

CITY of LA GRANDE
ORDINANCE NUMBER 3188
SERIES 2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON,
LEVYING A SIX PERCENT (6%) TRANSIENT ROOM TAX IN THE CITY OF LA GRANDE,
OREGON; REPEALING ORDINANCE NUMBERS 2543, SERIES 1978, AND 2737,
SERIES 1987; ALL AMENDING ORDINANCES; AND ALL OTHER ORDINANCES OR PARTS
OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. TITLE

This Ordinance may be cited by its short title as the City of La Grande ***"Transient Room Tax Ordinance."***

Section 2. DEFINITIONS

In addition to those definitions contained in the Oregon State Statutes, for purposes of this Ordinance the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

- A. **Accrual Accounting.** The "Operator" enters the rent due from a "transient" on the records when the rent is earned, whether or not it is paid.
- B. **Cash Accounting.** The "Operator" does not enter the rent due from a transient on the records until the rent is paid.
- C. **City Council.** The City Council of the City of La Grande, Oregon.
- D. **Hotel.** Any structure or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty (30) days or less for dwelling, lodging, or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio, hotel, bachelor hotel, lodging house, rooming house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks, bed and breakfast, or similar structure or portions thereof so occupied, provided such occupancy is for less than a thirty- (30) day period.
- E. **Occupancy.** The use or possession or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel or space in a mobile home or trailer park or portion thereof.
- F. **Operator.** The person who is proprietor of the hotel in any capacity. In those instances when the Operator performs functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an Operator for the purposes of this Ordinance and shall have the same duties and liabilities as the Operator. Compliance with the provisions of this Ordinance by either the Operator or the managing agent shall be considered to be compliance by both.

G. **Person**. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

H. **Rent**. The consideration charged, whether or not received by the Operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.

I. **Rent Package Plan**. The consideration charged for both food and rent, where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this Ordinance shall be the same charge made for rent when consideration is not a part of a package plan.

J. **Tax Administrator**. The Finance Director of the City of La Grande, Oregon.

K. **Tax**. Either the tax payable by the transient or the aggregate amount of taxes due from an Operator during the period for which Operator is required to report collections.

L. **Transient**. Any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of thirty (30) days as full days. The day a transient checks out of the hotel shall not be included in determining the thirty- (30) day period if the transient is not charged rent for that day by the Operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired, unless there is an agreement in writing between the Operator and the occupant providing for a longer period of occupancy.

Section 3. TAX IMPOSED

For the privilege of occupancy in any hotel on and after the effective date of this Ordinance, each transient shall pay a tax in the amount of six percent (6%) of the rent charged by the Operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the Operator or to the City. The transient shall pay the tax to the Operator of the hotel at the time the rent is paid. The Operator shall enter the tax on the records when the rent is collected, if the Operator keeps records on the cash accounting basis and when earned if the Operator keeps records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the Operator with each installment. If for any reason the tax due is not paid to the Operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the City. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, and commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home or trailer parks.

Section 4. COLLECTION of TAX by OPERATOR

A. Every Operator renting rooms in the City of La Grande, Oregon, the occupancy of which is not exempted under the terms of this Ordinance, shall collect a tax from the occupant. The tax collected or accrued by the Operator constitutes a debt owed by the Operator to the City.

B. In all cases of credit or deferred payment of rent, the payment of tax to the Operator may be deferred until the rent is paid, and the Operator shall not be liable for the tax until credits are paid or deferred payments are made.

C. The Tax Administrator shall enforce provisions of this Ordinance and shall have the power to adopt rules and regulations not inconsistent with this Ordinance as may be necessary to aid in its enforcement.

D. For rent collected on portions of a dollar, the first one cent (.01) of tax shall be collected on ten cents (.10) through twenty-nine cents (.29), inclusive; the second one cent (.01) of tax on thirty cents (.30) through forty-nine cents (.49); the third one cent (.01) of tax on fifty cents (.50) through sixty-nine cents (.69); the fourth one cent (.01) of tax on seventy cents (.70) through eighty-nine cents (.89); and the fifth one cent (.01) on ninety cents (.90) through the next one dollar and nine cents (\$1.09) of rent.

