

TOWN OF NEW GLARUS
PLAN COMMISSION MEETING
THURSDAY, JULY 22, 2021
AGENDA

NOTICE IS HEREBY GIVEN that Town of New Glarus Plan Commission, County of Green, may take action on the following matters if any required public hearing has been held:

LOCATION: Plan Commission meetings will take place in person or via Zoom until further notice due to risks associated with COVID-19.

Zoom Meeting
Meeting ID: 998 4822 3424
Password: 347806

New Glarus Town Hall
26 5th Avenue
New Glarus, WI 53574

DATE: Thursday, July 22, 2021
TIME: 6:00 p.m.

AGENDA

- 1) Call to Order
- 2) Proof of Posting
- 3) Approve Minutes
 - a) June 17, 2021
- 4) Public Comments
- 5) Discuss Kaiser land split proposal
- 6) Discuss Arn preliminary layout
- 7) Discuss possible room tax ordinance
- 8) Discuss re-evaluation of impact fees
- 9) Schedule Next Meeting Date as needed, currently listed for August 19, 2021
- 10) Adjourn

Pursuant to applicable law, notice is hereby given that a quorum or a majority of the New Glarus Town Board Members may attend this meeting. Information presented at this meeting may help form the rationale behind future actions that may be taken by the Town of New Glarus Board. Persons requiring additional services to participate in a public meeting may contact the Town Clerk for assistance at 527-2390.

POSTED: New Glarus Town Hall: July 20th, 2021 AMENDED
New Glarus Post Office: July 20th, 2021
townofnewglarus.com: July 20th, 2021

Chris Narveson, Chair
Town of New Glarus Plan Commission

Tim Schleeper, Plan Administration

Jesse Wahl, Clerk-Treasurer

TOWN OF NEW GLARUS

PLAN COMMISSION MINUTES

ZOOM MEETING ID 998 4822 3424/PASSCODE 347806

THURSDAY, JUNE 17, 2021

ATTENDEES:

John Freitag, Craig Galhouse, John Ott (6:15 pm), Robert Elkins, Mark Pernitz, Reg Reis, Chris Narveson, Brian Jeglum, Bob Talarczyk, virtual - Tim Schleeper (7:00)

AGENDA

- 1) Call to Order – Chair Narveson called to order at 6:07pm
- 2) Proof of Posting – Chair Narveson attested to proof of posting.
- 3) Approve Minutes
 - a) April 15, 2021 – Motion to Approve by Galhouse, Second Pernitz. Motion passed.
 - b) May 20, 2021 - Motion to Approve by Elkins, Second Pernitz. Motion passed.
- 4) Public Comments - None
- 5) Discuss Roger Arn land divisions (previously reviewed in January 2021)
 - a) Brian Jeglum presented an aerial photo showing that the area that Roger Arn is proposing to develop was on parcel 110.1000. A large lot split (CSM4371 lot 1) was recorded in 2008 creating parcel 110.1100. No documentation on where the open space for this lot was recorded was available.
 - b) The proposed development area is within the ETZ & ETJ area, zoning is ETZ A-P and that clustered residential lots are allowed. Village of New Glarus ETZ ordinances 305-110 and 305 121-122 outline the procedures for development in the ETZ. Discussed the approval process through the planning commission, ETZ committee, and Town and Village boards.
 - c) Discussion regarding how many lots were to be developed. 5 lots would trigger the requirements of a major subdivision. A Plat of the Jamie Woods subdivision was used to demonstrate what is involved in a major subdivision. Discussed if the existing lot could be used as part of a cluster. I stated that the only examples I had of using existing lots involved the sites where the original homestead was part of the cluster not a large lot split. Galhouse stated that there was an existing large lot split and the new development would be a cluster and subject to the current clustering rules.
 - d) Discussion on building envelopes and configurations, lot sizes, and driveways consideration. Galhouse provided an illustration to show building envelopes, lot lines and open space on a typical 40 acres cluster. We discussed minimum cluster size of three lots, 2 acres minimum lot size and that they could configure up to four lots using a CSM rather than creating a plat.
 - e) Discussion if the addition of the four lot cluster to the original large lot split would be trigger the requirement for a major subdivision. No consensus on this point.
 - f) The open space for the large lot split and any new cluster development will need to be identified and recorded as part of the process

