

NORTHAMPTON COUNTY COUNCIL - EASTON, PA

Ordinance No. 630

SESSION 2018

Bill No. 717

Introduced by Matthew H. Dietz and John Cusick on February 1, 2018

Enacted February 16, 2018

Effective March 18, 2018

Title:

AN ORDINANCE REPEALING NORTHAMPTON COUNTY ORDINANCE NO. 628-2017 THE ORDINANCE TITLED, "AN ORDINANCE OF NORTHAMPTON COUNTY COUNCIL PURSUANT TO THE HOTEL ROOM RENTAL TAX ACT OF THE COMMONWEALTH OF PENNSYLVANIA (16 P.S. 1770, ET SEQ.) AND THE TOURIST PROMOTION LAW OF THE COMMONWEALTH OF PENNSYLVANIA (73 P.S. 401, ET SEQ.) AND ORDINANCE NUMBERS 359 OF 2000 AND 440 OF 2005 DETERMINING THAT DA VINCI SCIENCE CENTER, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY, ENGAGE IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY AND THEREFORE DIRECTING A PORTION OF THE NORTHAMPTON COUNTY ANNUAL ALLOCATION OF 12.5% OF THE REVENUE GENERATED BY THE HOTEL ROOM RENTAL TAX ACT AND NORTHAMPTON COUNTY ORDINANCES 359 OF 2000 AND 440 OF 2005 TO BE DISTRIBUTED TO DA VINCI SCIENCE CENTER FOR THE DA VINCI SCIENCE CITY PROJECT LOCATED IN EASTON, PENNSYLVANIA, IN ACCORDANCE WITH THIS ORDINANCE"

WHEREAS, Ordinance No. 628-2017 was adopted on December 7, 2017 and became effective on January 12, 2018 and reads as follows:

AN ORDINANCE OF NORTHAMPTON COUNTY COUNCIL PURSUANT TO THE HOTEL ROOM RENTAL TAX ACT OF THE COMMONWEALTH OF PENNSYLVANIA (16 P.S. 1770, ET SEQ.) AND THE TOURIST PROMOTION LAW OF THE COMMONWEALTH OF PENNSYLVANIA (73 P.S. 401, ET SEQ.) AND ORDINANCE NUMBERS 359 OF 2000 AND 440 OF 2005 DETERMINING THAT DA VINCI SCIENCE CENTER, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY, ENGAGE IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY AND THEREFORE DIRECTING A PORTION OF THE NORTHAMPTON COUNTY ANNUAL ALLOCATION OF 12.5% OF THE REVENUE GENERATED BY THE HOTEL ROOM RENTAL TAX ACT AND NORTHAMPTON COUNTY ORDINANCES 359 OF 2000 AND 440 OF 2005 TO BE DISTRIBUTED TO DA VINCI SCIENCE CENTER FOR THE DA VINCI SCIENCE CITY PROJECT LOCATED IN EASTON, PENNSYLVANIA, IN ACCORDANCE WITH THIS ORDINANCE

WHEREAS, pursuant to the Hotel Room Rental Tax Act P.L. 307 of 2000, 16 P.S. Section 13211, et seq., now 16 P.S. 1770, et seq. the County of Northampton, a Third Class County, enacted Ordinance No.

359 of 2000, effective October 8, 2000 and Ordinance No. 440 of 2005, effective October 2, 2005; and

WHEREAS, Act 12 of 2005, enacted by the Pennsylvania General Assembly and approved by the Governor effective sixty (60) days from July 5, 2005 authorizes by Section 1770.8 (16 P.S. 1770.8) the County of Northampton to impose a Hotel Room Rental Tax by Ordinance at the rate of four (4%) percent and provides for the distribution of such tax monies; and

WHEREAS, Ordinance No. 359 of 2000 established the Hotel Room Rental Tax and thereafter Ordinance No. 440 of 2005 effective October 2, 2005 increased the Hotel Room Rental Tax Act from 3.5% to 4% and restructured the distribution of the tax collected for Northampton County purposes to its current level as follows:

a) 68.75% to the Northampton County Regional Tourist Promotion Agency (Lehigh Valley Convention and Visitor Bureau, Inc. "LVCVB").

(b) 18.75% to be retained by Northampton County for further development of tourism facilities; community development initiatives, which will enhance regional tourism.