Section 5. OPERATOR'S DUTIES

Each Operator shall collect the tax imposed by this Ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the Operator's records and any receipt rendered by the Operator. No Operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the Operator or that it will not be added to the rent or that, when added, any part will be refunded, except in the manner provided by this Ordinance.

Section 6. EXEMPTIONS

No tax levied under this Ordinance shall be imposed upon:

A. Any occupant who lodges in the same hotel for more than thirty (30) successive calendar days (a person who pays for lodging on a monthly basis, regardless of the number of days in such month, shall not be deemed a transient).

B. Any occupant whose rent is of a value less than two dollars (\$2.00) per day.

C. Any person who rents a private house, vacation cabin or like facility from any owner who rents such facilities incidentally to his/her own use thereof.

D. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people.

Section 7. REGISTRATION of OPERATOR; FORM and CONTENTS; EXECUTION; CERTIFICATION of AUTHORITY

Every person engaging or about to engage in business as an Operator of a hotel in the City of La Grande, Oregon, shall register with the Tax Administrator on a form provided by the Tax Administrator or designee. Operators engaged in business at the time this Ordinance is adopted must register not later than thirty (30) calendar days after adoption of this Ordinance. Operators starting business after this Ordinance is adopted must register within fifteen (15) calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax, regardless of registration.

Registration shall set forth the name under which an Operator transacts or intends to transact business; the location of the place or places of business(es) and such other information that shall facilitate the collection of the tax as the Tax Administrator may require. The registration shall be signed by the Operator. The Tax Administrator shall, within ten (10) days after registration, issue without charge a Certificate of Authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business for each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each Certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be readily noticeable and seen by all occupants and persons seeking occupancy.

Said Certificate shall, among other things, state the following:

- A. The name of the Operator;
- B. the address of the hotel;
- C. the date upon which the Certificate was issued.
- D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Room Tax Ordinance of the City Council of the City of La Grande, Oregon, by registration with the Tax Administrator for the purpose of collecting from transients the room tax imposed by said City and remitting said tax to the Tax Administrator. This Certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner or to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit from any Board, Council, Department, or Office of the City of La Grande, Oregon. This Certificate does not constitute a permit."

Section 8. DUE DATE for RETURNS and PAYMENTS

A. The tax imposed by this Ordinance shall be paid by the transient to the Operator at the time that rent is paid. All amounts of such taxes collected by any Operator are due and payable to the Tax Administrator on a monthly basis on the Fifteenth (15th) day of each month for the preceding month and are delinquent on the last day of the month in which they are due.

B. On or before the Fifteenth (15th) day of the month following each month of collection, a return for the preceding month's tax collections shall be filed with the Tax Administrator. The return shall be filed in such form as the Tax Administrator may prescribe by every Operator liable for payment of tax.

C. Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of Operator for such period and an explanation in detail of any discrepancy between such amounts and the amount of rents exempt, if any.

D. The person required to file the return shall deliver the return, together with the remittance of the amount of tax due, to the Tax Administrator in the Finance Department of the City of La Grande, Oregon, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

E. For good cause, the Tax Administrator may extend for a period not to exceed one (1) month the time for making any return or payment of tax. No further extension shall be granted, except by the City Council of the City of La Grande, Oregon. Any Operator to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due without proration for a fraction of a month. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this Ordinance.

Section 9. DELINQUENT PENALTIES and INTEREST

A. Original Delinquency: Any Operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this Ordinance prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due, in addition to the amount of the tax.

B. Continued Delinquency: Any Operator who has not been granted an extension of time for remittance of tax due and who failed to pay any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of tax due plus the amount of the tax and the ten percent (10%) penalty first imposed.

C. Fraud: If the Tax Administrator determines that the nonpayment of any remittance due under this Ordinance is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto, in addition to the penalties stated in Paragraphs A. and B. of this Section.

D. Interest. In addition to the penalties imposed, any Operator who fails to remit any tax imposed by this Ordinance shall pay interest at the rate of one half (1/2) of one percent (1%) per month or fraction thereof without proration for portions of a month on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax: Every penalty imposed and such interest as accrues under the provisions of this Section shall be merged with and become a part of the tax herein required to be paid.

