

COUNTY OF CARBON

HOTEL EXCISE TAX

RULES AND REGULATIONS

AS OF

FEBRUARY 1, 2007

**PART 1
GENERAL**

A. PURPOSE

The purpose of these Rules and Regulations are:

- (1) To establish the procedures for the collection of the Carbon County Hotel Room Rental Excise Tax ("Hotel Excise Tax") by the Operators ("Operators") of Hotels, Motels, Inns, Guest Houses, and Bed and Breakfasts that are available to provide overnight lodging or use of the facility space for consideration to persons seeking temporary accommodation located in Carbon County.
- (2) To establish the procedures for the remittance of the Hotel Excise Tax by the Operators to the Carbon County Treasurer ("Treasurer").
- (3) To establish the official reporting procedures and forms to be utilized by the Operators, and other relevant Rules and Regulations concerning the collection of the Hotel Excise Tax.

These Rules and Regulations are intended to implement the Carbon County Hotel Room Rental Excise Tax Ordinance. In the event of any conflict between the terms of said ordinance and these rules and regulations, the terms of the ordinance shall control and the interpretation of the terms of these rules and regulations shall be consistent with said ordinance.

B. OBJECTIVES

These Rules and Regulations are designed to establish a uniform practice and procedure for the imposition and collection of the Hotel Excise Tax. The Rules and Regulations are intended to guide and assist Operators in determining which Patrons are subject to the Hotel Excise Tax and the amount due by each Patron. The Rules and Regulations also establish the official forms for the reporting and remittance of the Hotel Excise Tax to the Treasurer, as well as general collection procedures.

C. DEFINITIONS

As used hereinafter, those terms, which are defined in Section 3 of Ordinance #2006-02 ("Ordinance"), known as the Carbon County Hotel Room Rental Excise Tax Ordinance, shall have identical meaning for the purpose of these Rules and Regulations, and are incorporated herein by reference.

**PART II
RULES AND REGULATIONS**

A. IMPOSITION OF TAX

- 1) Rate of Tax: The Hotel Excise Tax is imposed at the rate of three (3%) percent on any Transaction.
- 2) Collection of Tax by the Operator: The Hotel Excise Tax shall be collected by the Operator of each Hotel, at the time of Transaction, from each Patron who pays the Consideration of the Transaction.
- 3) Effective Date: The Hotel Excise Tax shall be applicable to all Transactions specified in in Part II A. 1. And Part II A. 2. above which occur on and after February 1, 2007. Any written agreements in existence prior to February 1, 2007 ("Effective Date"), between the Operator of a Hotel and a Patron for the renting of a Room or Rooms to accommodate Transients after the Effective Date, shall not be subject to the County Hotel Room Rental Excise Tax.

B. REGISTRATION

Within fifteen (15) days after the effective date of the Ordinance or within fifteen (15) days after commencing business, whichever is later, each Operator of any Hotel shall register with the Treasurer, by completing the application form provided by the Treasurer, a copy of which is attached in Exhibit "A". The Operator of the Hotel shall obtain from the Treasurer a temporary or permanent certificate of authorization evidencing the Operator's authority to collect the Hotel Excise Tax, and the certificate shall at all times be posted in a conspicuous place on the premises of the Hotel. Exhibit "D".

C. ITEMS SUBJECT TO TAX

1. Room Occupancy. The occupancy of any room, for consideration, having at least one (1) bed or other sleeping accommodation in a room or group of rooms.
2. Room Occupancy, Price which includes meals and other forms of packages, including occupancy, food and beverages, and/or other products or services: When a hotel operator charges American Plan ("AP"), Modified American Plan ("MAP"), or any other form of packages, which include Occupancy, food and beverages, and/or other products or services, the portion of the package plan consideration to be allocated to Occupancy for purposes of taxation hereunder shall equate to the lowest Consideration for Occupancy paid to the Operator for the same Room, on the same date.

Whenever a hotel operator packages hotel occupancy with any other products or services, such as food and beverage, entertainment and/or recreational facilities, the County and the Recognized Tourist Promotion Agency shall accept the allocation of the package rate

consideration among its various components, as reported by the operator, as prima facie correct unless the County can show that such allocation is unreasonable.

D. PERMANENT RESIDENT

As defined by the Ordinance, a permanent resident is one who occupies a room for thirty (30) consecutive days or more. A rental period is a period of time, (for example, a day, week, month or the like), during which, under and subject to the terms of a legally enforceable contract, a Patron has a continuous right to occupy a Room or Rooms in a Hotel and is legally bound to pay Consideration therefore.