- 6) Discuss driveway ordinance amendments
 - a) The draft driveway ordinance amendments drafted by Tim Schleeper were reviewed and briefly discussed. Motion by [REDACTED], Second by [REDACTED] to recommend the Town Board take action on the ordinance amendments as presented. Motion passed.
- 7) Schedule Next Meeting Date as needed, currently listed for July 22, 2021
- 8) Adjourn – Meeting adjourned at 7:45pm

Chris Narveson, Chair
Town of New Glarus Plan Commission

Tim Schleeper, Plan Administration

Jesse Wahl, Clerk-Treasurer



Town road
cut-be-sac

Septic
main
house

~ 6.5
Acres

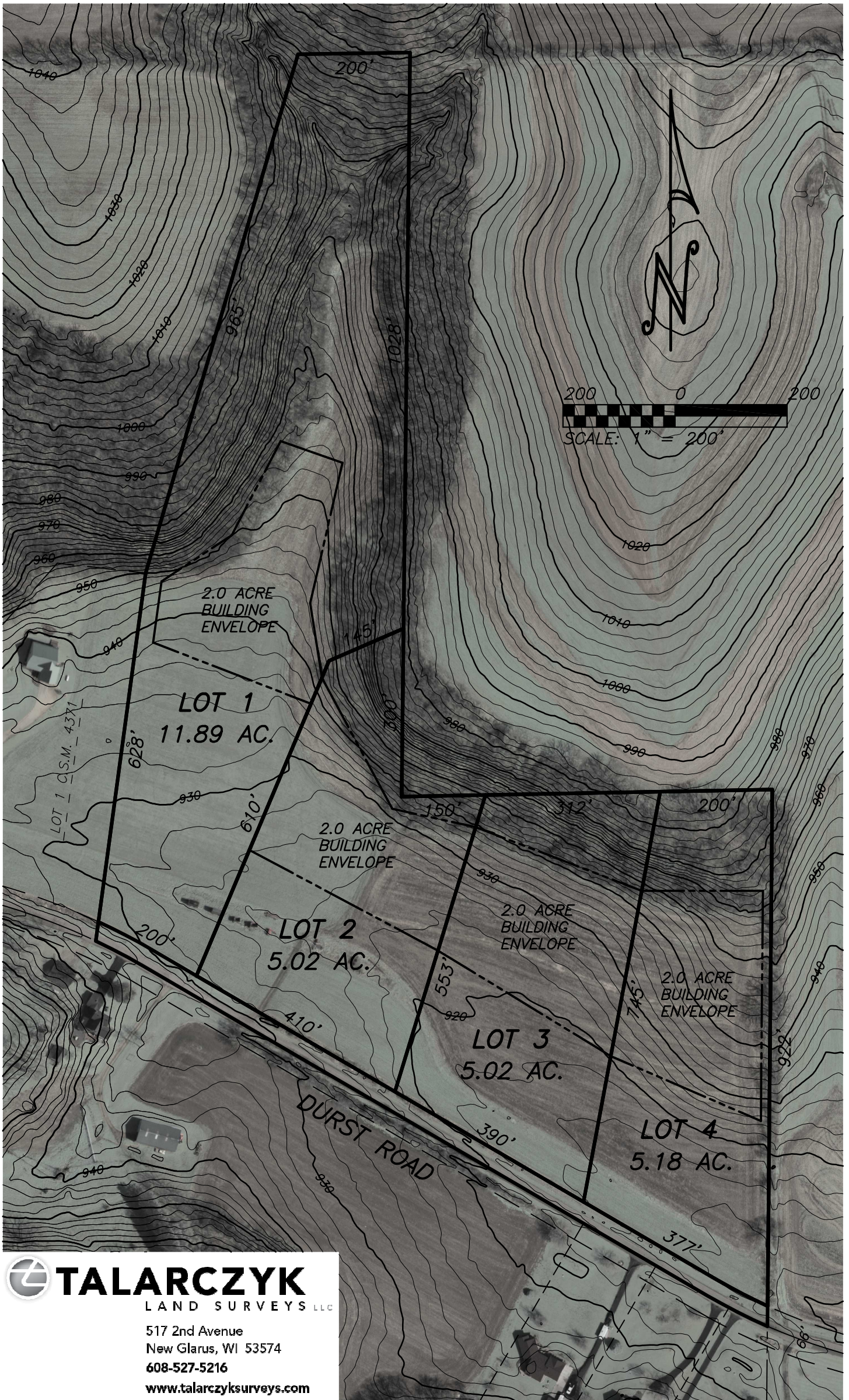
~ 3.0
Acres

~ 2.5
Acres

~ 20 foot wide run

Blue area are
envelopes

ROGER ARN LOT LAYOUT



WISCONSIN ROOM TAX STATUTE

66.0615

66.0615 Room tax; forfeitures.

(1) In this section:

(a) "Commission" means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and tourism development for the zone.

