

CHAPTER 3

FINANCE AND TAXATION

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3.01 PREPARATION OF TAX ROLL AND TAX RECEIPTS. (1) AGGREGATE TAX STATED ON ROLL. Pursuant to 60.65(2), Wis. Stats., the Clerk-Treasurer shall, in computing the tax roll, insert only the aggregate amount of State, County, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(2) UNIFORM TAX BILLS AND RECEIPTS. The Clerk-Treasurer shall use uniform tax bills and receipts as prescribed by the Department of Revenue under 70.09(3)(a), Wis. Stats. Tax bills shall be mailed to taxpayers or designees and shall include all of the information required by 70.665, Wis. Stats.

3.02 DUPLICATE TREASURER'S BOND ELIMINATED. (1) BOND ELIMINATED. The City elects not to give the bond on the Clerk-Treasurer, provided for by 70.67(1), Wis. Stats.

(2) CITY LIABLE FOR DEFAULT OF CLERK-TREASURER. Pursuant to 70.67(2), Wis. Stats., the City shall pay, if the Clerk-Treasurer fails to do so, all State and County taxes required by law to be paid by such Clerk-Treasurer to the County Treasurer.

3.03 FISCAL YEAR. The calendar year shall be the fiscal year.

3.04 BUDGET (1) DEPARTMENTAL ESTIMATES. Each year, each officer, department and committee shall timely file with the Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the condition and management of such fund, along with detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Clerk-Treasurer and shall be designated as "Departmental Estimates" and shall be as nearly uniform as possible for the main division of all departments for incorporation into the budget document.

(2) PREPARATION PROCEDURE. (a) Budget to Include. Each year the Finance Committee, with the assistance of the Clerk-Treasurer and the appropriate committees, officers and department heads shall prepare and submit to the Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall include the following information.

1. The expense of conducting each department and activity of the City for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommend as compared with appropriations for the current year.

2. An itemization of all anticipated income of the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last fiscal year 1988, State shared taxes and highway aids shall not be considered in the determination of anticipated income (see 70.665, Wis. Stats.).

3. An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

4. Such other information as may be required by the Council and by State law.

(b) Copies for Citizens. The City shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(3) HEARING. The Finance Committee shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council, it shall be deemed to have been regularly introduced therein. The Council shall hold a public hearing on the budget as required by law. Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the Council as other ordinances.

3.05 CHANGES IN BUDGET. The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a 2/3 vote of the entire membership of the Council pursuant to 65.90(5), Wis. Stats. Notice of such transfer shall be given by publication within 10 days thereafter in the official City newspaper.

3.06 CITY FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATIONS. No money shall be drawn from the Treasury of the City nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by sec. 3.05 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

3.07 PAYMENT OF CLAIMS. All claims shall be reviewed by the * City Administrator and approved by the Common Council before payment, except that the City Administrator may without approval of the Common Council make such payments as may be necessary for bond and note payments, payrolls, all state and federal payroll withholdings, health and life insurance premiums, utility bills, interfund transfers, schooling expenses, entry and event fees, postage, COD deliveries, sales tax, reimbursements relative to collections, and any payments relative to programs that have prior approval of the Common Council. (*ORD. No. 98-05 Reg. Mtg. 3/03/98)

3.08 CITY PURCHASES. (1) The * City Administrator shall be the official Purchasing Agent for the City of Prairie du Chien.

(2) With the prior approval of the City Administrator, City department heads shall have the authority to purchase items for use by their departments not to exceed the sum of \$1,000 if the expenditure is for an item or items already approved and contained within the City budget for that department.

(3) The purchase of all items and all public contracts to be entered into, the cost of which exceeds \$1,000 but is less than \$2,500, shall be undertaken only after written approval of the City Administrator, the Mayor, the department head, and the Chairperson of the Standing Council Committee that oversees the department requesting the purchase. In addition, said item(s) and/or contract(s) must be contained within the City budget for that department.

(4) The purchase of any and all items and all public contracts to be entered into, the cost of which exceeds \$2,500 but is less than \$5,000, shall be undertaken only after written approval of the City Administrator, department head, the Chairperson of the Standing Council Committee that oversees the department requesting the purchase, and the Mayor. Further, and prior to said expenditure, the department head must obtain three (3) written quotes for said item(s) and/or contract(s).