To be a permanent resident the occupancy or right of occupancy must be for thirty (30) consecutive days. A Patron who merely has the right to use a Room or Rooms on intermittent days of a week or month cannot become a "Permanent Resident" even though the Patron cumulatively occupies a room for more than a thirty (30) day period.

The status of Permanent Residents only continues so long as the Occupancy or right of Occupancy continues uninterrupted. A Permanent Resident who breaks the consecutive and continuing Occupancy loses the status of a Permanent Resident and with respect to the Patron's next occupancy, the Patron does not resume the status of Permanent Resident unless and until the Patron again completes thirty (30) consecutive days of Occupancy. A transfer from one Hotel to another, even though both Hotels are owned and/or operated by the same Operator, is a break in Occupancy. A mere change of rooms within the same Hotel is not a break in Occupancy, for the purpose of Permanent Resident exemption.

E. EXEMPTIONS

Permanent Residents: A Permanent Resident, as that term is defined in the Ordinance, is exempt from Hotel Excise Tax in accordance with these Rules and Regulations.

College/University Students: A college or university student residence hall.

Private Campground: Any resident of a private campground.

State & Carbon County Lands: Any resident of a cabin, public campground, or other facility located on State and/or Carbon County land.

Camps: Including but not limited to scout, church, children's sports and educational camps.

Non-Profit/Government Employees: Employees of the Commonwealth of Pennsylvania, the Federal Government, or Purely Public Charities while on business for their respective employer (i.e. Commonwealth of Pennsylvania, Federal Government, or Purely Public Charity). The term "Purely Public Charity" shall be as defined in Article VIII, Section 2 of the Pennsylvania Constitution, and the Institutions of Purely Public Charity Act, Act 55 of 1997, 10 P.S. Section 37 et seq. An employee for a Purely Public Charity must

present a tax exemption certificate issued by the Department of Revenue to support such exemption.

Timeshare Units: Also exempt are the initial sale, resale or licensing of timeshare units or residences, whether the transaction conveys a timeshare unit or personal residence in fee simple, or leases or licenses same. Not exempt from the Hotel Excise Tax are single-family residences, multi-family residences, and timeshare units which are marketed as stated hereinbefore in the definition of "Hotel" by the owner and/or his/her agent, or by Hotel Operators in the same manner as they market their Hotel Rooms, for Occupancy for less than thirty (30) consecutive calendar days, unless occupied by the owner thereof; and (b) the rental for Occupancy by private campgrounds of rooms, cabins, guesthouses, or any other structure to provide temporary overnight Occupancy of a Room, for persons, other than the owner or members thereof (in the case of a private membership campground), seeking temporary accommodation, but not including the renting of lots or tracts without structures thereon.

F. RECORDS OF EXEMPT OCCUPANCIES

The Operator shall maintain records to support and identify all exempt occupancies. The records shall include a form to be completed by both the Permanent Resident and the Operator. The Operator shall also provide to the Treasurer a quarterly statement itemizing all exemptions claimed on a form provided by the Treasurer. Exhibit "B".

G. REPORTS, RETURNS, PAYMENTS AND COLLECTION OF TAX

1. Collection from Patron: The Operator shall collect the Hotel Excise Tax imposed by the Ordinance from the Patron of the Room, and remit the same to the Treasurer as provided herein. The Operator shall be liable to the County, as agent thereof, for the payment of the Hotel Excise Tax to the County as provided by the Ordinance.
2. Quarterly Return by Operator: Every Operator shall transmit to the Treasurer, on or before the twenty-fifth (25th) day of month (April, July, October and January) a return for the three (3) calendar months preceding the month in which the return is made. The return shall report the amount of Consideration received for the Transactions during the three months for which the return is made, the amount of tax due from the Operator for that three month period, and such other information as the Treasurer may reasonably require. Exhibit "C".
3. Forms: Every report and return shall be made upon the official forms furnished by the Treasurer. The Treasurer reserves the right to from time to time, amend and/or modify any form. The Treasurer also reserves the right to develop any and all forms to effectuate and implement the Ordinance or these Rules and Regulations. A copy of the current official forms are made a part hereof and are attached hereto as Exhibits "A", "B" and "C".