(am) "District" has the meaning given in s. [229.41 \(4m\)](#).

(b) "Hotel" has the meaning given in s. [77.52 \(2\) \(a\) 1.](#)

(bs) "Lodging marketplace" means an entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.

(c) "Motel" has the meaning given in s. [77.52 \(2\) \(a\) 1.](#)

(d) "Municipality" means any city, village or town.

(de) "Occupant" means a person who rents a short-term rental through a lodging marketplace.

(df) "Owner" means the person who owns the residential dwelling that has been rented.

(di) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(dk) "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

(dm) "Sponsoring municipality" means a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(e) "Tourism" means travel for recreational, business or educational purposes.

(f) "Tourism entity" means a nonprofit organization that came into existence before January 1, 2015, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization exists, a municipality may contract with one of the following entities:

1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

2. A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

(fm) "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. [\(1m\) \(a\)](#) may be imposed, that are owned by different persons and located within

a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
2. Transient tourist informational services.
3. Tangible municipal development, including a convention center.

(g) "Transient" has the meaning given in s. [77.52 \(2\) \(a\) 1.](#)

(h) "Zone" means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

(1m)

(a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph may be collected from the consumer or user, but may not be imposed on sales to the federal government and persons listed under s. [77.54 \(9a\)](#). A tax imposed under this paragraph by a municipality shall be paid to the municipality and, with regard to any tax revenue that may not be retained by the municipality, shall be forwarded to a tourism entity or a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality may not exceed 8 percent. Except as provided in par. (am), if a tax greater than 8 percent under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8 percent, effective on June 1, 1994.

(am) A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.
2. The municipality intends to use at least 60 percent of the revenue collected from its room tax, of any room tax that is greater than 7 percent, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.
3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.
4. The municipality has any long-term debt outstanding with which it financed any part of the construction or renovation of a convention center.

(b)

1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.
2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. [66.0301](#) to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.
3. A commission shall monitor the collection of room taxes from each municipality in a zone that has a room tax.
4. A commission shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.

(c)

1. If a commission is created by a single municipality, the commission shall consist of 4 to 6 members. One of the commission members shall represent the Wisconsin hotel and motel industry. Members shall be appointed under subd. [3.](#)

2.

a. If the commission is created by more than one municipality in a zone, the commission shall consist of 3 members from each municipality in which annual tax collections exceed \$1,000,000, 2 members from each municipality in which annual tax collections exceed \$300,000 but are not more than \$1,000,000 and one member from each municipality in which annual tax collections are \$300,000 or less. Except as provided in subd. [2. b.](#), members shall be appointed under subd. [3.](#)

b. Two additional members, who represent the Wisconsin hotel and motel industry, shall be appointed to the commission by the chairperson of the commission, shall serve for a one-year term at the pleasure of the chairperson and may be reappointed.

3. Members of the commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality's governing body who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.

4. The commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.

5. The commission shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.

(d)

1. A municipality that first imposes a room tax under par. [\(a\)](#) after May 13, 1994, shall spend at least 70 percent of the amount collected on tourism promotion and tourism development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

2. Subject to par. [\(dm\)](#), if a municipality collects a room tax on May 13, 1994, it may retain not more than the same percentage of the room tax that it retains on May 13, 1994. If a municipality that collects a room tax on May 1, 1994, increases its room tax after May 1, 1994, the municipality may retain not more than the same percentage of the room tax that it retains on May 1, 1994, except that if the municipality is not exempt under par. [\(am\)](#) from the maximum tax that may be imposed under par. [\(a\)](#), the municipality shall spend at least 70 percent of the increased amount of room tax that it begins collecting after May 1, 1994, on tourism promotion and development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

3. A commission shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development in the zone or in the municipality.

4. The commission shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.

5. The commission may not use any of the room tax revenue to construct or develop a lodging facility.

6. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention center or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.

7. Notwithstanding the provisions of subds. [1.](#) and [2.](#), any amount of room tax revenue that a municipality described under s. [77.994 \(3\)](#) is required to spend on tourism promotion and tourism development shall be forwarded to, and spent by, the municipality's tourism entity, unless the municipality creates a commission and forwards the revenue to the commission.

