



ORDINANCE 2019-04

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 199 THEREOF, ENTITLED TAXATION

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND
HEREBY ORDAINS:

Section 1. Chapter 199, Taxation is modified as follows:

Article III. Lodging Tax

§ 199-20. – Definitions.

- A. **Definitions. The definitions set forth in 30 Del. C. § 6101 (Lodging Tax Definitions) are hereby incorporated by reference.**

§ 199-21. – Levy of Tax; Collection; Payment.

- A. **A local lodging tax is hereby levied of three percent (3%) of the cost of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel or tourist home within the boundaries of the Town of Georgetown, and as defined in 30 Del. C. §6101.**
- B. **The local lodging tax, pursuant to this ordinance, is the responsibility of the occupant of the room and shall be collected at the time the rental is paid. Operators of the hotel, motel or tourist home are responsible for the collection of the local lodging tax and the remittance of the taxes to the Town of Georgetown not later than the fifteenth (15th) day of the month following the month of collection on forms to be prescribed by the Town of Georgetown.**
- C. **The local lodging tax imposed shall be shown on the billing to the occupant as a separate and distinct item.**

§ 199-22. – Late penalty; abatement.

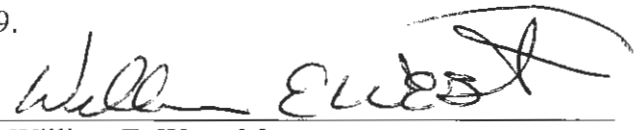
- A. **A penalty at the rate of one and one half percent (1 ½%) per month, or fraction thereof, shall be charged on payment made after the prescribed due date.**

B. Upon written notice and supporting documentation, to the Town of Georgetown, the Town Manager hereby is authorized to abate penalty up to and including the requested amount of abatement, for good cause. The Town Manager is not authorized to abate principal.

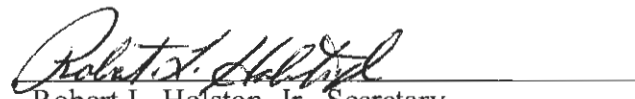
Section 2. The effective date for the provisions in this Ordinance shall be August 1, 2019. Accordingly, operators shall remit to the Town of Georgetown the lodging tax imposed herein for August 2019 no later than September 15, 2019.

Section 3. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the 10th day of July A.D., 2019.



William E. West, Mayor



Robert L. Holston, Jr., Secretary

Synopsis

This ordinance enacts a lodging tax for the Town of Georgetown and outlines the applicability, collection, payment, penalty, and effective date.

1st Reading: June 26, 2019

2nd Reading: July 10, 2019

Adoption: July 10, 2019

FOR INFORMATION ONLY

TITLE 30

State Taxes

Public Accommodation Taxes

CHAPTER 61. LODGING TAX

Subchapter I. Lodging Tax Collection

§ 6101 Definitions.

As used in this chapter:

- (1) "Hotel" means any person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which has at least 6 permanent bedrooms for the use of guests, excluding, however, any charitable, educational or religious institution, summer camp for children, hospital or nursing home.
- (2) "Motel" means any person engaged in the business of furnishing, for a consideration, transient guests with sleeping accommodations, bath and toilet facilities, linen service and a place to park an automobile.
- (3) "Occupancy" means the use or possession or the right to the use or possession by any person other than a permanent resident of any room or rooms in a hotel, motel or tourist home for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.
- (4) "Occupant" means any person other than a permanent resident who for a consideration, uses, possesses or has a right to use or possess any room or rooms in a hotel, motel or tourist home under any lease, concession, permit, right of access, license or agreement.
- (5) "Operator" means any person operating a hotel, motel or tourist home.
- (6) "Permanent resident" means any occupant who has occupied or has the right to occupancy of any room or rooms in a hotel, motel or tourist home for at least 5 consecutive months.
- (7) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits and property or services of any kind or nature and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (8) "Tourist home" means any person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and which has at least 5 permanent bedrooms for the use of tourists or transient guests, but which does not have cooking facilities for the use of tourists or transient guests.