

ANDERSON COUNTY ORDINANCE NO. 97-006

AN ORDINANCE
FOR THE PURPOSE OF ESTABLISHING AN ACCOMMODATIONS FEE
TO APPLY TO ALL ACCOMMODATIONS
LOCATED IN ANDERSON COUNTY, SOUTH CAROLINA
AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Anderson County (the "County") wishes to build and enhance the facilities that serve the tourists and guests who visit the County, and

WHEREAS, Anderson County desires to more strongly support the public services of the County and its municipalities that are available to tourists and guests in order to promote and further encourage tourism in the County, and

WHEREAS, the South Carolina Supreme Court has recently acknowledged and confirmed the authority of the counties of the State of South Carolina under the Home Rule Act, in the cases of Brown vs. Horry County and Williams vs. the Town of Hilton Head, to charge user fees, and

WHEREAS, data reviewed by the County indicates that tourists and guests account for a significant portion, if not the majority of the use of lodging facilities in Anderson County, and further, that the tourist season in Anderson County is no longer limited to the summer but is year-round, and

WHEREAS, Anderson County believes that the imposition of a three percent (3%) accommodations fee upon the rentals of hotels, motels and other lodging establishments in Anderson County that offer accommodations to tourists, can be used for the dedicated purpose of improving services and facilities for tourists.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Anderson County, South Carolina, duly assembled, and by authority of the same as follows:

Section 1 - Definition

- a. Accommodations is defined as any room (excluding meeting and conference rooms), camp ground spaces, recreational vehicle space, lodgings or sleeping accommodations furnished to transients by any hotel, inn, condominium, motel, "bed and breakfast", residence, or any other place in which rooms, lodgings or sleeping accommodations are furnished for consideration within Anderson County, South Carolina. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person or persons or a period of thirty (30) continuous days or longer are not considered proceeds from transients.

b. Anderson County means the County and all of the municipalities within the geographical boundaries of the County.

Section 2 - Accommodations Fee

A uniform fee equal to three percent (3%) is hereby imposed on the gross proceeds derived from the rental of any accommodation within Anderson County.

Section 3 - Payment of Accommodations Fees

Payment of the accommodations fee established herein shall be the liability of the consumer of the accommodations services. The fee shall be paid at the time of delivery of the services to which the fee applies, and shall be collected by the provider of the services. The County shall promulgate a form of return which shall be utilized by the provider of services to calculate the amount of accommodations fees collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of services.

The provider of services shall remit the form, a copy of the State of South Carolina sales tax computation form, and the accommodations fees due on the 20th day of each month, or, when such 20th day falls on a Saturday or Sunday or legal holiday, the first business day thereafter, commencing in July, 1997, to the Anderson County Finance Department, at 101 South Main Street, Anderson, South Carolina 29621 (Post Office Box 8002, Anderson, South Carolina 29622).

Section 4 - Accommodations Fee Special Revenue Fund

An interest-bearing, segregated and restricted account to be known as the "Anderson County Accommodations Fee Special Revenue Fund" is hereby established. All revenues received from the accommodations fee shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this Ordinance.

Section 5 - Distribution of Funds

Anderson County Council shall distribute the accommodations fees collected and placed in the "Anderson County Accommodations Fee Special Revenue Fund" to be used for capital projects and the support of tourism and tourist services in a manner that will best serve the tourists from whom it was collected. It shall be the responsibility of the Anderson County Council to ensure that any and all money expended from the "Anderson County Accommodations Fee Special Revenue Fund" shall be spent to build and operate capital projects and to support tourism and

tourist services in a manner which will serve and attract tourists and benefit those tourists who regularly seek accommodations in Anderson County.

Section 6 - Inspections, Audits and Administration

For the purpose of enforcing the provisions of this Chapter, the Compliance Officer, Finance Officer, or other authorized agent of Anderson County, is empowered to enter upon the premises of any person subject to this Ordinance and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In the event that an audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount of fees determined to be due. All operational and administrative costs associated with the billing and collection of this accommodations fee will be charged to the Special Revenue Fund. The Compliance Officer, Finance Officer, or other authorized agent of Anderson County may make systematic inspections of all accommodations within Anderson County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

Section 7 - Violations and Penalties

It shall be a violation of this Ordinance to:

- a. fail to collect the accommodations fee in connection with the rental of any accommodations to transients,
- b. fail to remit to Anderson County the accommodations fee collected, pursuant to this Ordinance on a monthly basis,
- c. knowingly provide false information on the form of return submitted to Anderson County,
- d. fail to provide books and records to the Compliance Officer, Finance Officer, or other authorized agent of Anderson County, for the purpose of an audit upon twenty four (24) hours' written notice.

The penalty for violation of this Ordinance shall be five percent (5%) per month or any part thereof, charged on the original amount of the accommodations fee due, up to a maximum of 100%. Additionally, violators may be deemed guilty of a misdemeanor, subject to a five hundred (\$500) dollar penalty for violation of this Ordinance. Each day a violation remains in effect shall constitute a separate violation of this Ordinance.

Section 8 - Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 9 - Effective Date

This Ordinance shall become effective immediately, upon third reading, with implementation and collection of the accommodations fee to begin July 1, 1997.

ANDERSON COUNTY

By William A. Floyd
William A. Floyd, Chairman, Anderson County Council

Fred Tolly, Jr.
Fred Tolly, Jr., Council Vice Chairman

Harvie E. Banister
Harvie E. Banister, County Council

Clint Wright
Clint Wright, County Council

Mike Holden
Mike Holden, County Council

Attest:

By: Linda N. Gistly
Clerk to Anderson County Council

First Reading:	February 4, 1997
Second Reading:	February 18, 1997
Public Hearing:	<u>3/4/97</u>
Third Reading:	<u>3/4/97</u>