

ORDINANCE NO. 1927

AN ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTIONS AND ENFORCEMENT PROCEDURES, ESTABLISHING ADMINISTRATIVE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1:

TITLE

This ordinance shall be known and may be cited as "The Lodgers' Tax Ordinance."

Section 2:

PURPOSE

The purpose of this ordinance is to impose a tax which will be borne by transient persons using commercial lodging accommodations in the City of Grand Junction, which tax will provide revenues for advertising the community, promoting tourism and visitors, attracting conferences, conventions, and meetings to the City of Grand Junction, and to allocate a portion of the revenue derived therefrom for administrative and clerical expenses.

Section 3:

DEFINITIONS

For the purpose of this Ordinance the following words shall have the following meanings:

(a) Person shall include any individual, firm, partnership, joint enterprise, corporation, estate or trust, or any group or combination acting as a unit, in the plural as well as in the singular number.

(b) Providing Lodging shall mean the providing of the right to use or possess, for a consideration, any room or rooms in a hotel, apartment hotel, lodging house, motor hotel, guest house, guest ranch, mobile home, movable structure, auto camps, trailer court and parks under any concession, permit, right of access, license to use or other arrangement or otherwise, but shall not include rentals under a written agreement for occupancy for a period of 30 days or more.

Section 4:

AMOUNT OF TAX

Any person providing lodging within the City of Grand Junction shall collect a tax from all those to whom lodging is provided amounting to two percent (2%) of the total rental revenue received by such person. Such tax shall be in addition to any other tax or levy for providing such service.

Section 5:

REMITTING OF TAX

Any person providing lodging shall pay to the City Finance Director all tax funds collected by him during each calendar month not later than twenty (20) days after the last day of said month and each payment shall be accompanied by a report of rental income for said month. Persons collecting and remitting the tax can deduct five percent (5%) as a collection fee. Any person failing to make said payment and file said report within the period of time as herein provided shall pay a penalty of ten percent (10%) of the amount by him collected for each month or fraction thereof, together with interest at the rate of one percent (1%) per month of said amount collected, until said payment and report shall be properly filed with the City Finance Director.

Section 6:

TAXABLE REVENUE

Rental revenue shall include all revenues earned and received for rooms excluding the following:

(a) Charges for other services furnished by a person providing lodging.

(b) Deposits placed by any customer with a request to hold a room for such customer for a future date until such time as said deposit has been credited against actual room rental earned by the operator.

(c) Charges for rooms provided to persons employed by the United States government, the State of Colorado, its departments and institutions, and the political subdivisions of the State, when such persons are engaged in such employment.

(d) Charges for rooms provided to persons engaged in activities for charitable organizations while in the conduct of regular charitable functions and activities.

Section 7:

DEDUCTIONS

The following deductions shall be allowed against total rental revenue received by the person providing lodging:

(a) Refunds of rental revenues actually returned to any roomer or customer.

(b) Any adjustments in rental which amount to a refund to a roomer or a customer, providing such adjustment pertains to the actual rental rate charged by the person providing lodging and does not include any adjustments for other services furnished by him.

Section 8:

#### REGULATIONS

The City Clerk is hereby authorized to promulgate regulations to aid in collection of said lodging tax and in particular and without limiting the general language of this section, to provide for:

(a) A form of report on rental income to be supplied to all persons who provide lodging.

(b) The records which said persons providing lodging are to keep concerning said report.

Section 9:

#### KEEPING OF REPORTS; INSPECTION

All reports of rental income and information supplemental thereto shall be retained by the City Finance Director and shall not be open to the inspection of the general public. However, any officer or employee of the City of Grand Junction who may be charged with the duty of enforcement of this Ordinance shall be entitled to inspect said reports and any information supplemental thereto as may from time to time be required to attend to the proper execution and enforcement of this Ordinance. Any City officer or employee or any member of the office of, or officer, or employee of the Finance director who shall divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided by law, shall be guilty of a violation hereof.

Section 10:

#### ENFORCEMENT; INSPECTION

Any police officer of the City of Grand Junction or any person designated by the City Clerk to enforce this Ordinance shall have the right at any reasonable time to enter upon the premises of any person providing lodging and to request to see the register of guests and rate schedule maintained by any rooming house for the purpose of attending to the enforcement of this Ordinance.

Section 11:

#### COLLECTION REQUIREMENT

It shall be unlawful for a person providing lodging to rent lodging without collection, in addition to the rental thereof, the tax provided for in Section 4.

Section 12:

#### UNLAWFUL FOR PERSON PROVIDING LODGING TO ASSUME TAX

It shall be unlawful for the person providing lodging to assume or absorb the payment of the tax provided for in Section 4.

Section 13:

#### UNLAWFUL FOR PERSON PROVIDING LODGING TO REFUSE PAYMENT

It shall be unlawful for the person providing lodging to fail or refuse to pay to the City Finance Director the tax collected by him or to file reports required of him under the terms of this Ordinance.

Section 14:

#### COMPLIANCE REQUIRED

It shall be unlawful for any person either as principal, agent or employee to fail to comply with the provisions of this Ordinance.

Section 15:

#### USE AND DISPOSITION OF FUNDS

The funds shall be used as outlined in Section 2: PURPOSE, and shall be expended as directed by the Board of Directors in the following manner:

(a) All Funds Collected from the special lodging tax, less the Lodgers' collection fee and less ten percent (10%) for City administrative costs, will be under the budgetary control of the Board of Directors who will submit quarterly reports to the City Council on the expenditure of funds and the program development.

(b) Governing Board to Promote Tourism and Conventions: While the City Council shall look to the Chamber as the responsible agency, it recognizes that an organizational structure is necessary and approves the following:

(1) Composition of the Board: A governing board of six (6) members shall be appointed by the City Council as follows: two members from the Chamber of Commerce; one member from the City Council; and three members from the lodging industry. The City Finance Director and the Executive Vice President of the Chamber of Commerce shall serve as ex-officio members of the Board.

(2) Powers and Responsibilities of the Board:

1. It shall appoint employees specifically to engage in tourism and convention activities and to be responsible for the budgeting of funds.
2. It shall operate from the offices of the Chamber of Commerce.
3. Funding and expenditures shall be controlled by the governing board with monies kept in a special account separate from the Chamber of Commerce funds and budget. The board shall prepare an annual budget for review and approval by the City Council.
4. Employees appointed by and accountable to the board shall nevertheless be considered employees of the Chamber of Commerce.

Section 16:

This Ordinance shall be and become Chapter 24.1 of the Code of Ordinances of the City of Grand Junction and become effective on the 1st day of February, 1981.

PASSED and ADOPTED this 3rd day of December, 1980.

Jane S. Quimby

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1927, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 5th day of November, 1980, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of December, 1980.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk

Published: November 9, 1980

Published: December 8, 1980

Effective: February 1, 1981

REPEALED JANUARY 21, 1981