4. Payment to the Office of the County Treasurer: Every Operator, at the time of filing the returns, shall compute and timely and unconditionally remit to the Treasurer in immediately available funds, the Hotel Excise Tax collected by the Operator and due to the County. If an Operator first commences the business of operating a Hotel during a calendar quarter, the first return shall be made on the 25th day of the month following completion of such calendar quarter, even though the return covers less than the full calendar quarter.
5. Late Filing Fee and Interest:
 - A. Any return filed after the due date shall be subject to a late filing fee of \$50.
 - B. Any payment of the Hotel Room Rental Excise Tax made after the due date shall be subject to late payment interest at the rate of nine percent (9%) per annum, or three-fourths (3/4) of one percent (1%) per month, on the amount of the tax which remains unpaid.
 - C. Late filing fees and late payment interest shall be added to and paid with the filing of the return.

H. FAILURE TO COLLECT AND REPORT TAX, DETERMINATION OF TAX BY COUNTY TREASURER, FAILURE TO REMIT TAX

1. Collection and Report: If any Operator shall fail to register with the Treasurer or shall fail or refuse to collect the Hotel Excise Tax under these Rules and Regulations, or fails or refuses to produce any report or form required by the Rules and Regulations, the Treasurer shall proceed in such manner as the Treasurer shall deem proper to obtain facts and information on which to base the estimate of the Hotel Excise Tax due, together with any interest, costs and attorney fees. As soon as the Treasurer and/or Controller has procured the facts and information as may be obtained, the Treasurer and/or Controller shall determine the amount of Hotel Excise Tax due and payable by the Operator, together with any interest, costs and attorney fees. ("Determination")

If the Operator does not make such application within the time prescribed, the amount due under the Determination shall become final and conclusive and immediately become due and payable.

If the Operator does provide such application, the Treasurer shall give no less than five (5) days prior written notice to the Operator of a hearing to show cause why the Determination is improper. At such hearing, the Operator may appear and offer evidence why the Treasurer's Determination is improper. At the conclusion of the hearing, the Treasurer shall ascertain the proper Hotel Excise Tax due, together with any interest, costs and attorney fees and shall provide written notice to the Operator of the total amount due ("Assessment"). The Assessment shall be payable within thirty (30) days unless an appeal is taken pursuant to these Rules and Regulations.

2. Fail to Remit: If an Operator fails to timely remit the Hotel Excise Tax collected by the Operator to the Treasurer, the Treasurer shall provide at least ten (10) days written notice

to the Operator of the tax, interest, costs and attorney fees. Within ten (10) days from date of such notice, the County or its designee shall proceed with the filing of any and all claims and/or actions against the Operator in the Court of Common Pleas of Carbon County. Except as otherwise provided by the Ordinance or these Rules and Regulations, the Operator shall be considered by the Treasurer to perform the duty of collection of the Hotel Excise Tax under the same fiduciary obligation as placed on local tax collectors under the Pennsylvania Local Tax Collection Law.

I. APPEAL

Any Operator aggrieved by a decision of the Treasurer with respect to the amount due for the Hotel Excise Tax, interest, costs and attorney fees may appeal the decision of the Treasurer to the Court of Common Pleas of Carbon County, pursuant to the applicable rules of the Pennsylvania Rules of Civil Procedure. The Treasurer reserves the right to waive such interest, costs or attorney fees based upon good cause shown.

J. RECORDS

It is presumed that all Rooms are subject to Hotel Excise Tax until the contrary is established by accurate records of the Operator. The burden of proving that the Transaction is not taxable is upon the Operator and the Operator must demonstrate the same through accurate records. In any case where an Operator fails to maintain adequate records as required under these Rules and Regulations, any Room for which there is not adequate records shall be deemed to be occupied for the entire period for which the supporting records are lacking.

It shall be the duty of every Operator liable for the collection of the Hotel Excise Tax to keep and preserve for a period of seven (7) years all records as may be necessary to determine the amount of such tax for which the Operator was liable to collect and pay to the County. The records shall be maintained at the place of business where the subject Rooms were rented. The records shall include but are not limited to: folios, lease agreements, general ledgers, night auditor and housekeeper reports, traffic summaries, source of business reports and any other documents that support Room revenue and exemptions. The records shall be filed in a manner that allows ready access by the Treasurer, County Controller or their authorized agents, who shall have the right to inspect the records during regular business hours of the Operator and to perform an audit thereon.

In all instances where an Operator claims an exemption to the Ordinance pursuant to Rules and Regulations (Section E), the Operator shall retain copies of identification cards of the Patron or other records indicating the exempt Patron's job number, employer, place of employment, or other identifying information.