8. The governing body of a tourism entity shall include either at least one owner or operator of a lodging facility that collects the room tax described in this section and that is located in the municipality for which the room tax is collected or at least 4 owners or operators of lodging facilities that collect the room tax described in this section and that are located in the zone for which the room tax is collected. Subdivision [4.](#), as it applies to a commission, applies to a tourism entity.

(dm) Beginning with the room tax collected on January 1, 2017, by a municipality that collected a room tax on May 13, 1994, as described in par. [\(d\) 2.](#), and retained more than 30 percent of the room tax collected for purposes other than tourism promotion and tourism development, such a municipality may continue to retain, each year, the greater of either 30 percent of its current year revenues or one of the following amounts:

1. For fiscal year 2017, the same dollar amount of the room tax retained as the municipality retained in its 2014 fiscal year.
2. For fiscal year 2018, the same dollar amount of the room tax retained as the municipality retained in its 2013 fiscal year.
3. For fiscal year 2019, the same dollar amount of the room tax retained as the municipality retained in its 2012 fiscal year.
4. For fiscal year 2020, the same dollar amount of the room tax retained as the municipality retained in its 2011 fiscal year.
5. For fiscal year 2021 and thereafter, the same dollar amount of the room tax retained as the municipality retained in its 2010 fiscal year.

(e)

1. Subject to subd. [2.](#), a district may adopt a resolution imposing a room tax under par. [\(a\)](#) in an amount not to exceed 3 percent of total room charges. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. [229.50 \(5\)](#), the room tax imposed by the district under this subdivision is 3 percent of total room charges beginning on the next January 1, April 1, July 1 or October 1 after the payment and this tax is irrevocable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding. A room tax imposed by a district under this subdivision applies within the district's jurisdiction, as specified in s. [229.43](#), and the proceeds of the tax may be used only for the district's debt service on its bond obligations. If a district stops imposing and collecting a room tax, the district's sponsoring municipality may impose and collect a room tax under par. [\(a\)](#) on the date on which the district stops imposing and collecting its room tax.
2. In addition to the room tax that a district may impose under subd. [1.](#), if the district's only sponsoring municipality is a 1st class city, the district may adopt a resolution imposing an additional room tax. The additional percentage of room tax under this subdivision shall be equal to the percentage of room tax imposed by the sponsoring municipality on the date on which the sponsoring municipality agrees to stop imposing and collecting its room tax, as described under s. [229.44 \(15\)](#). A district shall begin collecting the additional room tax imposed under this subdivision on the date on which the sponsoring municipality stops imposing and collecting its room tax. A room tax imposed by a district under this subdivision applies only within the borders of the sponsoring municipality and may be used for any lawful purpose of the district.
3. A district adopting a resolution to impose the taxes under subd. [1.](#) or [2.](#) shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date.

(f)

1. The department of revenue shall administer the tax that is imposed under par. [\(a\)](#) by a district and may take any action, conduct any proceeding and impose interest and penalties.
2. Sections [77.51 \(12m\)](#), [\(13\)](#), [\(14\)](#), [\(14g\)](#), [\(15a\)](#), [\(15b\)](#), and [\(17\)](#), [77.52 \(3\)](#), [\(3m\)](#), [\(13\)](#), [\(14\)](#), [\(18\)](#), and [\(19\)](#), [77.522](#), [77.523](#), [77.58 \(1\)](#) to [\(5\)](#), [\(6m\)](#), and [\(7\)](#), [77.585](#), [77.59](#), [77.60](#), [77.61 \(2\)](#), [\(3m\)](#), [\(5\)](#), [\(8\)](#), [\(9\)](#), [\(12\)](#) to [\(15\)](#), and [\(19m\)](#), and [77.62](#), as they apply to the taxes under subch. [III of ch. 77](#), apply to the tax described under subd. [1.](#)
3. From the appropriation under s. [20.835 \(4\) \(gg\)](#), the department of revenue shall distribute 97.45 percent of the taxes collected under this paragraph for each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments. Interest paid on refunds of the tax under this paragraph shall be paid from the appropriation under s. [20.835 \(4\) \(gg\)](#) at the rate under s. [77.60 \(1\) \(a\)](#). Any district that receives a report along with a payment under this subdivision or subd. [2.](#) is subject to the duties of confidentiality to which the department of revenue is subject under s. [77.61 \(5\)](#).

