

ORDINANCE NO. 148

AN ORDINANCE TO ESTABLISH A CITY LODGING TAX FOR THE CITY OF WASHBURN, NORTH DAKOTA

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WASHBURN, MCLEAN
COUNTY, NORTH DAKOTA.

DEFINITIONS

All terms defined in chapters 40-57.3-01, 40-57.3-01.1, 40-57.3-02, 40-57.3-03, and 40-57.3-04 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

COLLECTION AND ADMINISTRATION

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 40-57.3-01, 40-57.3-01.1, 40-57.3-02, 40-57.3-03, and 40-57.3-04 and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

CITY LODGING TAX

There is imposed a tax of 2% upon the gross receipts of retailers on the leasing or renting of hotel, motel, or bed and breakfast accommodations within the City for periods of less than thirty consecutive calendar days or one month. The tax imposed by this section shall be in addition to the state sales tax on rental accommodations. All proceeds, less state administrative costs, shall be deposited in the city visitors' promotion fund and spent only as provided in North Dakota Century Code § 40-57.3-02.

TAX RECEIPTS -UTILIZATION

Visitor's Promotion Fund. There is hereby created a fund to be known as the Visitor's Promotion Fund, and all taxes collected pursuant to the one percent (2%) tax pursuant to Section 40-57.3-01 of the North Dakota Century Code, less the costs of administration by the State Tax Commissioner as required by law, shall be placed in this fund and utilized for the purpose to promote, encourage and attract visitors to come to the City of Washburn and use the travel and tourism facilities within the City.

DISPERSAL OF FUNDS

The Washburn Sales and Use Tax Committee in existence as of the date of this ordinance shall serve as an advisory committee to the governing body of the City in administering the proceeds from the taxes available to the City under this ordinance. They shall serve as the visitors' committee as required in Section 40-57.3-02 of the North Dakota Century Code.

The proposed projects recommended by the Visitor's Committee shall be presented to the City Commission, which shall have the authority to approve the final use of the funds in the Visitor's Promotion Fund. Funds not dispersed each year shall accumulate in the visitor's promotion fund and be allocated the following year or years in which justifiable products warrant.

CONTRACT WITH TAX COMMISSIONER

The Washburn City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

EFFECTIVE DATE

This Ordinance shall take effect after its passage, approval, and publication, but not prior to July 1, 2015:



Duane Bauer, President, City Commission

ATTEST:



Joan Zimmerman, Auditor, City of Washburn

Date of First Reading: February 9th, 2015

Date of Second Reading: March 9th, 2015