(5) All public contracts to be entered into and all items to be purchased, the cost of which exceeds \$5,000, shall be submitted to public bidding and shall not be approved until such bids have been received and considered by the Common Council. However, said bid requirement, if not in violation of Section 62.15, Wis. Stats., or any amendments thereto, may be waived by a 3/4 vote of the Common Council.

(6) In the event of an emergency purchase of any and all items and all public contracts to be entered into, the cost of which does not exceed \$2,500, shall be undertaken only after written approval of the City Administrator, department head of the department requesting the purchase or public contract, and the Mayor.

(7) In the event of an emergency, the purchase of any and all items and all public contracts to be entered into, the cost of which exceeds \$2,500 but less than \$5,000, shall be undertaken only after meeting and written approval of the Standing Council Committee that oversees the department requesting the purchase or public contract. (* ORD No. 98-06 Reg. Mtg. 3-03-98)

3.09 DELINQUENT PERSONAL PROPERTY TAXES. Pursuant to 74.80(2)(a), Wis. Stats., the Council hereby imposes a penalty of 0.5% per month or fraction of a month, in addition to the interest imposed under 74.80(1), Wis. Stats., on any overdue or delinquent personal property taxes.

3.10 *ROOM TAX. (A) DEFINITIONS. (1) **"Hotel"** or **"Motel"** means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges, bed and breakfasts and cabins and any other building or group of buildings in which accommodations are available to the public irrespective of whether membership is required for use of the accommodations, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and association inures to the benefit of any private shareholder or individual and further excluding any accommodations located within a private residence not normally held out to use by the public and which are not used for public accommodations more than ten (10) days in any calendar year.

(2) **"Gross receipts"** has the meaning as defined in Wisconsin Statutes, Section 77.51(4)(a), (b) and (c) insofar as applicable and any amendments thereto.

(3) **"Transient"** means any person, firm, corporation or entity residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. Excluding from the definition of transient shall be all state employees or officials, employees of any state agency, officials or employees of any political subdivision of the state and officials or employees of any municipal corporation provided however, said individual(s) is acting within his/her employment or official capacity.

(B) TAX IMPOSED. Pursuant to Wisconsin Statutes, Section 66.75 or any amendments thereto, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other person, firm, corporation or entities furnishings accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at a rate of 3 1/2% of the gross of receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes Section 77.52(2)(a)1. The proceeds of such tax collected shall be apportioned 75% to the Prairie du Chien Tourism Council for tourism promotion * in the Prairie du Chien area. Out of said 75% , \$2,000.00 of same shall be paid annually to the Chamber of Commerce for the City of Prairie du Chien for tourism promotion, \$1,000.00 shall be annually to the Prairie du Chien Chamber of Commerce for the Bastille Days fireworks or other appropriate celebration and \$4,000.00 annually to the Prairie du Chien Chamber of Commerce for administrative purposes.

The remaining 25% of said proceeds shall remain with the City of Prairie du Chien. From said amount \$4,000.00 shall be paid annually to the Prairie du Chien Chamber of Commerce for administrative purposes. Notwithstanding any of the above and prior to the allocation of any of the above percentages each entity, individual, corporation or partnership that falls under the preview of this Ordinance shall be entitled to take a 2% administration fee from the monies generated by the above referred to tax. (* **ORD. No. 91-5 Reg. Meeting - April 9, 1991**)

(C) TREASURER TO ADMINISTER. This Ordinance shall be administered by the City of Prairie du Chien Clerk/Treasurer. The tax imposed is due and payable within thirty (30) days of the end of each quarter. A return shall be filed with the Treasurer by those furnishing at retail such rooms, lodging or sites within the City on or before the same day on which such tax is due and payable upon a form approved by the City. Every person, firm, corporation or entity required to file such quarterly return shall also file an annual calendar return. Such annual return shall be filed within thirty (30) days of the calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns and shall contain certain additional information as the Treasurer requires. The Treasurer may for good cause extend the time for filing any return but in no event longer than one month from the filing date.