K. REFUNDS

Whenever the amount of Hotel Excise Tax, interest, costs or attorney fees has been overpaid, paid more than once, or erroneously collected or received by the Treasurer under the Ordinance, the overpayment may be refunded to the Operator provided that a verified written claim is filed

by the Operator with the Treasurer within three (3) years of the date of payment stating that the specific grounds upon which the claim is founded. The Operator must either return the refunded payment to the Patron or credit such amount to the Patron's account. If the Patron's whereabouts are unknown or unascertainable after reasonable investigation, such refund shall be resubmitted by the Operator to the Treasurer and shall be subject to the applicable escheat laws and statutes.

L. ACTIONS TO COLLECT

Any Hotel Excise Tax collected by an Operator that has not been paid to the Treasurer shall be deemed owed by the Operator to Carbon County. Any Patron or Operator owing any monies to Carbon County pursuant to the provisions of the Ordinance and these Rules and Regulations shall be liable to Carbon County for the same. Any action to collect brought under the Ordinance or these Rules and Regulations shall be brought by Carbon County or Carbon County's designee.

M. RIGHT TO PRIVACY

The County or its duly-authorized representative shall have access to all books, documents, papers and records of the Operator and the Recognized Tourist Promotion Agency which are directly pertinent to the collection and expenditure of the proceeds of the tax authorized by the Ordinance for the purpose of making audit, examination, excerpts and transcripts. Notwithstanding the aforesaid, to the extent allowed by state law, the underlying books, documents, papers, records and tax returns of the Operator shall not be deemed "Public Records" and the officers, agents and employees of the County shall not divulge or make known whatsoever in any manner to any person, unless provided by law or for official purposes, the amount or source of income, profits, losses, expenditures, or any particulars thereof as set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof, to be seen or examined by any person except as provided by law or as necessary for official purposes, including enforcement.

N. SEVERABILITY OF PROVISIONS

In the event any provision, section, sentence, clause or part of these Rules and Regulations shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of these Rules and Regulations, it being the intent of the Treasurer that the remainder of these Rules and Regulations shall remain in full force and effect.

O. AMENDMENTS

The Treasurer with the consent of the County Commissioners as well as the County Commissioners reserves the right to, from time to time, without advance notice, amend and/or supplement these Rules and Regulations as it pertains to the collection and enforcement of the Hotel Excise Tax. Amendments and/or supplements to the Rules and Regulations shall be made available to the Operators.

CHAPTER 38. HOTEL OCCUPANCY TAX

Sec.

- 38.1 Imposition and computation of tax.
- 38.2 Exemptions.
- 38.3 Definitions.

Cross Reference

This chapter cited in 61 Pa. Code § 38a.1 (relating to scope and application of Chapter 38-Hotel Occupancy Tax-statement of policy).

(1) *Price of meals included in rental charges* Where the amount charged by a hotel operator or rent includes the price of any meals, the tax upon the meals shall be separately reported. The charges for meals, when not separately stated and itemized by the operator, shall be presumed to be distributed as follows, unless, upon application of a hotel operator, the Department approves a different basis.

<i>Table 1-Meals included with room rent</i>	<i>Allocation of charges for rooms and meals</i>	
	<i>Room</i>	<i>Meals</i>
Breakfast only	90%	10%
Lunch or dinner only	75%	25%
Breakfast and dinner, or lunch & dinner	65%	35%
Breakfast, lunch and dinner	50%	50%

COUNTY OF CARBON
ORDINANCE NO. 2006-02

AN ORDINANCE IMPOSING AN EXCISE TAX ON THE CONSIDERATION RECEIVED FOR RENTING HOTEL ROOMS; TO FUND TOURISM, CONVENTION PROMOTION AND TOURISM DEVELOPMENT; ESTABLISHING PROCEDURES FOR THE COLLECTION OF THE TAX; AND IMPOSING PENALTIES.

The Board of Commissioners of the County of Carbon ordains as follows:

Section 1. Short title

This Ordinance may be cited as the *Carbon County Hotel Room Rental Excise Tax Ordinance*.

Section 2. Authority and Purpose

1. This Ordinance is authorized pursuant to the Act of December 22, 2000, P.L. 1019, No. 142, Section 4, 16 P.S. Section 1770.6.
2. The purpose of this Ordinance is to raise revenues to fund Tourism Convention Promotion and Tourism Development within the County of Carbon.

