

NORTHAMPTON COUNTY COUNCIL - EASTON, PA

Ordinance No. 680

SESSION 2019

Bill No. 771

Introduced by Tara M. Zrinski and Robert F. Werner on November 21, 2019

Enacted December 12, 2019

Effective January 11, 2019

Title: 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 ARTSQUEST, A NOT-FOR-PROFIT CORPORATION WITHIN NORTHAMPTON COUNTY THAT ENGAGES IN TOURISM RELATED ACTIVITIES THAT BENEFIT NORTHAMPTON COUNTY, AND THEREFORE DIRECTING TWO MILLION DOLLARS (\$2,000,000) 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 AT A RATE OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) A YEAR OVER A TEN (10) YEAR PERIOD TO ARTSQUEST 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; and

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

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 ArtsQuest is 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 two million dollars (\$2,000,000) of its 12.5% of revenues received under Ordinance No. 440 of 2005 to be distributed at a rate of two hundred thousand dollars (\$200,000) a year over a ten (10) year period to ArtsQuest. These payments should start in the year 2021.

5. The Northampton County Council hereby requires as a condition of the aforementioned grant funding that ArtsQuest shall each 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.

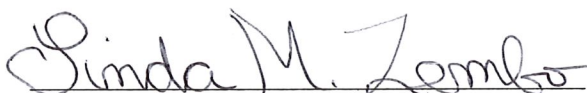
6. This Ordinance shall be administrated by the Northampton County Executive subject to the powers of the Northampton County Council under Section 1.2-202 of the Northampton County Home Rule Charter (348 Pa. Code 1.2-202(1)) to adopt and repeal Ordinances as well as under its other powers and duties.

7. 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 beneficiaries ArtsQuest for the benefit of Northampton County.

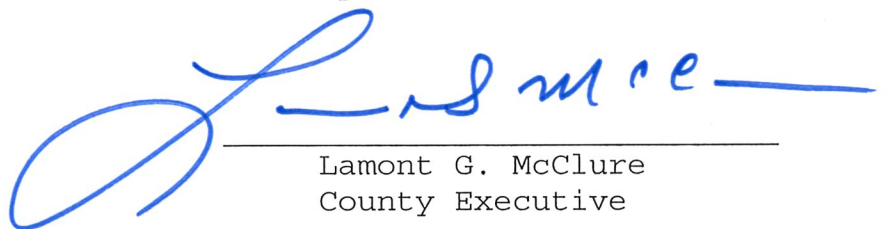
8. Any Ordinance or any part of any other ordinance conflicting with the provisions of this Ordinance is hereby repealed.

This Ordinance was advertised on the 24th day of November 2019 and was enacted and adopted by the Northampton County Council on the 5th day of December 2019.

ATTEST:


Linda M. Zembo
Clerk to Council

Ronald R. Heckman
Ronald R. Heckman
County Council President


Lamont G. McClure
County Executive