



ORDINANCE NUMBER 31-2015

AN ORDINANCE AMENDING THE CITY OF GREER CODE OF ORDINANCES TO ADD A SECTION CREATING AN ACCOMMODATIONS TAX ADVISORY COMMITTEE, ESTABLISHING GUIDELINES AND PROCEDURES THEREFORE

WHEREAS, section 6-4-25 of the State of South Carolina Code of Laws, as amended, sets forth the requirements for municipalities to create an Accommodations Tax Advisory Committee; and,

WHEREAS, The City of Greer has satisfied the requirements detailed in section 6-4-25 of the State of South Carolina Code of Laws, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Greer, South Carolina that the City of Greer Code of Ordinances be amended as follows to create the City of Greer Accommodations Tax Advisory Committee:

PURPOSE

- (A) The purpose of this subchapter is to create the Accommodations Tax Advisory Committee, hereinafter referred to as "Committee", which shall make recommendations to City Council on, and establish guidelines for, the granting of 65% of the state accommodations funds.
- (B) These funds shall hereinafter be referred to as "program funds" and shall be used strictly for tourism related activities within and for the city.

COMPOSITION; TERMS OF OFFICE

- (A) The Committee shall consist of seven members: four of whom shall represent the hospitality industry, with two of those four being from the lodging sector; one shall represent a cultural organization; and two shall represent the general public. All members shall be City of Greer residents or own/operate a business within the corporate limits of the City of Greer.
- (B)
 - (1) The term of each office held by a Committee member shall be three years. The City Council, by majority vote, shall elect each Committee member.
 - (2) Appointments shall be made no later than December 31 of the year in which the term expires.
 - (3) After the initial terms expire, all appointments thereafter shall be for a period of three years.

MEETINGS; RULES OF PROCEDURE

- (A) The Committee shall meet as needed, establishing its own rules of procedure. Minutes of the meetings shall be recorded with a copy to be filed with the Municipal Clerk and a copy to be submitted to the City Council.
- (B) The Committee shall vote on Chair and Vice-Chair annually, with the appointment to take place no later than March 1 of each year.

POWERS AND DUTIES

- (A) The Committee shall publish in the local newspaper an advertisement stating the amount of funds available for distribution, the guidelines to be used in applying for the funds, and the date when the applications are due.
- (B) The Committee, after reviewing applications and hearing from the applicants if needed, shall vote on the granting of the program funds, applying guidelines as set forth in this subchapter.
- (D) The Committee shall submit to the City Administrator its recommendations to City Council.

RECOMMENDATION TO COUNCIL

The Committee shall submit its recommendations to City Council on the granting of program funds no later than April 30 of each year.

PROGRAM FUNDS; DISTRIBUTION

- (A) Sixty-five percent of the accommodations taxes received from the state, plus any interest earned, shall be placed in a special designated account until the time as the funds are distributed. Any funds not distributed for the fiscal year shall be carried over for redirection by the Committee, in addition to the next fiscal year's funds for distribution. If the funds have not been redirected by the Committee 30 days prior to their extinction dates, City Council shall expeditiously direct appropriate expenditure of these funds without the Committee's recommendation.
- (B) (1) Entities or individuals applying for program funds must either be a nonprofit organization or representing a nonprofit organization. It is not necessary for the applicant to have a 501(c)(3) Internal Revenue status to receive funds, but must be able to prove to Committee, if requested, that it is not a for-profit business.
- (2) All requests for funding shall be tourism-related which include the following:
 - (a) Advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;
 - (b) Promotion of the arts and cultural events;
 - (c) Construction, maintenance and operation of facilities for civic and cultural activities, including construction and maintenance of access and other nearby roads and utilities for the facilities;
 - (d) The criminal justice system, law enforcement, fire protection, solid waste collection and health facilities when required to serve tourists and tourist facilities. The expenditure under this section must meet the following requirements:
 - 1. The expenditure must be for items that would normally not be provided by the city (i.e. if the item would be required even if the

- city had no tourist activity, then tourism related funds may not be used to pay for the expenditure);
2. The city must have a high concentration related to this tourism activity; and
 3. The amount of the expenditure must be based on the estimated percentage of costs attributable to tourism.
- (e) Public facilities, such as restrooms, dressing rooms, parks, and parking lots;
 - (f) Tourist shuttle transportation;
 - (g) Control and repair of waterfront erosion, including beach re-nourishment; and
 - (h) The operating of visitor information centers.
- (3) Under the state statute, in order to qualify as a “tourism-related expenditure” an expenditure must meet the following two tests:
- (a) The expenditure must be used to attract or provide for tourists.
 - (b) The expenditure cannot be used for an item that would normally be provided by the city.
- (4) (a) In order to qualify, applicants must provide a 25% match in funds. In-kind labor and contributions can be used toward the match.
- (b) Proof of the match must be submitted at the time of the submission of the application.
- (5) Applicants must provide a budget showing revenues and expenditures when submitting their applications.
- (6) Applicants must provide names of all members of their board, commissions or committee when submitting their applications.
- (7) Applicants must provide a list of other projects in which they have been involved.
- (8) Applicants must submit a closing report with actual revenues and expenditures before July 1 of the following year of the receipt of funds.


VIOLATION

Any violation of the guidelines by the applicant shall result in the following:

- (A) All funds received by the applicant shall be immediately returned to the city.
- (B) The applicant shall be prohibited from applying for future program funds.

This Ordinance shall become effective immediately upon second reading approval thereof.

CITY OF GREER, SOUTH CAROLINA


Richard W. Danner, Mayor

Attest:

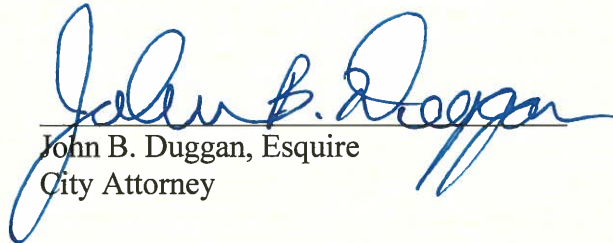

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wayne Griffin

First Reading: November 10, 2015

Second and
Final Reading: November 24, 2015

Approved as to Form:


John B. Duggan, Esquire
City Attorney