Section 3. Definitions

The following words and phrases, when used in this Ordinance, shall have the meaning given to them in this section, unless the context clearly indicates otherwise:

Bed and Breakfast or Homestead – A public accommodation consisting of a private residence, which contains ten or fewer bedrooms, used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the Room.

Board – The Board of County Commissioners of the County of Carbon.

Calendar Quarter – January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

Consideration – Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by Operators in exchange for or in Consideration of the use or Occupancy by a Transient of a Room or Rooms in a Hotel for any Temporary period. Where a Hotel markets American Plan (“AP”), Modified American Plan (“MAP”), or any other form of packages, which include Occupancy, food and beverages, and/or other products or services, the portion of the package Plan consideration to be allocated to Occupancy for purposes of taxation hereunder shall follow the allocation set forth in 61 Pa. Code §38.1 (c)(1) as amended Further, the Hotel may also deduct from the Occupancy portion actual expenditures for activities that are included in the plan.

County – The County of Carbon.

Hotel – A Hotel, Motel, Bed and Breakfast, Homestead, Inn, Guest House or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers’ group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or

any segment thereof that it will provide beds, sanitary facilities or other spaces for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include: any portion of a facility that is devoted exclusively to persons who have an established permanent residence; a college or university student residence hall; any private campground; or any cabins, public campgrounds or other facilities located on State land. The term specifically does not include the initial sale, resale or licensing of timeshare units or residences, whether the transaction conveys a timeshare unit or personal residence in fee simple, or leases or licenses same. Notwithstanding the aforesaid, the term does include single-family residences, multi-family residences, and timeshare units which are marketed as stated hereinbefore in the definition of "Hotel" by the owner and/or his/her agent, or by Hotel Operators in the same manner as they market their Hotel Rooms, for occupancy for less than thirty-one (31) consecutive calendar days, unless occupied by the owner thereof; and (b) the rental for Occupancy by private campgrounds of rooms, cabins, guesthouses, or any other structure to provide temporary overnight Occupancy of a Room, for persons, other than the owners of members thereof (in the case of a private membership campground), seeking temporary accommodation, but not including the renting of lots or tracts without structures thereon.

Occupancy – The use or possession or the right to the use or possession of a Hotel Room for Transient, overnight Occupancy by any person other than a Permanent Resident of any Room in a Hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of a Room. Occupancy generally shall not include the use or possession of a common area, banquet or meeting room for purposes other than Transient, overnight Occupancy.

Operator – An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons, who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a Hotel to the public for Consideration, including the agents of such individuals.

Patron – A person who pays the Consideration for the Occupancy of a Room or Rooms in a Hotel. The term Patron shall not include employees of the Commonwealth of Pennsylvania, the Federal Government, or Purely Public Charities while on business for their respective employer (i.e. Commonwealth of Pennsylvania, Federal Government or Purely Public Charity). The term "Purely Public Charity" shall be as defined in Article VIII, Section 2 of the Pennsylvania Constitution, and the Institutions of Purely Public Charity Act, Act 55 of 1997, 10 P.S. Section 371 et. Seq., an employee for a Purely Public Charity must present a tax exemption certificate issued by the Department of Revenue to support such exemption.

Permanent Resident – A person who has occupied or has the right to Occupancy of a Room or Rooms in a Hotel as a Patron or otherwise for a period exceeding thirty (30) consecutive days.

Recognized Tourist Promotion Agency – The Pocono Mountains Vacation Bureau, Inc.

Room – A space in a Hotel set aside for use and Occupancy by Patrons, or otherwise, for Consideration, having at least one (1) bed or other sleeping accommodation in a Room or group of Rooms.

Tax Year – A calendar year beginning January 1 and ending December 31 of the same calendar year.

Transaction – The activity involving the obtaining by a Transient or Patron of the use or Occupancy of a Hotel Room for which Consideration is payable to the Operator under an express or an implied contract.

Transient – An individual who obtains accommodation in a Hotel by means of registering at the facility for the Temporary Occupancy of a Room for the personal use of the individual by paying a fee to the Operator.

Treasurer – The Treasurer of the County of Carbon.

Section 4. Imposition of Hotel Room Rental Excise Tax

- A. There is hereby imposed an excise tax at a rate of three percent (3%) on the Consideration received by each Operator of a Hotel from each Transaction of renting a Room or Rooms to accommodate Transients.
- B. The County Hotel Room Rental Excise Tax shall take effect February 1, 2007. (“Effective Date”). Any written agreements in existence prior to February 1, 2007 (“Adoption Date”), between the Operator of a Hotel and a Patron for the renting of a Room or Rooms to accommodate Transients after the Effective Date, shall not be subject to the County Hotel Room Rental Excise Tax, provided the actual occupancy takes place within one year of the “Adoption Date.”