F. Petition for Waiver. Any Operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated; provided, however, the Operator may petition the City Council of the City of La Grande, Oregon, for waiver and refund of the penalty or any portion thereof. The City Council of the City of La Grande, Oregon, may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

Section 10. DEFICIENCY DETERMINATIONS; FRAUD, EVASION, OPERATOR DELAY

A. Deficiency Determination: If the Tax Administrator determines that the returns are incorrect, the amount required to be paid may be computed upon the basis of the facts contained in the return or returns or upon the basis of any information within or that may come into the Tax Administrator's possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more than one (1) period; and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 9.

1. In making a determination, the Tax Administrator may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 9.

2. The Tax Administrator shall give to the Operator or occupant a written notice of determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the Operator at the address reflected in the records of the Tax Administrator. In the case of service by mail or any notice required by this Ordinance, the service is complete at the time of deposit in the United States Post Office.

3. Except in the case of fraud or intent to evade this Ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three (3) years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three (3) years after the return is filed, whichever period expires the later.

4. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Tax Administrator has given notice thereof; provided, however, the Operator may petition for redemption and refund if the petition is filed before the determination becomes final, as herein provided.

B. Fraud, Refusal to Collect, Evasion: If any Operator shall fail or refuse to collect said tax or to make, within the time provided in this Ordinance, any report and remittance of said tax or any portion thereof required by this Ordinance; makes a fraudulent return; or otherwise willfully attempts to evade this Ordinance, the Tax Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due that is imposed by this Ordinance from any Operator who has failed or refused to collect the same and to report and remit said tax, the Tax Administrator shall proceed to determine and assess against such Operator the tax, interest, and penalties provided for by this Ordinance. In case such determination is made, the Tax Administrator shall provide notice in the manner prescribed above of the amount so assessed. Such determination and notice shall be made and mailed within three (3) years after discovery by the Tax Administrator of any fraud, intent to evade, or failure or refusal to collect said tax or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Tax Administrator has given notice thereof; provided, however, the Operator may petition for redemption and refund if the petition is filed before the determination becomes final, as herein provided.

C. Operator Delay: If the Tax Administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City of La Grande, Oregon, will be jeopardized by delay or if any determination will be jeopardized by delay, the Tax Administrator shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the Operator shall immediately pay same determination to the Tax Administrator after service of notice thereof; provided, however, the Operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten (10) days from the date of service of notice by the Tax Administrator.

Section 11. REDETERMINATIONS

A. Any person against whom a determination is made under Section 10., or any person directly interested may petition for a redetermination and redemption and refund within the time required in Section 10. hereof. If a petition for redetermination and refund is not filed within the time required in Section 10., the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination; and if the person filing such determination has so requested in the petition, shall grant the person filing an oral Hearing and shall provide ten (10) days' notice of the time and place of the Hearing. The Tax Administrator may continue the Hearing from time to time, as may be necessary.

C. The Tax Administrator may decrease or increase the amount of the determination as a result of the Hearing; and if an increase is determined, such increase shall be payable immediately after the Hearing.

D. The order or decision of the Tax Administrator upon a petition for redetermination of redemption and refund becomes final ten (10) days after service upon the petitioner of notice thereof, unless appeal of such order or a decision is filed with the City Council of the City of La Grande, Oregon, within the ten (10) days after service of such notice.

E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the Operator has first complied with the payment provisions hereof.

Section 12. SECURITY for COLLECTION of TAX

A. Whenever the Tax Administrator deems it necessary to ensure compliance with this Ordinance, the Tax Collector may require any Operator subject thereto to deposit with the Tax Administrator such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the Operator's estimated average monthly liability for the period for which the Operator files returns, determined in such manner as the Tax Administrator deems proper, or FIVE THOUSAND and NO/100 DOLLARS (\$5,000.00), whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator, subject to the limitations herein provided.

B. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three (3) years after any determination becomes final, the Tax Administrator may bring an action in the courts of the State of Oregon, any other state, or of the United States of America, in the name of the City Council of the City of La Grande, Oregon, to collect the amount delinquent, together with penalties and interest.

