

ORDINANCE NO. 146-24

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO, BY THE ADDITION OF A NEW CHAPTER 164, TRANSIENT LODGING TAX.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the codified ordinances of the City of Medina, Ohio shall be amended by the adoption of a new Chapter 164, relative to establishing a transient lodging tax.

SEC. 2: That the new Chapter 164 shall read as follows:

**CHAPTER 164
Transient Lodging Tax**

164.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

(a) "Hotel": Every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests in which sixteen (16) or more rooms are used for accommodation or as otherwise defined in Ohio R.C. 5739.01(M) or is hereinafter amended by the General Assembly.

(b) "Transient guests": As defined in Ohio R.C. 5739.01(N) as it now exists or is hereinafter amended by the General Assembly.

(c) "Occupancy": The use or possession, or the right to use or possession, of any room or rooms or space or portion thereof in any hotel or motel, for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.

164.02 LEVY.

There is hereby levied an excise tax at the rate of three percent (3%) on all transactions within the City of Medina by which lodging is furnished by a hotel to transient guests. The tax shall be 3% of the rent paid or to be paid by the transient guest for the uses set forth in the definitions in 164.01 hereinabove. The tax shall apply and be due at the time the accommodations are furnished, regardless of the time when the rent is paid.

164.03 USE.

All revenue derived from this tax shall be deposited in the General Fund.

164.04 COLLECTION.

Every hotel shall collect the tax herein levied commencing on the date of adoption of this ordinance and make a return and payment to the City of Medina Director of Finance on forms

supplied by the Department of Finance no later than January 31, April 30, July 31 and October 31 for the preceding quarter.

164.05 RULES AND REGULATIONS.

The Department of Finance shall establish rules and regulations necessary to provide for the administration of said tax including, but not limited to, the proper notification to all hotels and a consistent reporting format.

164.06 PENALTIES AND INTEREST.

(A) *Original delinquency.* Any operator who fails to remit any tax imposed by this subchapter within the time required shall pay a penalty equal to 10% of the amount of the tax, in addition to the tax.

(B) *Continued delinquency.* Any operator who fails to remit any delinquent tax on or before a period of 30 days following the date on which the tax first became delinquent shall pay a second delinquency penalty equal to 10% of the amount of the tax and previous penalty in addition to the tax and the 10% penalty first imposed. An additional penalty equal to 10% of the total tax and penalty of the previous 30-day period shall be added for each successive 30-day period that the operator remains delinquent.

(C) *Fraud.* If the Tax Administrator determines that the nonpayment of any remittance due under this subchapter is due to fraud, a penalty equal to 25% of the amount of the tax shall be added thereto in addition to penalties stated in divisions (A) and (B) hereof.

(D) *Interest.* In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this subchapter shall pay interest at the rate of ½% per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(E) *Penalties during pendency of hearing or appeal.* No penalty provided under this subchapter shall be imposed during the pendency of any hearing provided for in § 34.64, nor during the pendency of any appeal to the Board of Review provided for in § 34.64.

('65 Code, § 732.10)

164.99 PENALTY.

(A) Whoever violates Chapter 164 by failing to remit City of Medina lodging taxes, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than \$1,000 or imprisonment for a term of up to six months, or both.

(B) Any person who discloses information received from the Internal Revenue Service in violation of Federal law shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than \$5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the City of Medina, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of Federal law constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

- (1) Fail, neglect or refuse to make any return or declaration required by this chapter;
- (2) File any incomplete or false return;
- (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;
- (4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;

- (5) Fail to appear before the Tax Administrator and to produce his books, records, papers or federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;
- (6) Refuse to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer;
- (7) Fail to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator authorized hereby;
- (8) Give to an employer false information as to his true name, correct social security number, and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;
- (9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.

(E) Any person who violates any of the provisions of Federal law shall be subject to the penalties provided for by Federal law.

(F) Whoever violates Chapter 164 is guilty of a misdemeanor of the first degree and shall be imprisoned for not more than six months and shall be fined not more than \$1,000.

(G) Whoever violates any of the provisions of Chapter 164 for which no penalty is otherwise provided shall be subject to the penalty as provided in Chapter 164.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: October 15, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 16, 2024

SIGNED: Dennis Hanwell
Mayor

1st Reading: 8/26/24

2nd Reading: 9/9/24

3rd Reading: 9/23/24