(D) APPLICATION. Every person, firm, corporation or entity furnishing rooms, lodging or sites hereunder shall file with the Treasurer an annual application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Treasurer. At the time of making an application the applicant shall pay the Treasurer a fee of \$10.00 for each permit. The permit is valid only as to the applicant and is not assignable or transferable. All new applications are due with five (5) days of first furnishing rooms, lodging or sites. The application fee above referred to shall be paid on an annual basis, the first year, however, said fee shall be for a period commencing April 1, 1991 to and including June 30, 1992. Thereafter same shall be paid on an annual basis for that period of time commencing July 1 to and including June 30.

(E) LIABILITY ON SALE OF BUSINESS If any person, firm, corporation or entity liable for any amount of tax under this Ordinance sells out his/hers business or stock of goods or quits the business, his/her successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the Treasurer that he/she has paid all tax due hereunder or a certificate stating that no amount is due has been obtained. Any person, firm, corporation or entity who by said purchase becomes subject to the tax imposed by this Ordinance fails to withhold such amount of tax from the purchase price as required, he/she shall become personally liable for payment of the amount required to be withheld by him/her to the extent of the price of the accommodations valued in money.

(F) ANNUAL REPORT OF ROOMS. The Prairie du Chien Tourism Council shall annually file with the Treasurer a list of hotels, motels and sites and regularly

update it for the purpose of maintaining an accurate list of facilities subject to this Ordinance.

(G) AUDITS. The City Treasurer or his agent(s) may, by office audit, determine the tax required to be paid to the City or the refund due to any person, firm, corporation or entity under this Ordinance. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any of the information within the City Treasurer's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

Upon seven (7) days written notice the City Clerk/Treasurer or his agent(s) may, by field audit, determine the tax required to be paid to the City or the refund due to any person, firm, corporation or entity under this Ordinance. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's or his agent(s) possession. The City Treasurer, is authorized to examine and inspect the books, records, memoranda, and property of any person, firm, corporation or entity in order to verify the tax liability of that person, firm, corporation or entity or of another person, firm, corporation or entity. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

(H) FAILURE TO FILE RETURN. (1) If any person, firm, corporation or entity fails to file a return as required by this section, the Treasurer shall determine the tax according to the Treasurer's best judgment on the basis of what amount of taxes the City determines to be due. The Treasurer shall compute and determine the amount required to be paid by the City adding to the sum arrived interest at the rate of 1% per month on the unpaid balance.

(2) If any person, firm, corporation or entity who is subject to the tax imposed by this Ordinance fails to pay the tax due such person, firm, corporation or entity shall be subject to a forfeiture not greater than 25% of the tax due for the previous year or \$5,000.00 whichever amount is less. In addition, all tax due hereunder shall become a lien on the real property from which said tax was derived.

(3) Every person, firm, corporation or entity liable for the tax imposed by this Ordinance shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Treasurer requires.

(I) RETURNS CONFIDENTIAL. (1) All returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the City Treasurer may be divulged only to the following and no others:

(a) The person, firm, corporation or entity who filed the return.

(b) Officers, employees or agents of the City Treasurer.

(2) No person, firm, corporation or entity having administrative duties under this Ordinance shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person, firm, corporation or entity on whom a tax is imposed by this Ordinance, or the amount or source of income, profits, losses, expenditures, or any particulars thereof, set forth or disclosed in any return, or permit any return or copy thereof to be seen or examined by any person, firm, corporation or entity, except as provided herein. Any person in violation of this subsection shall be subject to penalty as set forth below.

(J) PENALTY. Any person, firm, corporation or entity subject to the tax imposed by this Ordinance who fails to obtain a permit as required hereunder or who fails to obtain a permit as required hereunder or who fails or refuses to permit the inspection of his/her records by the City Treasurer after such inspection has been duly requested by the City Treasurer, or who fails to file a return as provided by this Ordinance, or who violates any other provision of this Ordinance, shall upon conviction thereof, and in addition to any other penalty imposed herein, forfeit not less than \$20.00 nor more than \$500.00 and the costs of prosecutions and in default of payment of such forfeiture, be confined to the Crawford County jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for each violation. Each day or portion thereof that such violation continues is hereby deemed to constitute a separate offense. In addition, all money penalties herein prescribed shall become a lien on the real property which is required to be covered by permit hereunder. (*** Regular Meeting -ORD. NO. 91-4 3/5/91**)