Section 13. LIEN

The tax imposed by this Ordinance, together with the interest and penalties herein provided; the filing fees paid to the Clerk of Union County, Oregon; and advertising costs which may be incurred when same becomes delinquent, as set forth in this Ordinance, shall be, and, until paid, remain a lien from the date of recording with the Clerk of Union County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the hotel of an Operator within the City of La Grande, Oregon, and may be foreclosed upon and sold as may be necessary to discharge said lien, if the lien has been recorded. Notice of lien may be issued by the Tax Administrator or designee whenever the Operator is in default in the payment of said tax, interest and penalty; shall be recorded; and a copy sent to the delinquent Operator. The personal property subject to such lien seized by any deputy or employee of the Tax Administrator may be sold by the Department seizing the same at public auction after ten (10) days' notice, which shall mean one publication in a newspaper published in the City of La Grande, Oregon.

Any lien for taxes as shown on the records of the proper County official shall, upon the payment of all taxes, penalties, and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the City; and the Operator or person making such payment shall receive a receipt therefor stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.

Section 14. PENALTY CLAUSE

A. Operators' Refunds: Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Ordinance, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the Tax Administrator within three (3) years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the Operator from whom it was collected or by whom paid; and the balance may be refunded to each Operator, the Operator's administrators, executors or assignees.

B. Transient Refunds: Whenever the tax required by this Ordinance has been collected by the Operator and deposited by the Operator with the Tax Administrator and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the transient, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the Tax Administrator within three (3) years from the date of payment.

Section 15. ADMINISTRATION

A. Transient Room Taxes remitted to the City of La Grande, Oregon, shall be deposited in the General Fund. Within the General Fund, these funds shall be appropriated to the Materials and Services section of the budget of the City Council of the City of La Grande, Oregon, the specific uses for which shall conform to the requirements of ORS 320 or its successor and shall include but not be limited to, within those requirements, tourist promotion, capital improvements, community/economic development and other specific purposes to be determined by the City Council of the City of La Grande, Oregon, on an annual basis. Distribution and accounting for funds shall be in accordance with guidelines established by the City Council of the City of La Grande, Oregon, on an annual basis.

B. Records Required from Operators; Form: Every Operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the Operator for a period of three (3) years and six (6) months after they are created.

C. Collection Fee: Every Operator liable for collection and remittance of the tax imposed by this Ordinance may withhold five percent (5%) of the net tax herein collected to cover the Operator's expenses in collection and remittance of said tax, pursuant to ORS 320.345 (3).

D. Examination of Records; Investigations: The Tax Administrator or any person authorized in writing by the Tax Administrator may examine during normal business hours the books, papers, and accounting records relating to room sales of any Operator after notification to the Operator liable for the tax and may investigate the business of the Operator in order to verify the accuracy of any return made; or, if no return is made by the Operator, to ascertain and determine the amount required to be paid.

E. Confidential Character of Information Obtained; Disclosure Unlawful: It shall be unlawful for the Tax Administrator or any person having an administrative or clerical duty under the provisions of this Ordinance to make known in any manner whatsoever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate or to pay a transient occupancy tax or any other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application or to permit any statement or application or copy of either or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

1. The disclosure to or the examination of records and equipment by another City of La Grande, Oregon, official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this Ordinance or collecting taxes imposed hereunder.

2. The disclosure, after the filing of a written request to that effect, to the tax payer, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; further provided, however, that the City Attorney of the City of La Grande, Oregon, approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in this Paragraph when in the opinion of the Tax Administrator the public interest would suffer thereby.

3. The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued.

4. The disclosure of general statistics regarding taxes collected or business done in the city of La Grande, Oregon.

Section 16. APPEALS to the CITY COUNCIL

Any person aggrieved by any provision of the Tax Administrator may appeal to the City Council of the City of La Grande, Oregon, by filing a notice of appeal with the Tax Administrator within ten (10) days of the Tax Administrator's decision. The Tax Administrator shall transmit said notice of appeal, together with the file of said appealed issue, to the City Council of the City of La Grande, Oregon, which shall fix a time and place for hearing such appeal and shall give the appellant not less than ten (10) days' written notice of the time and place of the Hearing of said appealed matter.