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.

(g) Sections [77.52 \(3m\)](#) and [77.523](#), as they apply to the taxes under subch. [III of ch. 77](#), shall apply to the tax imposed under par. [\(a\)](#) by a municipality.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. [\(1m\)](#), the municipality or district may exchange audit and other information with the department of revenue and may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. [\(1m\)](#) pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(b) Enact a schedule of forfeitures, not to exceed 5 percent of the tax under sub. [\(1m\)](#) or par. [\(c\)](#), to be imposed on any person subject to sub. [\(1m\)](#) who fails to comply with a request to inspect and audit the person's financial records under par. [\(a\)](#).

(c) Determine the tax under sub. [\(1m\)](#) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

(d) Require each person who is subject to par. [\(c\)](#) to pay an amount of taxes that the municipality or district determines to be due under par. [\(c\)](#) plus interest at the rate of 1 percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality or district to inspect and audit his or her financial records under par. [\(a\)](#).

(e) Enact a schedule of forfeitures, not to exceed 25 percent of the room tax due for the previous year under sub. [\(1m\)](#) or par. [\(c\)](#) or \$5,000, whichever is less, to be imposed for failure to pay the tax under sub. [\(1m\)](#).

(3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of information obtained under sub. [\(2\)](#) but shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The municipality or district may provide for the publishing of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than \$100 nor more than \$500.

(4)

(a) Annually, on or before May 1, on a form created and provided by the department of revenue, every municipality that imposes a tax under sub. [\(1m\)](#) shall certify and report to the department, beginning in 2017, all of the following:

1. The amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year.

2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting shall include expenditures of at least \$1,000 made by a commission or a tourism entity.

3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.

(b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.

(c) The department of revenue may impose a penalty of not more than \$3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.

(5)

(a) A lodging marketplace shall register with the department of revenue, on forms prepared by the department, for a license to collect taxes imposed by the state related to a short-term rental and to collect room taxes imposed by a municipality. After a lodging marketplace applies for and receives such a license, it shall do all of the following:

1. If a short-term rental is rented through the lodging marketplace, collect sales and use taxes from the occupant and forward such amounts to the department of revenue.
2. If a short-term rental that is rented through the lodging marketplace is located in a municipality that imposes a room tax, collect the room tax from the occupant and forward it to the municipality.
3. Notify the owner of a short-term rental that the lodging marketplace has collected and forwarded the taxes described in subds. [1.](#) and [2.](#)

(b) A municipality may not impose and collect a room tax from the owner of a short-term rental if the municipality collects the room tax on the residential dwelling under par. [\(a\) 2.](#)

History: [1983 a. 189, 514](#); [1993 a. 263, 467, 491](#); [1999 a. 9](#); [1999 a. 150 ss. 565 to 567](#); Stats. 1999 s. 66.0615; [2003 a. 203](#); [2005 a. 135](#); [2007 a. 20](#); [2009 a. 2](#); [2011 a. 18, 32](#); [2013 a. 20](#); [2015 a. 55, 60, 301](#); [2017 a. 59](#); [2019 a. 10](#).

A city was authorized to enact a room tax. The gross receipts method was a fair and reasonable way of calculating the tax. *Blue Top Motel, Inc. v. City of Stevens Point*, [107 Wis. 2d 392, 320 N.W.2d 172](#) (1982).

Under sub. (1m) (am), this section favors expenditures to construct or improve convention facilities. However, sub. (1m) (am), only addresses when a municipality may impose a room tax rate of greater than 8 percent and is irrelevant when the city has not exceeded that maximum. The only restrictions the rest of the statute places on the use of room tax monies are found in sub. (1m) (d), which directs a municipality to spend a certain percentage on “tourism promotion and development, which means the promotion and development of travel for recreational, business, or educational purposes. *English Manor Bed and Breakfast v. City of Sheboygan*, [2006 WI App 91, 292 Wis. 2d 762, 716 N.W.2d 531, 05-1358](#).

ADDITIONAL NON-STATUTORY LANGUAGE PASSED IN 2015 WISCONSIN ACT 55 AND 2017 ACT 59 RELATING TO ROOM TAX REQUIREMENTS:

SECTION 9129. Nonstatutory provisions; Local Government.