Section 5. Collection of Tax

The Hotel Room Rental Excise Tax shall be collected by Operators from Patrons.

Section 6. Payment of the Tax

- A. The Operator shall pay the Hotel Room Rental Excise Tax to the County Treasurer as follows:
 1. Every Operator shall transmit to the County Treasurer, on or before the 25th day of the month (April, July, October and January) following each calendar quarter, a return for the calendar quarter ending during the month immediately preceding the month in which the return is made. The return shall report the amount of consideration received for transactions during the calendar quarter for which the return was made, the amount of the tax due from the Operator for such calendar quarter, and such other information as the County Treasurer may reasonably require.
 2. Every Operator, at the time of filing such required return, shall compute and pay over to the County Treasurer the Hotel Room Rental Excise Tax shown as due on the return for the period for which the return is made.
 3. If an Operator first commences the business of operating a Hotel during a calendar quarter, the first return shall be made on the 25th day of the month following completion of such calendar quarter, even though the return covers less than the full calendar quarter.

Section 7. Collection and Disposition of Revenues

- A. The County Treasurer shall collect the Tax and deposit the revenues received from the tax into a segregated fund, entitled the *Hotel Room Rental Excise Tax Fund*.
- B. The County Treasurer shall distribute the revenues from the Hotel Excise Tax Fund in the

following manner:

1. The County Treasurer shall first deduct and pay over the County General Fund an administrative fee which shall not exceed in any Tax Year the lesser of:
 - a. Two percent (2%) of all taxes collected under this Ordinance; or
 - b. Forty Thousand Dollars (\$40,000.00), which amount shall be adjusted by-annually, beginning two (2) years after the date of enactment, by the percentage growth in the Consumer Price Index for All Urban Consumers as determined by the U.S. Department of Labor.
2. The County Treasurer shall distribute all remaining revenues in the Hotel Excise Fund to the Recognized Tourist Promotion Agency within sixty (60) days after the end of each calendar quarter.

Section 8. Use of Revenues

- A. The Recognized Tourist Promotion Agency shall use the funds distributed to it under this Ordinance for the purpose of Tourism, Convention Promotion and Tourism Development.
- B. The Recognized Tourist Promotion Agency shall annually submit to the Board a report of the income generated by the Hotel Room Rental Excise Tax and the Expenditures of same by the Recognized Tourist Promotion Agency.

Section 9. Record Keeping Requirements for Operators

Each Operator shall maintain and retain all records necessary to confirm proper collection and payment of the tax imposed by this Ordinance until the expiration of seven (7) years after the Hotel Room Rental Excise Tax returns have been filed.

Section 10. Access to Records

The County or its duly-authorized representative shall have access to all books, documents, papers and records of the Operator and the Recognized Tourist Promotion Agency which are directly pertinent to the collection and expenditure of the proceeds of the tax authorized by this Ordinance for the purpose of making audit, examination, excerpts and transcripts. Notwithstanding the aforesaid, to the extent allowed by state law, the underlying books, documents, papers, records and tax returns of the Operator shall not be deemed "public records" and the officers, agents and employees of the County shall not divulge or make known whatsoever in any manner or to any person, unless provided by law or for official purposes, the amount or source of income, profits, losses, expenditures, or any particulars thereof as set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof, to be seen or examined by any person except as provided by law or as necessary for official purposes, including enforcement.

Section 11. Late Filing Fee and Interest

- A. Any return filed after the due date shall be subject to a late filing fee of \$50.
- B. Any payment of the Hotel Room Rental Excise Tax made after the due date shall be subject to late payment interest at the rate of nine percent (9%) per annum, or three-fourths (3/4) of one percent (1%) per month, on the amount of the tax which remains unpaid.
- C. Late filing fees and late payment interest shall be added to and paid with the filing of the return.

Section 12. Enforcement

Whenever any Operator shall fail to pay the taxes herein provided, upon request of the County Treasurer, the County may bring a civil action in any court having jurisdiction to enforce the payment of all taxes, fees and interest due. There shall be added to the claim reasonable attorney fees, in an amount not to exceed ten percent (10%) of the claim, and costs of suit. The County, in addition to the deduction of Section 7B(1), shall deduct from any monies paid to Recognized Tourist Promotion Agency pursuant to Section 7B and as set forth in the Memorandum of Understanding, the charge for each enforcement action undertaken and/or completed during the applicable calendar quarter.