Section 17. VIOLATIONS

It is unlawful for any Operator or other person so required to fail or refuse to register as required herein or to furnish any return required to be made or fail or refuse to furnish a supplemental return or other data required by the Tax Administrator or to render a false or fraudulent return. No person required to make, render, sign, or verify any report shall make any false or fraudulent report with intent to defeat or evade the determination of any amount due required by this Ordinance.

Section 18. PENALTY CLAUSE

Any person violating any of the provisions of this Ordinance shall be punishable in a Court of Law by a fine not to exceed FIVE HUNDRED and NO/100 DOLLARS (\$500.00).

Section 19. SAVINGS CLAUSE

Ordinance Numbers 2543, Series 1978, and 2737, Series 1987, to be repealed upon the Effective Date of this Ordinance, shall hereby remain in full force and effect, to provide for the levying and collection of Transient Room Taxes within the City of La Grande, Oregon, prior to the Effective Date of this Ordinance.

Section 20. SEVERABILITY

Invalidity of a Section or part of a Section of this Ordinance shall not affect the validity of the remaining Sections or parts of Sections of this Ordinance. The City Council of the City of La Grande, Oregon, hereby declares that it would have adopted each section, subsection, subdivisions, paragraph, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or paragraphs may be declared unconstitutional or otherwise invalid.

Section 21. REPEAL OF CONFLICTING ORDINANCES

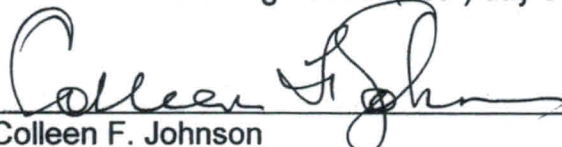
Ordinance Numbers 2543, Series 1978, and 2737, Series 1987, all amending Ordinances, and all other Ordinances or parts of Ordinances in conflict herewith shall be and hereby are repealed upon the Effective Date of this Ordinance.

Section 22. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon, and its approval by the Mayor; specifically, September 17, 2010.

ADOPTED this Eighteenth (18th) day of August, 2010, by
four (4) of six (6) Councilors present and voting in the affirmative.

APPROVED this Eighteenth (18th) day of August, 2010



Colleen F. Johnson
Mayor

ATTEST:



Alexandra Norgan Lund
City Recorder

APPROVED AS TO FORM AND CONTENT:



Jonel K. Ricker
Legal Counsel for the City of La Grande

House Bill 2656

Sponsored by Representative DOHERTY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires transient lodging provider and transient lodging intermediary to collect and remit transient lodging taxes computed on total retail price, including all charges other than taxes, paid by person for occupancy of transient lodging.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to transient lodging taxes; creating new provisions; amending ORS 320.300, 320.305, 320.310, 320.315, 320.320, 320.325, 320.330, 320.345, 320.347 and 320.350; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 320.300 to 320.350.

SECTION 2. The Legislative Assembly declares that it is the purpose of the amendments to ORS 320.300, 320.305, 320.310, 320.315, 320.320, 320.325, 320.330, 320.345, 320.347 and 320.350 by sections 3 to 12 of this 2013 Act to enhance the administration and enforcement of existing law governing transient lodging taxes in this state.

SECTION 3. ORS 320.300 is amended to read:

320.300. As used in ORS 320.300 to 320.350:

(1) "Collection reimbursement charge" means the amount a transient lodging [provider] tax collector may retain as reimbursement for the costs incurred by the [provider] transient lodging tax collector in collecting and reporting a transient lodging tax and in maintaining transient lodging tax records.

(2) "Conference center" means a facility that:

(a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

(b) Meets the current membership criteria of the International Association of Conference Centers.

(3) "Convention center" means a new or improved facility that:

(a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including [but not limited to] **without limitation** banquet facilities, loading areas and lobby and registration areas;

(b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

(c) Generates a majority of its business income from tourists;

(d) Has a room-block relationship with the local lodging industry; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 320.305. (1)(a) A tax of one percent is imposed on any consideration rendered for the sale, ser-
2 vice or furnishing of transient lodging.

