

**ORDINANCE NO. 113-14**

**AN ORDINANCE TO AMEND CHAPTER 886.03 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO LEVY AN ADDITIONAL TAX PURSUANT TO DIVISION (B) OF SECTION 5739.09 OF THE OHIO REVISED CODE; TO AUTHORIZE THE CREATION OF A CONVENTION AND VISITORS BUREAU; TO DESIGNATE THE AVON VISITORS BUREAU AS THE RECIPIENT OF AT LEAST FIFTY PERCENT OF THE REVENUE FROM THE ADDITIONAL TAX LEVIED**

**WHEREAS**, Ordinance No. 108-99 passed 06-28-1999 established an excise tax on hotel accommodations pursuant to Ohio Revised Code Section 5709.02; and

**WHEREAS**, Ohio Revised Code Section 5739.08(B) does not prevent a municipal corporation from levying an additional excise tax not to exceed three per cent (3%) on such transactions pursuant to division (B) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (A) of section 5739.08 of the Revised Code; and

**WHEREAS**, pursuant to Ohio Revised Code Section 5739.09(B)(1), the legislative authority of a municipal corporation that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of section 5739.09, may levy an excise tax of not to exceed three percent (3%) on transactions by which lodging by a hotel is to be furnished to transient guests; and

**WHEREAS**, division (B)(1) of section 5739.09 provides that at least fifty percent (50%) of the revenue from the tax levied pursuant to this division shall be spent solely to make contributions to a convention and visitors' bureaus operating within the county in which the municipal corporation is located, and the balance of that revenue shall be deposited in the general fund; and

**WHEREAS**, the City intends to establish its own convention and visitors' bureau to promote the City of Avon and increase transient visitors to the city all of which will promote the health, safety and welfare of the citizens of Avon and its businesses and visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, THAT:**

Section 1 - That Chapter 886.03 of the Codified Ordinances of the City of Avon which currently reads as follows:

**886.03 IMPOSITION OF TAX.**

Commencing June 28, 1999, for the purpose of providing revenue with which to meet the needs of the City for the use of the General Revenue Fund of the City, an excise tax is hereby levied on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax shall be three percent of the amount paid or to be paid by the transient guest for the lodging. The tax applies and is collectible at the time the lodging is furnished, regardless of the time when the amount owed for such lodging is paid. The tax does not apply to lodging furnished to the State or any of its political subdivisions.

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For the proper administration of this chapter, and to prevent evasion of the tax, it is presumed that all lodging furnished by hotels, motels and motor inns in the City to transient guests is subject to the tax imposed by this chapter until the contrary is established. (Ord. 108-99. Passed 6-28-99.)

**Shall be amended to read as follows: (new language in bold print)**

Commencing June 28, 1999, for the purpose of providing revenue with which to meet the needs of the City for the use of the General Revenue Fund of the City, an excise tax is hereby levied on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax shall be three percent of the amount paid or to be paid by the transient guest for the lodging. **Commencing January 5, 2014, for the purpose of providing revenue with which to meet the needs of the City for the use of the City's General Revenue Fund and to fund the City's newly established Visitors Bureau, an additional excise tax is hereby levied on transactions by which lodging by a hotel is or is to be furnished to transient guests. This additional tax shall be three percent of the amount paid or to be paid by the transient guest for the lodging, making the total tax due six percent (6%). The additional tax is to be levied in accordance with division (B)(1) of section 5739.09 of the Ohio Revised Code.** The tax applies and is collectible at the time the lodging is furnished, regardless of the time when the amount owed for such lodging is paid. The tax does not apply to lodging furnished to the State or any of its political subdivisions.

For the proper administration of this chapter, and to prevent evasion of the tax, it is presumed that all lodging furnished by hotels, motels and motor inns in the City to transient guests is subject to the tax imposed by this chapter until the contrary is established. (Ord. 108-99. Passed 6-28-99.)

Section 2 - Council hereby determines that the commencement of the collection of the additional tax additional shall begin effective January 01, 2015.

Section 3 - Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5739.09(B)(1), Council finds and determines that **at least** fifty percent of the additional tax levied under this section shall be spent solely to make contributions to the Avon Visitors' Bureau which is hereby authorized to be created on behalf of the City. The remaining amount shall be deposited in the City's general fund.

Section 4 - The City administration shall take the necessary steps to establish and incorporate the Avon Visitors' Bureau as a nonprofit corporation under the laws of the State of Ohio and in accordance with section 501( C)(6) of the Internal revenue Code of the United States. Said visitors' bureau shall be operated under the direction of the Office of The Mayor and city's Department of Economic Development and or its Director of Economic Development.

Section 5 - It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this

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Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6 - This ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_

Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasiar, Law Director

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

POSTED: \_\_\_\_\_

In Five Places as  
Provided by Council

Prepared by:  
John A. Gasiar, Esq.  
Law Director