

**LUMPKIN COUNTY RESOLUTION NO. 2011 – 76**

**A RESOLUTION TO AMEND AND RESTATE  
THE LUMPKIN COUNTY HOTEL - MOTEL TAX ORDINANCE**

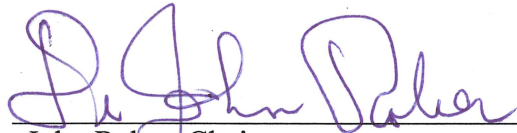
**Whereas**, the governing authority of Lumpkin County adopted by Lumpkin County Ordinance 89.2, as amended December 22, 2003, and as further amended by Lumpkin County Resolution 2005-43, a tax as provided by O.C.G.A. 48-13-51 to be known as the Lumpkin County Hotel-Motel Tax; and,

**Whereas**, this ordinance is now codified as Article IV, Chapter 50, in the Code of Ordinances of Lumpkin County Georgia; and

**Whereas**, the governing authority of Lumpkin County now desires to Amend and Restate said ordinance to ensure that said tax is equally applied as to all taxable entities which for value furnish to the public rooms, lodgings, or accommodations as provided by said Georgia laws;

**Now therefore, it is hereby resolved** that the Lumpkin County Hotel-Motel Tax ordinance attached hereto as Exhibit "A", which is by reference made a part hereof, is adopted and shall be implemented as of the effective date herein set out, and to be collected and returned as provided by law as to all rooms, lodgings or accommodations occupied on or after January 1, 2012.

**Resolved, adopted and effective** this 20<sup>th</sup> day of December, 2011.



John Raber, Chairman  
Lumpkin County Board of Commissioners

Attest:



Kathleen C. Walker  
Clerk, Lumpkin County

**Sec. 50-62. - Purpose.**

The ordinance from which this article is derived is enacted by virtue of the powers provided in O.C.G.A. § 48-13-51. The purpose of this article is to enact an excise tax on rooms, lodgings and accommodations operating in the unincorporated areas of the county.

**Sec. 50-63. - Definitions.**

As used in this article, the following words, terms and phrases shall have the meanings ascribed to them herein, except when the context clearly indicates a contrary meaning.

**Due date** means the 20th day after the close of the monthly period for which tax is to be computed.

**Guestroom** means a room occupied, or intended, arranged, or designed for occupancy, by one or more occupants for the purpose of living quarters or residential use.

**Hotel/motel** means any structure or any portion of structure including any lodging house, studio, hotel, motel, motor hotel, auto court, inn, public club, lodge, tourist camp, tourist cabin or private club containing guestrooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor or otherwise.

**Longterm guest** means any occupant who as of a given date shall have occupied, or has or shall have the right to occupy, any guestroom in a hotel or motel for a period of more than ten consecutive days. Occupancy means the use or possession, or the right to the use or possession, of any room or apartment in a hotel or motel, 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 apartment.

**Occupant** means any person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel or space campground not operated by any government entity

**Operator** means any person operating a hotel/motel (as set out herein) in the unincorporated areas of the county, including, but not limited to, the owner or proprietor of such premises, the lessee, sub lessee, lender in possession, licensee, or any other person otherwise operating such hotel/motel.

**Person** means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural and well as the singular number, excepting, however, the United States of America, the state, and any political subdivision of either thereof upon which the governing authority of the county is without power to impose the tax herein provided.

**Rent** means the considerations or value received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction there from whatsoever. Return means any return filed or required to be filed as herein provided.

**Sec. 50-64. - Penalty and interest.**

The operator, in the event of operator's failure to pay tax when due, shall pay a penalty of 15 percent of the amount due plus interest on the total amount of delinquent taxes at the rate of 8.5 percent per annum.

**Sec. 50-65. - Rate of levy and Applicability.**

There is hereby set and levied on each occupant of a guestroom of any hotel or motel or any camping space in any campground located within the unincorporated area of the county a tax in the amount of five percent of the rent for such occupancy.

1. This article shall apply to, and the tax levied in this article shall be collected upon, the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the county for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings or accommodations are regularly furnished for value.
2. The tax herein imposed shall be paid upon any occupancy occurring on or after May 1, 1989, although such occupancy is had pursuant to a contract, lease, or other agreement entered into prior to such date.
3. No tax shall be levied under this article for the use of meeting rooms.
4. No tax shall be levied under this article for the use of any jail cell, detention center or other building where such housing or detention is under legal restraint.
5. No tax shall be levied under this article for the use of any hospital medical treatment facility.

**Sec. 50-66. - Collection of tax by operator.**

It shall be the duty of every operator of a hotel located within the unincorporated area of the county to collect the tax on occupants as imposed herein.

**Sec. 50-67. - Exemption.**

Notwithstanding any other provision of this article, no tax shall be imposed hereunder upon a long term guest.

**Sec. 50-68. - Registration of operator.**

Every person engaging in or about to engage in business as an operator of a hotel or motel in the unincorporated areas of the county shall immediately register said business with the chief tax assessor of the county on a form provided by the assessor for such purpose. Persons engaged in such business must so register not later than 30 days after the date the resolution from which this article is derived becomes effective, but such grace period for the filing of the registration after the effective date of the tax shall not relieve any person from the obligation of payment or collection of such tax on and after the date of imposition thereof

1. The required registration hereunder shall set forth the name under which the operator transacts business or intends to transact business, the location of his place of business, and such other information as would facilitate the collection of the tax by the tax commissioner.
2. The registration shall be signed by the owner (if a natural person), by an officer (if a corporation) or a partner (if a partnership).
3. A separate registration shall be required for each place of business of an operator.

**Sec. 50-69. - Certificate of taxing authority.**

Upon the registration of an operator as provided in section 50-68, the tax assessor shall issue to such operator without charge a certificate of authority to collect the tax on occupant. Each certificate shall state the name and location of the business to which it relates.

**Sec. 50-70. - Due date and required report.**

1. All taxes levied by this article shall be due and payable to the county tax commissioner monthly on or collected, and payment shall be accompanied by a return for the preceding monthly period showing the gross rent, rent from long term guests, taxable rent, amount of tax collected or otherwise due for a period, and such other information as may be required by the tax commissioner or the governing authority of the county.
2. Not later than the 15th day of each month, the tax commissioner shall transfer to the general county fund such excise taxes as have been paid under the provisions of this article, and such funds shall thereafter at the direction of the commissioner be transferred to the Dahunega-Lumpkin County Chamber of Commerce for the promotion of the tourism industry in the county, or such funds at the direction of the commissioners may be otherwise expended for the purpose of promoting tourism, conventions and trade shows as provided by statute.

**Sec. 50-71. - Collection fee allowed operators.**

Operators collecting the tax levied hereunder shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deduction from state tax under the state sales and uses tax, state laws.