3 (b)(A) **The tax must be computed on the total retail price, including all charges other**
4 **than taxes, paid by a person for occupancy of the transient lodging.**

5 (B) **The total retail price paid by a person for occupancy of transient lodging that is part**
6 **of a travel package may be determined by reasonable and verifiable standards from books**
7 **and records kept in the ordinary course of the transient lodging tax collector's business.**

8 (c) **The tax shall be collected by the transient lodging tax collector that receives the**
9 **consideration rendered for occupancy of the transient lodging.**

10 (d) The tax imposed by this subsection *[shall be]* is in addition to and not in lieu of any local
11 transient lodging tax. *[The tax shall be collected by the transient lodging provider.]*

12 (2) The transient lodging *[provider shall]* **tax collector may withhold a collection reimburse-**
13 **ment charge of five percent of the amount** *[the provider collects]* **collected** under subsection (1) of
14 this section *[for the purpose of reimbursing the provider for the cost of tax collection, record keeping*
15 *and reporting].*

16 **SECTION 5.** ORS 320.310 is amended to read:

17 320.310. Every transient lodging *[provider responsible for collecting the tax imposed by ORS*
18 *320.305]* **tax collector** shall keep records, render statements and comply with rules adopted by the
19 Department of Revenue with respect to the tax **imposed under ORS 320.305.** The records and
20 statements required by this section must be sufficient to show whether there is a tax liability under
21 ORS 320.305.

22 **SECTION 6.** ORS 320.315 is amended to read:

23 320.315. (1) Every transient lodging *[provider]* **tax collector** is responsible for collecting the tax
24 imposed under ORS 320.305 and shall file a return with the Department of Revenue, on or before the
25 last day of the month following the end of each calendar quarter, reporting the amount of tax due
26 during the quarter. The department shall prescribe the form of the return required by this section.
27 The rules of the department shall require that returns be made under penalties for false swearing.

28 (2) When a return is required under subsection (1) of this section, the transient lodging
29 *[provider]* **tax collector** required to make the return shall remit the tax due to the department at
30 the time fixed for filing the return.

31 **SECTION 7.** ORS 320.320 is amended to read:

32 320.320. If the amount paid by the transient lodging *[provider]* **tax collector** to the Department
33 of Revenue under ORS 320.315 exceeds the amount of tax payable, the department shall refund the
34 amount of the excess with interest thereon at the rate established under ORS 305.220 for each month
35 or fraction of a month from the date of payment of the excess until the date of the refund. A refund
36 may not be made to a transient lodging *[provider who]* **tax collector that** fails to claim the refund
37 within two years after the due date for filing the return to which the claim for refund relates.

38 **SECTION 8.** ORS 320.325 is amended to read:

39 320.325. (1) Every transient lodging *[provider required to collect the tax imposed by ORS 320.305*
40 *shall be]* **tax collector** is deemed to hold the amount of **state transient lodging taxes** collected in
41 trust for the State of Oregon and for payment to the Department of Revenue in the manner and at
42 the time provided *[by]* **under ORS 320.315.**

43 (2) At any time the transient lodging *[provider required to collect the tax]* **tax collector** fails to
44 remit any amount of **state transient lodging taxes** deemed to be held in trust for the State of
45 Oregon, the department may enforce collection by the issuance of a distraint warrant for the col-

1 provides a collection reimbursement charge; and

2 (B) Upon retirement of the debt, the unit of local government reduces the tax by the amount
3 by which the tax was increased to finance or refinance the debt.

4 (6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall
5 be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent
6 of net revenue from a new or increased local transient lodging tax may be used for the purpose
7 described in subsection (5)(b) of this section.

8 (7)(a)(A) A local transient lodging tax must be computed on the total retail price, in-
9 cluding all charges other than taxes, paid by a person for occupancy of the transient lodging.

10 (B) The total retail price paid by a person for occupancy of transient lodging that is part
11 of a travel package may be determined by reasonable and verifiable standards from books
12 and records kept in the ordinary course of the transient lodging tax collector's business.

13 (b) The tax shall be collected by the transient lodging tax collector that receives the
14 consideration rendered for occupancy of the transient lodging.

15 **SECTION 11.** ORS 320.345 is amended to read:

16 320.345. (1) On or after January 1, 2001, a unit of local government that imposed a local tran-
17 sient lodging tax on December 31, 2000, and allowed a transient lodging [*provider*] **tax collector** to
18 retain a collection reimbursement charge on that tax, may not decrease the [*percentage of local*
19 *transient lodging taxes that is used to fund*] **rate of the** collection reimbursement [*charges*] **charge**.