(c) 12.5% for future development of facilities and for marketing purposes within Northampton County to enhance regional tourism.; and

WHEREAS, pursuant to Section 1770.8 of the Hotel Room Rental Tax Act pertaining to counties of the Third Class, Northampton County has retained 12.5% of the funds collected in Northampton County for the further development of facilities and for marketing purposes within Northampton County to enhance regional tourism; and

WHEREAS, Northampton County Council has determined that the Da Vinci Science Center was a not-for-profit corporation whose activities enhance regional tourism and are therefore qualified to receive revenues generated by the Hotel Room Rental Tax Act.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by Northampton County Council, that:

1. The foregoing "whereas" provisions are incorporated as though set forth in their entirety.

2. All the definitions and provisions of the Hotel Room Rental Tax Act of the Commonwealth of Pennsylvania (16 P.S. 1770, et seq.) as amended are incorporated in their entirety.

3. Ordinance No. 359 of 2000 effective October 8, 2000 and Ordinance No. 440 of 2005 effective October 2, 2005 and the requirements of the Hotel Room Rental Tax Act of the Commonwealth of Pennsylvania are hereby incorporated in their entirety.

4. Northampton County Council hereby designates its 12.5% of revenues received under Ordinance No. 440 of 2005 to be distributed on an annual basis to the Da Vinci Science Center as follows:

- a. Two hundred and fifty thousand dollars (\$250,000) a year shall be allocated to the Da Vinci Science Center for the Da Vinci Science City project in Easton, Pennsylvania, until a total of ten million dollars (\$10,000,000) is reached. Thereafter the funding shall cease.
- b. It shall be expressly understood that the allocation of funding outlined in paragraphs 4.a. shall be subject to an annual review by County Council during the annual Northampton County budget review process.
- c. The Northampton County Council hereby requires as a condition of the aforementioned grant funding that the Da Vinci Science Center shall provide the Northampton County Council and the County Executive with a written annual report which shall include, but not necessarily be limited to, the revenues received from the Northampton County hotel tax, the manner in which those revenues were used, and a status report on the respective projects.

5. This Ordinance shall be administered by the Northampton County Executive subject to the powers of the Northampton County Council under Section 1.2-202 of the Northampton County Home Rule Charter (348 Pa. Code 1.2-202(1)) to adopt and repeal Ordinances as well as under its other powers and duties.

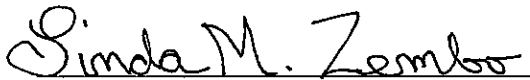
6. The Controller of Northampton County shall annually audit the funds distributed to assure that they are committed and expended for the enhancement of regional tourism by the beneficiary, the Da Vinci Science Center, for the benefit of Northampton County.

7. Any Ordinance or any part of any other ordinance conflicting with the provisions of this Ordinance is hereby repealed.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Northampton County Council that Ordinance No. 628-2017, the ordinance titled, "AN ORDINANCE OF NORTHAMPTON COUNTY COUNCIL PURSUANT TO THE HOTEL ROOM RENTAL TAX ACT OF THE COMMONWEALTH OF PENNSYLVANIA (16 P.S. 1770, ET SEQ.) AND THE TOURIST PROMOTION LAW OF THE COMMONWEALTH OF PENNSYLVANIA (73 P.S. 401, ET SEQ.) AND ORDINANCE NUMBERS 359 OF 2000 AND 440 OF 2005 DETERMINING THAT DA VINCI SCIENCE CENTER, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY, ENGAGE IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY AND THEREFORE DIRECTING A PORTION OF THE NORTHAMPTON COUNTY ANNUAL ALLOCATION OF 12.5% OF THE REVENUE GENERATED BY THE HOTEL ROOM RENTAL TAX ACT AND NORTHAMPTON COUNTY ORDINANCES 359 OF 2000 AND 440 OF 2005 TO BE DISTRIBUTED TO DA VINCI SCIENCE CENTER FOR THE DA VINCI SCIENCE CITY PROJECT LOCATED IN EASTON, PENNSYLVANIA, IN ACCORDANCE WITH THIS ORDINANCE" is hereby repealed, on the effective date of this ordinance.

This ordinance was advertised on the 4th day of February 2018 and was adopted by the Northampton County Council on the 15th day of February 2018.

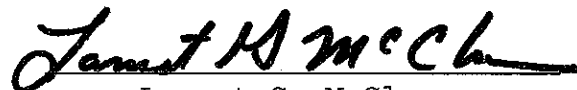
Attest:



Linda M. Zembo
Clerk to Council

Kenneth M. Kraft

Kenneth M. Kraft
County Council President



Lamont G. McClure
County Executive