(3f) LOCAL ROOM TAX. With regard to a municipality which collects a room tax on May 13, 1994, with the form that the municipality submits to the department of revenue on or before May 1, 2017, as described under section 66.0615 (4) (a) of the statutes, the municipality shall also include a copy of its room tax ordinance that was in effect on May 13, 1994. In addition, the municipality shall also include with the form a copy of the municipality’s financial

statement that was completed nearest in time to May 13, 1994, and that shows the percentage of room tax revenue that the municipality retained for its own purposes other than purposes related to tourism promotion and development. *(Page 641- 2015 Wi. Act 55)*

Section 9329. Initial applicability; Local Government.

(3f) LOCAL ROOM TAX. The treatment of section 66.0615 (1m) (a), (d) 1. and 2., and (dm) of the statutes first applies to taxes collected and expenditures made on January 1, 2017. *(Page 654 – 2015 WI. Act 55)*

Section 9331. Initial applicability; Local Government.

(5t) ROOM TAX. The treatment of section 66.0615 (1m) (a) and (5) of the statutes first applies to a lodging marketplace that registers with the department of revenue on the effective date of this subsection. *(Page 392-393 – 2017 WI. Act 59)*

*Provided as a service of the Wisconsin Hotel & Lodging Association
May 7, 2020
Contact: 262-782-2851 Ext.10 or whla@wisconsinlodging.org*



HOW CAN ROOM TAX BE SPENT?



Up to **30%** can go to **municipality**, unless municipality has been grandfathered in at a different rate.

At least **70%** must be spent on **Tourism Promotion and Tourism Development**.



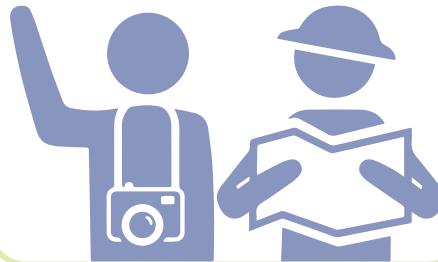
What expenditures are eligible?
(Answer "yes" to all three)



Is it reasonably likely to generate **paid overnight stays** in multiple lodging properties?

- If municipality only has one property, is it likely to generate stays there?
- If you aren't sure, ask a lodging property operator!

Will it be significantly used by **transient tourists**?



Will it be for a Marketing Project, Tourist Information, or Tangible Municipal Development?

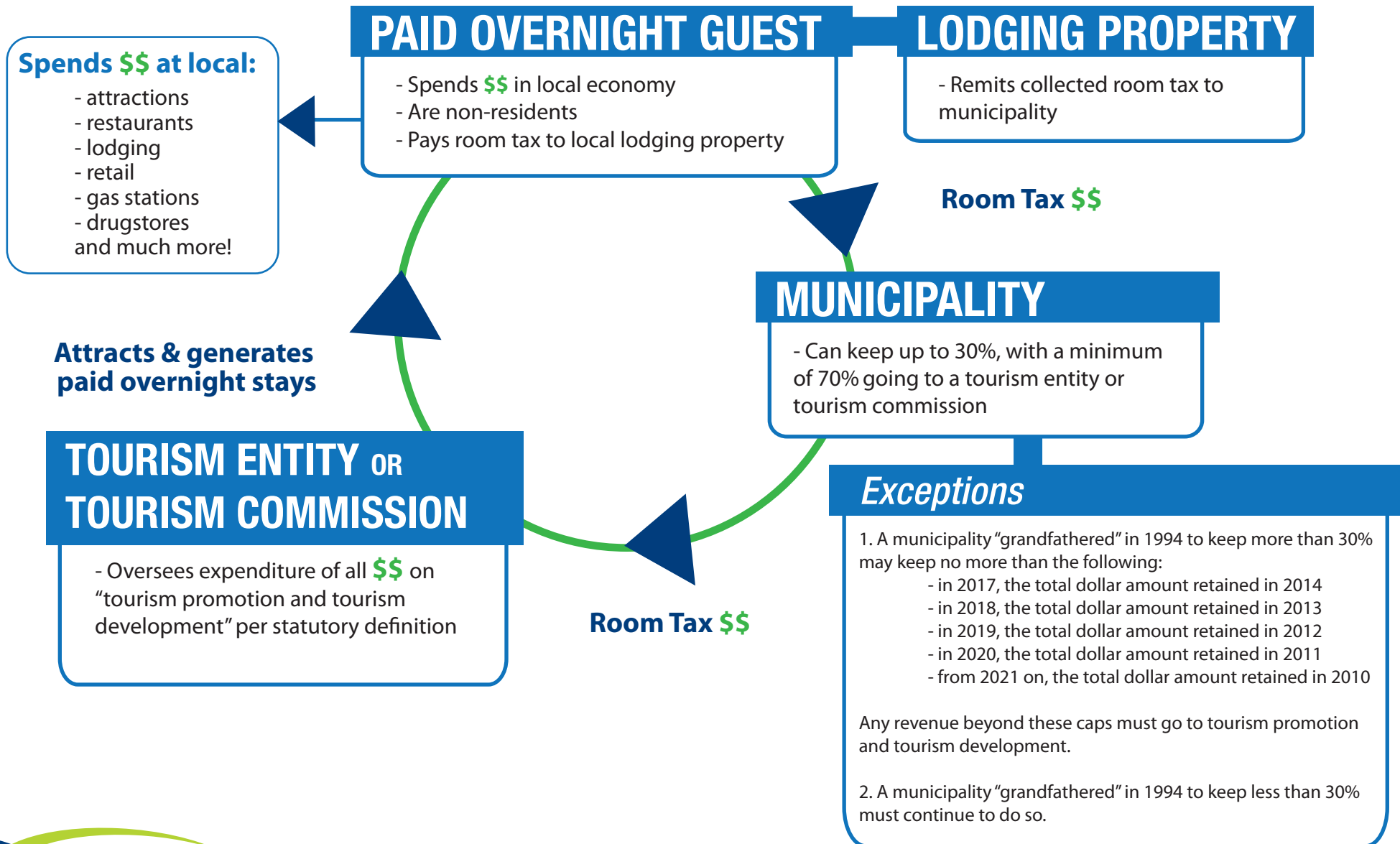
- **Ad buys/marketing** of tourist materials
- **Tourist services** creating overnight guests
- Funding a **convention center**