20 (2) A unit of local government that imposes a new local transient lodging tax on or after Janu-
21 ary 1, 2001, shall allow a transient lodging [*provider*] **tax collector** to retain a collection re-
22 imbursement charge of at least five percent of all collected local transient lodging tax revenues.
23 [*The percentage of the collection reimbursement charge may be increased by*] The unit of local gov-
24 ernment **may increase the rate of the collection reimbursement charge**.

25 (3) A unit of local government that increases a local transient lodging tax on or after January
26 1, 2001, shall allow a transient lodging [*provider*] **tax collector** to retain a collection reimbursement
27 charge of at least five percent of all collected local transient lodging tax revenues. [*The collection*
28 *reimbursement charge shall apply to all collected local transient lodging tax revenues*], including re-
29 venues that would have been collected without the increase. [*The percentage of the collection re-*
30 *imbursement charge may be increased by*] The unit of local government **may increase the rate of**
31 **the collection reimbursement charge**.

32 (4) A unit of local government may not offset the loss of local transient lodging tax revenues
33 caused by collection reimbursement charges [*required by*] **allowed under** this section by:

34 (a) Increasing the rate of the local transient lodging tax;

35 (b) Decreasing the percentage of total local transient lodging tax revenues used to fund tourism
36 promotion or tourism-related facilities; or

37 (c) Increasing or imposing a new fee solely on transient lodging [*providers*] **tax collectors** or
38 tourism promotion agencies that are funded by the local transient lodging tax.

39 **SECTION 12.** ORS 320.347 is amended to read:

40 320.347. (1) Except as provided in this section, a unit of local government that imposes a tax on
41 the rental of privately owned camping or recreational vehicle spaces shall, regardless of a schedule
42 imposed by the unit of local government for remitting tax receipts, allow a transient lodging [*pro-*
43 *vider*] **tax collector** to hold the tax collected until the amount of money held [*by the provider*] equals
44 or exceeds \$100.

45 (2) Once the amount held by a transient lodging [*provider*] **tax collector** equals or exceeds \$100,

2013 Online Travel Companies

A	I	T
<ul style="list-style-type: none"> Alcatraz Media, Inc. 	<ul style="list-style-type: none"> InterGlobe Technology Quotient 	<ul style="list-style-type: none"> TravelNow.com Inc
B <ul style="list-style-type: none"> BookIt.com Budgetplaces 	<ul style="list-style-type: none"> Internetwork Publishing Corp (dba Lodging.com) 	<ul style="list-style-type: none"> Travelocity Travelocity.com LLC Travelocity.com LP Travelport Travelstart Tavelweb LLC TravelWorm Travelzoo Trip Network, Inc (dba CheapTickets)
C <ul style="list-style-type: none"> Cheap Tickets Canada CheapTickets Ctrip 	L <ul style="list-style-type: none"> Lastminute.com Lowestfare.com, Inc 	
D <ul style="list-style-type: none"> Directline holidays 	M <ul style="list-style-type: none"> MBeTravel Musafir.com 	V <ul style="list-style-type: none"> Via.com Viventura
E <ul style="list-style-type: none"> Ebookers.com EDreams ELong Expedia, Inc. 	O <ul style="list-style-type: none"> Opodo Orbitz Orbitz, Inc Orbitz, LLC 	W <ul style="list-style-type: none"> Webjet WorldEscape WorldHotel-Link
F <ul style="list-style-type: none"> Fareportal 	P <ul style="list-style-type: none"> Priceline.com 	Y <ul style="list-style-type: none"> Yatra.com YTB Internatio
G <ul style="list-style-type: none"> GetGoing Google Flights 	R <ul style="list-style-type: none"> Redbus.in 	
H <ul style="list-style-type: none"> Hotel Urbano Hotels.com GP, LLC Hotels.com LP Hotwire, Inc 	S <ul style="list-style-type: none"> Site59.com LLC Sunmaster Holidays 	

HB 2254: Urban Growth Boundary Expansion Streamlining

(Effective Date: July 1, 2013 and varying operational dates)

Summary: HB 2254 creates an optional, streamlined process for a city outside of the Metro Regional Government area to expand its urban growth boundary. After rulemaking is completed, cities will be able to choose between current methods and the new process, but the land use selection process will be changed for all cities when the provisions become operational. Cities that petition for a post-acknowledgment plan amendment prior to January 1, 2014 may opt to withdraw their petitions, but the new system will not be available until January 1, 2016.

