

ARTICLE E. HOTEL/MOTEL TAX

Section 1. LEVY OF TAX

Pursuant to O.C.G.A. §48-13-51 (as amended in 1987, 1989, 1998) 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, there is hereby levied an excise tax on the charges to the public for such furnishing of any room or rooms, lodgings, or accommodations within the City of Savannah. This tax shall be imposed upon every person or entity who is a hotel or motel guest and who receives a room, lodging, or accommodations and the tax shall be a debt of the person obtaining the room, lodging or accommodation 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;
- 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 meeting rooms and other such non-lodging facilities;
- without charge in money or any other form of direct or indirect compensation;
- 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 six percent of taxable charges to the public for lodging accommodations within the City of Savannah. 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, sub-paragraph (a)(3.2).

Note: An increase in the rate from five to six percent became effective on September 1, 1995, for the purpose of marketing and operating trade and convention facilities. According to State law, the City's authority to levy this additional tax expires on December 31, 2029.

Section 3. RETURN; PAYMENT OF TAX

Each person or firm collecting said tax shall on or before the twentieth day of each month transmit to the Revenue Department 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 Revenue Department.

Section 4. COLLECTION FEE

Each person or firm collecting said tax shall be allowed a collection fee of three percent of the tax due as a deduction from the amount due, provided that the amount due is not delinquent at the time of payment, and provided further that no other City taxes, fees, or assessments are delinquent.

Section 5. 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 in addition to the above penalties at a rate of one percent per month 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 6. 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 7. 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 Y, Section 29 of this ordinance.

Section 8. 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 Savannah 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 9. USE OF TAX PROCEEDS

Pursuant to O.C.G.A. §48-13-51, sub-paragraph (a)(3.2), the City shall expend an amount equal to 33 1/3 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. §48-13-51, paragraph (8). In addition, the City shall expend an amount equal to 16 2/3 percent of the total taxes collected for the purpose of either marketing or operating trade and convention facilities. Marketing and operating expenditures may include a preopening marketing program for such a facility and an escrow account accrued prior to opening such facility to cover operating expenses to be incurred after the opening of such a facility.