Make sure it complies — public reports are required to be filed by May 1 every year!

Wisconsin Local Room Tax Model

Effective July 15, 2015





Tourism Commission Overview

The following is a basic overview of the components of WI. Room Tax Statute 66.0615 specifically relating to tourism commissions.

Definition of “Commission”: An entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and tourism development for the zone.

Tourism Commission FOR A SINGLE MUNICIPALITY

Composition: 4-6 members. One of the members shall represent the Wisconsin hotel and motel industry.

Appointed by: The principal elected official in the municipality, with confirmation required by a majority vote of the members of the municipality’s governing body present when the vote is taken.

Terms: One year, at the pleasure of the appointing official. They may be re-appointed.

Required Actions:

1. It shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.
2. It shall meet regularly, and shall elect a chairperson, vice chairperson, and secretary from its members.
3. It shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development (as defined in the statute) in the municipality.
4. It shall report annually to the municipality providing the room tax revenue, the purposes for which the revenues were spent.
5. It shall report any delinquencies or inaccurate reporting to the municipality.
6. It shall not use any of the room tax revenue to construct or develop a lodging facility.
7. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.

Tourism Commission FOR A TOURISM ZONE

(“Zone” is defined in 66.0615 as “an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public”)

Composition: 3 members from each municipality in which annual room tax collections exceed \$1 million. 2 members from each municipality in which

annual room tax collections are more than \$300,000, but less than \$1 million. One member from each municipality in which annual room tax collections are \$300,000 or less. Two additional members representing the Wisconsin hotel and motel industry shall also be appointed.

Appointed by: the municipality representatives shall be appointed by the principal elected official in the municipality, with confirmation required by a majority vote of the members of the municipality's governing body present when the vote is taken. The two hotel and motel industry representatives shall be appointed by the Chairperson of the Commission.

Terms: One year term, at the pleasure of the appointing official, and they may be reappointed.

Required Actions:

1. The municipalities shall enter into a contract to create a commission.
2. It shall meet regularly, and from among its members, shall elect a chairperson, vice chairperson, and secretary.
3. Each municipality in the zone shall levy the same percentage of tax. If they are unable to agree on the percentage of tax for the zone, the commission shall set the percentage
4. It shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.
5. If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity.
6. It shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development (as defined in the statute) in the zone or in the municipality.
7. It shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.
8. It shall not use any of the room tax revenue to construct or develop a lodging facility.
9. It shall monitor the collection of room taxes from each municipality in the zone that has a room tax.
10. It shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.
11. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.



