



ORDINANCE NO. 6043

AN ORDINANCE AMENDING DIVISION 4, UNDER CHAPTER 18 (LICENSES AND BUSINESS REGULATIONS), ARTICLE III (SPECIFIC BUSINESSES AND OCCUPATIONS) OF THE CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO TITLE DIVISION 4 AS "HOTEL LEISURE FEE" AND TO ADOPT PROVISIONS RELATING TO THE HOTEL LEISURE FEE

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and provisions of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, the City of Minot has the authority, through its home rule charter, to adopt, amend, and repeal ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof, including the authority to control its finances and fiscal affairs; and

WHEREAS, the City of Minot has the authority pursuant to state law and its home rule charter to, among other things, impose and collect fees; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1. That Division 4, under Chapter 18 (Licenses and Business Regulations), Article III (Specific Businesses and Occupations), is hereby amended as follows:

DIVISION 4. – HOTEL LEISURE FEE

Sec. 18-82. – Leisure Fee Imposed; Amount.

There is hereby imposed a fee upon the extended stay occupancy of any room or space furnished by a hotel. The fee imposed shall be \$1.00 per day, beginning on the first day of occupancy. The fee shall be paid by the occupant of such room or space. This fee is in addition to any other fee or tax imposed or levied by the city, whether enacted prior thereto or hereafter.

Sec. 18-83. – Definitions.

The following words, terms and phrases are, for the purposes of this division, except where the context clearly indicates a different meaning, defined as follows:

Administrator shall mean the city auditor.

Consideration shall mean the cost of the room in said hotel and shall not include the costs of any food served or personal services rendered to the occupant of such room, not related to the cleaning and readying of such room for occupancy, and shall not include any tax assessed for occupancy thereof by this division or otherwise by the city or by any other governmental entity.

Extended Stay Occupancy shall mean the use or possession or the right to the use or possession of any room or rooms in a hotel for sleeping accommodation for any period of time for thirty (30) or more consecutive days.

Hotel shall mean any hotels and motels licensed as a lodging establishment by the State of North Dakota under Chapter 23-09 of the North Dakota Century Code.

Occupant shall mean anyone who, for a consideration, uses, possesses or has a right to use or possess any room or rooms used for sleep under any lease, concession, permit, right of access, license, contract or agreement.

Person shall mean any individual, company, corporation or association owning, operating, managing or controlling any hotel.

Sec. 18-84. – Purpose and Proceeds.

- (a) The purpose of this division is to raise funds dedicated to the promotion of conventions in and visitors to the City of Minot through the operation of a convention and visitors bureau.
- (b) The net proceeds of the fee imposed by this division (that is, the gross proceeds less the reasonable costs of administration) shall be used for the operation of a convention and visitor's bureau.

Sec. 18-85. – Duty to Collect Leisure Fee.

The owner (which term shall include the plural "owners") of a hotel located within the City of Minot, or such person (which shall include the plural "persons") as may be delegated by the owner, shall collect the fee imposed in section 18-82 hereof with respect to the operation of such hotel from the patrons thereof. Provided that, however, the delegation of the duties imposed in this section or elsewhere in this division by the hotel owner to another person shall not constitute a defense to any proceedings brought against the owner pursuant to this section or section 18-89 to collect the fee imposed by this division, including any delinquent portion thereof, plus penalty and interest, if any. The fee imposed in this division and any penalty or interest shall constitute a debt of the owner of the hotel to the City of Minot, whether collected from the hotel patrons or not, and it may be collected by the City of Minot through an appropriate civil action.

Sec. 18-86. – Reports; When Leisure Fee Due.

Monthly, on or before the last day of the next succeeding month, the person required or authorized in section 18-85 hereof to collect the fee imposed herein shall pay the entire fee due with respect to the operation of the hotel during the prior month to the administrator. In addition, the person shall file with the fee payment a report showing the extended stay occupancies in the preceding month, the amount of the fee collected on such occupancies, and any other information as the administrator may reasonable require. The administrator will then remit (after deducting appropriate administrative expenses if the same are authorized pursuant to section 18-88 hereof) the fee proceeds to the city treasurer to be deposited in a special fund of the city to be known as the "hotel leisure fee fund."

Sec. 18-87. – Rules and Regulations.

The administrator shall have the power to make such rules and regulations as are necessary to effectively collect the fee imposed herein, and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this division and the amount of fees due under the provisions of this division.

Sec. 18-88. – Administration of Leisure Fee.

The city auditor shall have the responsibility of administering the leisure fee imposed in this division.

Sec. 18-89. – Penalties, Criminal and Civil.

- (a) *Criminal penalties.* Any person, whether as principal, accomplice or coconspirator (1) who willfully fails (a) to file a report as required herein or (b) to pay to the administrator the fee imposed herein, when said report or payment is due, or (2) who files a false report with the intent to evade in whole or in part the fee imposed herein, shall be punished by a fine not to exceed one thousand five hundred dollars (\$1,500.00) or imprisonment for thirty (30) days, or both.
- (b) *Civil penalties.* Delinquent payment of fees, that is, any portion of the fee which is not timely paid on the due date, whether by nonfiling, or by underreporting of liability, or otherwise, shall draw interest at the rate of nine (9) per cent per annum from the due date, and in addition, the administrator shall assess a penalty equal to the greater of (1) fifty dollars (\$50.00) or (2) five (5) per cent of the amount of the fee found to be delinquent, which penalty shall immediately become due and payable as additional fee, (provided that, however, no interest shall be payable with respect to such penalty).

Sec. 18-90. – Severability Provisions.

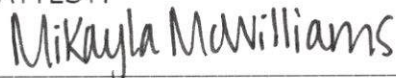
If any section, clause, paragraph, or provision of this division shall be held unconstitutional or void, then the invalidity of such section, clause, paragraph, or provision shall not affect the other provisions of this division, and the same shall remain in full force and effect.

§2. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: December 16, 2024

PASSED SECOND READING: January 6, 2025

ATTEST:



Mikayla McWilliams, City Clerk

APPROVED:



Thomas Ross, Mayor