TAX), TO REFLECT RECENT CHANGES TO STATE LAW; TO PROVIDE FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

WHEREAS, the governing body of the City of Sky Valley, a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to levy certain excise taxes; and

WHEREAS, the City of Sky Valley is designated as a "special district" pursuant to Title 48, Chapter 13, Article 50.1 of the Official Code of Georgia Annotated for the purpose of implementing an excise tax on rooms, lodging and accommodations; and

WHEREAS House Bill 59 of the 2023 Regular Session of the Georgia General Assembly authorizes imposition of an excise tax of up to eight percent (8%) by the City of Sky Valley, pursuant to O.C.G.A. § 48-13-51 (b); and

WHEREAS, the governing body of the City of Sky Valley, is required under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in the City of Sky Valley; and

WHEREAS, the City of Sky Valley is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of tourism product development in the City of Sky Valley with any balance of the funds so designated for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in the City of Sky Valley;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED AND IT IS HEREY ORDAINED AND RESOLVED that the Mayor and City Council of the City of Sky Valley resolves to adopt an Excise Tax Ordinance pursuant to said authority; and therefore, the Mayor and City Council does publish, state and promulgate the following ordinance:

SECTION 1: That Ordinance 04-08 be amended thereof as follows:

ARTICLE E. HOTEL/MOTEL TAX

Section 1. LEVY OF TAX Pursuant to O.C.G.A. §48-13-51 authorizing each municipality in the State of Georgia to impose, levy, and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodging, or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value, including short term vacation rental units, there is hereby levied an excise tax on all charges imposed upon the public for the furnishing of any room or rooms, lodgings, or accommodations within the City of Sky Valley.

This tax shall be imposed upon every person or entity who is furnished for value any room or rooms, lodging, or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value, including short term vacation rental units payable to the person or entity providing such room, lodging or accommodations. The tax shall not apply to charges for rooms, lodgings, or accommodations which are provided:

- For continuous occupancy of more than thirty consecutive days; the tax shall apply to the charges for accommodations during the first thirty days of continuous occupancy; the tax shall not apply to the charges of accommodations during the thirty-first day and beyond;
- to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty;
- for the use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge;
- to officials or employees of the Georgia state government or any of its instrumentalities, and to officials or employees of Georgia local governments (municipalities, counties, and school districts), when such official or employee is traveling on official public business and provides documentation thereof issued by the governmental unit. Occupancy may be for any period and charges may be paid by any means. Member institutions of the University System of Georgia are instrumentalities of the State.
- to foreign nationals who are members of their legation (diplomatic mission) in this country and who provide documentation thereof issued by the United States Department of State. Occupancy may be for any period.
- to employees of the United States Government and its instrumentalities for accommodations furnished for any period when the charges are paid exclusively by check or other negotiable instrument issued by the United States of America or any of its instrumentalities. Unless the

charges are paid directly by the U. S. Government or one of its instrumentalities, such employees (including military personnel) are not exempt from this tax.

Section 2. RATE

The hotel/motel tax rate shall be (8 %) eight percent of taxable charges to the public for lodging accommodations within the City of Sky Valley. The hotel/motel tax shall be levied at this rate and the resulting revenues shall be used pursuant to the provisions of O.C.G.A. §48-13-51(b).

Section 3. RETURN; PAYMENT OF TAX

Each person or firm collecting said tax shall on or before the (20TH) twentieth day of each month transmit to the City of Sky Valley a return showing the total charges for the furnishing of rooms, lodging, and accommodations during the preceding calendar month and the tax amount due and shall remit the tax levied herein. The United States Postal Service's postmark shall constitute evidence of the date of transmittal and remittance. Such return shall be submitted on a form prescribed by the City of Sky Valley.

Section 4. PENALTIES

When any person liable hereunder fails to make a return or pay the full amount of the required tax, a penalty shall be added to the tax in the amount of \$5.00 or five percent, whichever is greater, if the failure is for not more than 30 days. An additional penalty of five percent or \$5.00, whichever is greater, shall be charged for each additional 30 days or portion thereof during which the failure continues. The penalty for any single violation shall not exceed 25 percent or \$25.00 in the aggregate, whichever is greater. Interest shall be charged monthly in addition to the above penalties at an annual rate equal to the Federal Reserve prime rate plus 3 percent from the date the tax is due until the date the tax is paid. However, if such failure is due to providential cause shown to the satisfaction of the Revenue Director in affidavit form attached to the return, and remittance is within 10 days of the due date, such returns may be accepted exclusive of penalties and interest. In the case of a false or fraudulent return or the failure to file a return, where willful intent exists to defraud the City of any tax due herein, a specific penalty of fifty percent of the tax due shall be assessed. All penalties and interest imposed herein shall be payable and collectible by the Revenue Department in the manner as if they were a part of the tax imposed.

Section 5. EXECUTION AND FI FA

In any case where a person or firm liable for paying hotel/motel taxes as provided herein fails to do so, the Revenue Director shall be authorized to determine the amount of taxes due using the best information available, either by return filed or by other means, and to execute and record one or more FI FAs for such unpaid taxes. Any FI FA so executed and recorded shall constitute a lien on the real property of the facility for which the tax is due, and such portion of any other real property owned by said person or firm as may be required to satisfy the total amount due in taxes and penalties.

Section 6. CONDITION FOR DOING BUSINESS

Payment of hotel/motel taxes as provided by this ordinance is a condition for doing business within the City as a hotel or motel, and failure to pay the tax shall be grounds for revocation of business tax certificate in accordance with Article V of Section 22 of this ordinance.

Section 7. CITY EXAMINATION OF RECORDS AUTHORIZED

For the purpose of ascertaining the correctness of any return required to be filed by this Article, or to determine the amount of taxes due, any authorized representative of the City of Sky Valley shall have free and complete access at all reasonable times to any books, papers, records, or other information bearing upon said return or taxes due.

Section 8. USE OF TAX PROCEEDS

Pursuant to O.C.G.A. §48-13-51(b), the City shall expend an amount equal to 37.5 percent for general fund purposes. In each fiscal year, the City shall expend an amount equal to 43.75 percent of the total taxes collected for the purpose of promoting tourism, conventions, and trade shows under a contract with a private sector nonprofit organization as defined by O.C.G.A. §48-13-50.2(3). In addition, the City shall expend an amount equal to 18.75 percent of the total taxes collected for the purpose of tourism-related projects.

Section 9. EFFECTIVE DATE

The effective date for the eight percent hotel motel tax rate shall be July 1, 2023. All previous laws and regulations shall apply until the effective date is reached.

SECTION 10: CONFLICTS REPEALED

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

APPROVED AND ADOPTED THIS 27th DAY OF June, 2023.

APPROVED:



HOLLIE STEIL, MAYOR

JIM CURTIS, COUNCILOR


BILL OLIVER, COUNCILOR
TONY ALLRED, COUNCILOR
BRUCE TURNER, COUNCILOR
TIM DARRAH, COUNCILOR

ATTEST:



KAREN FLEMING

CITY CLERK

APPROVED AS TO FORM:



DOUGLAS KIDD

CITY ATTORNEY

First reading and introduction June 20, 2023.

Second reading and adoption June 21, 2023