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TAP 9/8/15



Tourism Entity Overview

Two separate significant changes relating to Tourism Entities in the Wisconsin Room Tax Statute 66.0615 took place in the 2015/16 state legislative sessions. Both changes are incorporated into this Overview in order to provide current guidance on the updated law.

First, in July 2015 with the adoption of WI. Act 55, a municipality imposing a room tax will, as of January 1, 2017, have exactly two choices relating to the oversight of the portion of Room Tax revenue that must be allocated to “tourism promotion and tourism development” (TP&TD). This portion must be given to either a tourism “commission” or a “tourism entity”. There are specific requirements relating to each of these. WH&LA’s “*Tourism Commission Overview*” is covered separately in the *Wisconsin Room Tax Series* resources, and this composition provides an overview for the Tourism Entity.

Second, on March 30, 2016, WI. Act 301 was signed into law providing revisions to the statutory definition of “Tourism Entity” and the composition of its governing body, all of which went into effect immediately.

New Statutory Definition of “Tourism Entity”

(f) "Tourism entity" means a nonprofit organization that came into existence before January 1, 2015, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization exists, a municipality may contract with one of the following entities:

- 1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.*
- 2. A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.*

To provide clarity to this definition, we will address 3 types of organizations that could be eligible to provide tourism promotion and tourism development services for a municipality or Tourism Commission, per 66.0615.

“Tourism Entity”

An existing entity that fits the definition of “Tourism Entity” must have achieved all of the following:

- Official classification by the IRS as a non-profit organization by January 1, 2015 (*Note: governmental agencies have a different classification*)
- Spends a minimum of 51% of the entity’s revenue on tourism promotion and tourism development (as per the statutory definition)
- Provides destination marketing staff and services for the tourism industry in a municipality. (*Note: with this definition, a Tourism Entity may service more than one municipality, and does not need to be located in each municipality it services*).

A Tourism Entity may receive room tax revenue either directly from a municipality or from an appointed Tourism Commission that contracts with them. Regardless of which way they receive their room tax revenue, all of it must be spent on “tourism promotion and tourism development “ as defined in the statute.

If there is no "Tourism Entity" fitting the definition outlined above, a municipality or a tourism commission may contract with one of the following alternate organizations to expend the room tax revenue allocated for tourism promotion and development (TP&TD), as outlined in the statute:

Alternate Nonprofit Organization Option #1 *(Generally a post-January 1, 2015 CVB or Chamber of Commerce)*

This organization would typically be a more recently created convention and visitors bureau (CVB), also sometimes known as a destination marketing organization (DMO), or a chamber of commerce in a dominantly tourist area. The difference between this organization and a "tourism entity" is purely the creation date. The requirements are:

- Official classification by the IRS as a non profit organization (with no date requirement)
- Spends a minimum of 51% of the entity's revenue on tourism promotion and tourism development (as per the statutory definition)
- Provides destination marketing staff and services for the tourism industry in the municipality.

Alternate Nonprofit Organization Option #2 *(Generally an established Chamber of Commerce focusing and spending most of their revenue on the development of multiple industries, but using the room tax revenue received only for TP&TD)*

The difference between this organization, usually a chamber of commerce, and a "tourism entity" is that the majority of their budget is not spent on TP&TD, but all of their room tax revenue is. The requirements are:

- Official classification by the IRS as a nonprofit organization prior to January 1, 2015.
- Spends 100 percent of the room tax revenue it receives on tourism promotion and tourism development (TP&TD) as outlined in the statute.
- Provides destination marketing staff and services for the tourism industry in the municipality

What Requirements Must a Tourism Entity Follow?

Under the state statutes, a Tourism Entity must:

- Expend all of the room tax revenue received on tourism promotion and tourism development (as defined in statute)
- Include in their governing body at least one owner or operator of a lodging facility collecting room tax that is located in the municipality for which the room tax is collected. For a Tourism Entity servicing a "zone" with multiple municipalities, a minimum of four (4) owners or operators of lodging facilities in the zone must be included in the governing body.
- Provide an annual report on the purposes for which the room tax revenues were spent, to each municipality it receives room tax revenue from.

Definition of "tourism promotion and tourism development" (TP&TD):

(fm) "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
2. Transient tourist informational services.
3. Tangible municipal development, including a convention center.

Provided as a service of the **Wisconsin Hotel & Lodging Association**, with review by Legal Counsel. This is not intended, however, to replace individually retained legal advice by a qualified attorney.

For Wisconsin Room Tax resources visit www.WisconsinLodging.org/roomtax

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