Section 13. Administration

The County, with the assistance of the County Treasurer, shall be responsible for administering the provisions of this Ordinance. The County Commissioners, with the assistance of the Treasurer, if requested, may promulgate and implement administrative rules and regulations relating to the imposition and collection of the Hotel Room Rental Excise Tax.

Section 14. Severability

Each section and subsection of this Ordinance shall be deemed to be severable and not affected by any determination that any other provision of this Ordinance is enforceable.

Section 15. Effective Date

This Ordinance shall take effective on February 1, 2007.

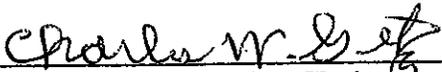
The County reserves the right to terminate, repeal and/or amend this Ordinance at any time.

DULY ENACTED AND ORDAINED at a public meeting of the Board of County Commissioners of Carbon, Pennsylvania, held on the 28th day of December, 2006.

CARBON COUNTY BOARD OF COMMISSIONERS



William J. O'Gurek, Chairman

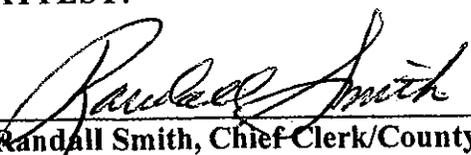


Charles W. Getz, Vice-Chairman



Wayne E. Nothstein, Member

ATTEST:



Randall Smith, Chief Clerk/County Administrator

**OFFICE OF THE
CARBON COUNTY COMMISSIONERS**

County Administrator/
Chief Clerk
•
RANDALL SMITH



Court House Annex
Jim Thorpe, PA
18229-1238

Telephone: (570) 325-3611
FAX: (570) 325-3622

Dear Lodging Operation:

On December 28, 2006 the Carbon County Board of Commissioners enacted Ordinance No. 2006-02. The Carbon County Hotel Room Rental Excise Tax Ordinance, as provided by Act 142 of 2000 (16 P.S. 1700.6 et. Seq.) of the General Assembly of the Commonwealth of Pennsylvania. This is an Ordinance imposing a room rental excise tax on rented lodging facility rooms to fund tourist promotion. The use of this revenue shall directly fund tourism promotion throughout Carbon County by the Pocono Mountain Vacation Bureau.

The Carbon County Hotel Room Rental Excise Tax will tax effect on Thursday, February 01, 2007 at a rate of three (3%) percent and shall be charged to the cost of each room occupied by a patron and be payable to the operator of the lodging facility. The operator of the lodging facility shall remit the Carbon County Hotel Room Rental Excise Tax, payable to the Carbon County Treasurer, on or before the twenty-fifth (25th) day of the month following the close of the calendar quarter. The calendar quarters are as follows:

<u>Calendar Quarter</u>	<u>Due Date</u>
1 st Quarter/January 01 - March 31	April 25 th
2 nd Quarter/April 01 - June 30	July 25 th
3 rd Quarter/July 01 - September 30	October 25 th
4 th Quarter/October 01 - December 31	January 25 th

Enclosed are copies of forms needed by you to report the collection of the tax. Please submit the form marked Exhibit A (Registration Application) to the Carbon County Treasurer immediately. You will then receive your certificate authorizing the collection of the Carbon County Hotel Room Rental Excise Tax. Collection of the tax shall begin on Thursday, February 01, 2007. Once the tax is collected for the calendar quarter, submit payment along with the completed form marked Exhibit C (Quarterly Report) by the 25th day of the month following the close of the calendar quarter to the Carbon County Treasurer. For permanent resident status and credit please refer to the form marked Exhibit B (Exemption Certificate).

Exhibit A - Carbon County Registration Application - to be filled out by the Lodging Facility Operator and returned to the Carbon County Treasurer. The lodging facility will receive a Carbon County Certificate of Authorization - authorizing the lodging facility to collect the tax. The Certificate shall be displayed in a prominent place.

Exhibit B - Carbon County Hotel Room Rental Excise Tax Exemption - If a lodging facility has a permanent resident (a person who has occupied a room or rooms in a lodging facility as a patron for a period exceeding thirty (30) consecutive days, or any other exempt person residing in the lodging facility, these individuals are exempt from paying the Carbon County Hotel Room Rental Excise Tax.