What Cities Need to Do: HB 2254 is permissive. Cities currently undertaking an expansion of their urban growth boundaries or considering a future expansion should become familiar with the new process and assess whether to proceed using established procedures or the new expedited process created by HB 2254. (LOC Staff Contact: Erin Doyle)

HB 2349: Tax Exemption for Low to Moderate Income Homes

(Effective Date: October 7, 2013)

Summary: HB 2349 modifies and extends the current low to moderate income property tax exemption application period to 2025. This program allows cities to grant a tax exemption for certain low to moderate income housing for a period of 10 years. Previously, cities could only offer the tax exemption in areas designated as "distressed areas." HB 2349 removes the distressed area requirement.

What Cities Need to Do: HB 2349 is permissive. Cities desiring to maintain a low to moderate income housing tax exemption should review and update their program guidelines to reflect the new end dates. With the removal of the distressed area requirement, cities that now wish to implement a low to moderate income should work with their city attorney to develop program guidelines and ordinances. (LOC Staff Contact: Erin Doyle)

HB 2632: Modifying Urban Renewal Collections for Local Option Levies

(Effective Date: October 7, 2013)

Summary: HB 2632 excludes local option taxes adopted after January 1, 2013 from tax increment, but allows urban renewal agencies with "standard rate" plans, all of which were created prior to October 2001, to fill out an "impairment certificate" to collect tax proceeds generated from voter-approved local option levies if those proceeds are necessary to pay off the bonded indebtedness incurred by the urban renewal agency.

What Cities Need to Do: Urban renewal agencies with standard rate plans will need to file an impairment certificate with the county assessor in order to continue to receive tax increment on local option levies adopted after January 1, 2013. (LOC Staff Contact: Chris Fick)

HB 2656: Online Travel Companies and Transient Lodging Taxes

(Effective Date: October 7, 2013)

Summary: This bill requires online travel companies to pay the state and local transient lodging tax on the sale price of the rooms they sell, rather than the discounted price at which they contract for rooms. This measure is expected to increase revenues for cities that impose a transient lodging tax.

What Cities Need to Do: Cities that collect local transient lodging tax need to review with their city attorney their ordinances and definitions to determine whether an amendment is needed to capture online travel companies. (LOC Staff Contact: Chris Fick)

HB 2839: Industrial Zoning With No Measure 49 Claim

(Effective Date: October 7, 2013)

Summary: HB 2839 requires cities to rezone land or zone land growth boundary with an industrial use that is not a Measure 49 claim. Cities should review their development claims processes to reflect the changes. (LOC Staff Contact: Erin Doyle)

Utilities
Public Records
Kristy Taylor
Greg Smith
Landlord
(2014)

HB 2903 requires employers with six or more employees to post a summary of statutes and related administrative rules regarding the employment rights of victims of domestic violence, harassment, sexual assault or stalking. Materials explaining the rights available to victims will be available electronically from the Bureau of Labor and Industries (BOLI).

What Cities Need to Do: Cities with six or more employees must post the BOLI publication. The BOLI poster and information about the employment rights of victims of domestic violence, harassment, sexual assault or stalking can be obtained here: www.oregon.gov/BOLI/DVSAS.shtml. (LOC Staff Contact: Scott Winkels)

HB 2978: Investigative Fees for Non-Permitted Work

(Effective Date: January 1, 2014)

Summary: Section 8 of HB 2978 prohibits an inspector or reviewer, or an employee or relative of an inspector or reviewer, from performing code inspection or plan review if they have a financial interest in or business affiliation with a project or structure. The bill defines "relative" as an individual related within the third degree, a spouse, and individual related to a spouse within the third degree, or an individual with an adoptive relationship within the third degree. The bill also authorizes investigative fees to be assessed against persons commencing work without having obtained a required permit.

(continued on page 14)