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The Exempt Certificate must be completed in its entirety and must be returned with the quarterly payment to the Carbon County Treasurer by the 25th day of the month following the close of the calendar quarter. The lodging facility is exempt from paying the Carbon County Hotel Room Rental Excise Tax on a permanent resident.

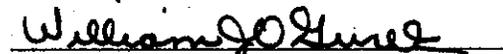
Exhibit C -- Carbon County Hotel Room Rental Excise Tax Quarterly Report. Complete this form for each calendar quarter beginning February 01, 2007. This form must accompany each payment to the Carbon County Treasurer by the 25th day of the month following the close of the calendar quarter.

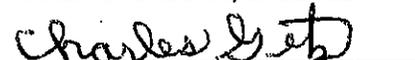
We thank you for your cooperation in this matter. The Carbon County Hotel Room Rental Excise Tax Ordinance, Rules and Regulations and the necessary forms are enclosed.

If you have any questions regarding this Ordinance, please address them to the Carbon County Treasurer, Ronald J. Sheehan, P.O. Box 247, Jim Thorpe, PA 18229 (570-325-2251) or Randall L. Smith, Carbon County Chief Clerk/County Administrator, P.O. Box 129, Jim Thorpe, PA 18229 (570-325-3611).

Sincerely Yours,

CARBON COUNTY BOARD OF COMMISSIONERS


William J. O'Gurek, Chairman


Charles Getz, Vice-Chairman


Wayne E. Nothstein, Member

RLS:kl

Enclosures

Office of the
TREASURER OF CARBON COUNTY
PO BOX 247
Jim Thorpe, PA 18229
Phone 570-325-2251 Fax 570-325-2696

Ronald J. Sheehan

REGISTRATION APPLICATION
CARBON COUNTY HOTEL ROOM RENTAL EXCISE TAX

1. Legal Name of Establishment: _____
2. Legal Name of Owner of Establishment: _____
3. Location of Principal Place of Business (PO Box Not Acceptable):
_____ Telephone: _____
4. Mailing Address (If different than #3) (All Records involving Carbon County Transactions
must be kept at the Business Location):
_____ Telephone: _____
5. Federal Employer Identification Number (EIN): _____
6. Applicant is operating as: _____ Individual _____ Partnership _____ Association
_____ Corporation _____ Other (describe) _____
7. Please List the Name(s), Title(s), and Telephone Number(s) of Individual(s) Responsible for
remitting the Carbon County Hotel Room Rental Excise Tax.
Name: _____ Title: _____ Telephone: _____
Name: _____ Title: _____ Telephone: _____
8. Type of Business: _____ Hotel _____ Motel _____ Bed & Breakfast
_____ Guest House _____ Other (describe) _____
9. Number of Lodging Rooms: _____

I certify that the information provided on this Registration Form has been examined by me, and
is to the best of my knowledge and belief true, correct and complete.

Name: _____ Title: _____

Signature: _____ Date: _____ Telephone #: _____

EXHIBIT A

**CARBON COUNTY ROOM RENTAL EXCISE TAX
QUARTERLY REPORT**

OFFICE USE ONLY

Date Paid _____

Check # _____

Facility County Excise Tax # _____

Business Name: _____

Address: _____

Phone: _____

Reporting Period _____ to _____

Gross Room Receipts (Not including taxes collected)	\$
Less Exempt Receipts	\$
Less Permanent Resident Receipts	\$
Taxable Room Receipts	\$
Amount of tax collected at 3%	\$
Room Rental Excise Tax Due	\$
Late Payment Fee - \$50.00	\$
Plus Late Payment Interest @ 0.75% per month	\$
Total Payment Due	\$

This tax is to be collected from each patron who rents a room less than 30 days by the operator of each facility.

Each operator who is required to file a sales tax return to the Pennsylvania Department of Revenue shall submit the required reports to the Treasurer on or before the twenty-fifth (25th) day of the month following the calendar quarter. If there is no tax due for a given period, file return indicating "**NO TAX DUE**" on the tax due line.

I hereby certify that this return has been examined by me and that the information herein is true, correct, and complete to the best of my knowledge.

Signature _____ Title _____ Date _____

Remit by the 25th day of the month following the calendar quarter

Make check payable to: Carbon County Treasurer

PO BOX 247

Jim Thorpe, PA 18229

Phone 570-325-2251 Fax 570-325-2696

EXHIBIT C

