

City of Sutter Creek

18 Main Street

Sutter Creek, CA 95685

209-267-5647

www.cityofsuttercreek.org

RECEIVED: _____

FEE PAID: _____

Submission Requirements

1- Application*

2- Map*

3- Fees (*Refer to current fee schedule. All Fees must be paid at City Hall*)

**All documentaion must be submitted via the application portal on the City website*

CONDITIONAL USE PERMIT APPLICATION

Page 1 of 1

Project Applicant: _____

Project Address: _____

Phone: _____ Email: _____

APN: _____ Is this located in the Historic District? Yes ☐ No ☐

If yes, please see checklist for Design Review.

Property Owner:

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Is this person the project contact? If not, please specify who the contact person is.

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Description of work to be performed: (*please provide a detailed desription using the back if necessary*)

Decription of Property: _____

Proposed Use of Property: _____

Describe how land is being used currently on adjacent parcels

North: _____

East: _____

South: _____

West: _____

Additional Information: _____

CITY OF SUTTER CREEK

Initial Registration of Hotel, Inn, Vacation Rental or B&B

Finance Department, 18 Main Street, Sutter Creek, CA 95685

Telephone: (209) 267-5647

In accordance with Chapter 4.16 of the Sutter Creek Municipal Code, a copy of which is attached to this application, all hotel, inn, vacation rentals and bed and breakfast owners must register with the City of Sutter Creek. This process does not eliminate the requirements to obtain other licenses and/or permits required under other laws by the City of Sutter Creek or any other agency.

Name of Owner _____

Name of Hotel _____

Address of Hotel _____

Anticipated Start Date _____

Number of Rooms _____

CONTACT INFORMATION IF DIFFERENT THAN ABOVE:

Name / Title of Person to Receive Notices: _____

Business Mailing Address: _____

The signature of the individual (HOTEL, INN, or VACATION RENTAL OWNER) shown below, indicates under penalty of perjury that the information submitted on this form is true and correct. Further, it is acknowledged that a current copy of Chapter 4.16 Transient Occupancy Tax – Sutter Creek Municipal Code has been received, read, and understood. Further, it is understood by the HOTEL OPERATOR that the Tax Administrator has established a monthly requirement for the submittal and reporting of all Transient Occupancy Taxes. The person who has signed below represents that they are authorized to execute this application.

SIGNATURE

DATE

PRINTED NAME

TITLE

PHONE NUMBER

Chapter 4.16 - UNIFORM TRANSIENT OCCUPANCY TAX^[9]

Footnotes:

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Editor's note— Prior to reenactment by Ord. 351, Ord. 320 §1, adopted June 18, 2007, repealed Ch. 4.16, §§4.16.010—4.16.140, which pertained to transient occupancy tax and derived from Ord. 188 §1, adopted 1976; Ord. 291 §1, adopted 2001; Ord. 302 §§1—7, adopted 2004.

4.16.010 - Title.

The ordinance codified in this chapter shall be known as the "Uniform Transient Occupancy Tax Ordinance of the City of Sutter Creek."

(Ord. 351 §1, 2014)

4.16.020 - Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

- A. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming-house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.
- B. "Occupancy" means the use of, possession, or the right to the use or possession of any room or rooms or portion thereof in any hotel for dwelling, lodging or sleeping purposes.
- C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent is also considered "operator" for the purposes of this chapter and has the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered compliance by both.
- D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.
- F. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel is a "transient" until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a "transient," uninterrupted periods of time extending both prior and subsequent to August 1, 1976, may be considered.

(Ord. 351 §1, 2014)

4.16.030 - Imposition—Rate.

For the privilege of occupancy in any building designed for, or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in a hotel, inn, tourist home or house, motel, or lodging of any kind unless the occupancy is for any period of more than thirty days, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator of the establishment at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the establishment. If, for any reason, the tax due is not paid to the operator of the establishment, the tax collector may require that such tax shall be paid directly to the tax collector.

(Ord. 351 §1, 2014)

4.16.040 - Exemptions.

No tax shall be imposed upon:

- A. Any person whom, or any occupancy which, it is beyond the power of the city to impose the tax herein provided;
- B. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax collector.

(Ord. 351 §1, 2014)

4.16.050 - Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Ord. 351 §1, 2014)

4.16.060 - Registration.

Within thirty days after August 1, 1976, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel with the tax collector and obtain from him a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. This certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;

- D. "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax ordinance by registering the hotel with the tax collector and remitting the tax to the tax collector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit."

(Ord. 351 §1, 2014)

4.16.070 - Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax collector, make a return to the tax collector, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax collector. The tax collector may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax collector.

(Ord. 351 §1, 2014)

4.16.080 - Delinquency and fraud—Penalties and interest.

- A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.
- B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.
- C. Fraud. If the tax collector determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B herein.
- D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties from the date on which the remittance first became delinquent until paid.
- E. Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section become a part of the tax herein required to be paid.

(Ord. 351 §1, 2014)

4.16.090 - Failure to collect and report tax—Tax collector estimate authorized when.

If any operator fails to or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of this tax or any portion thereof required by this chapter, the tax collector shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the tax collector shall procure such facts and information as

he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax collector for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax collector become final and conclusive and immediately due and payable. If such application is made the tax collector shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax collector shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 4.16.100.

(Ord. 351 §1, 2014)

4.16.100 - Appeal.

Any operator aggrieved by any decision of the tax collector with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The finding of the council shall be final and conclusive and be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 351 §1, 2014)

4.16.110 - Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax collector shall have the right to inspect at all reasonable times.

(Ord. 351 §1, 2014)

4.16.120 - Refunds.

- A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections B and C, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax collector within three years of the date of payment. The claim shall be on forms furnished by the tax collector.
- B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the tax collector that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the

amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

- C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A, but only when the tax was paid by the transient directly to the tax collector, or when the transient, having paid the tax to the operator, establishes to the satisfaction of the tax collector that the transient has been unable to obtain a refund from the operator who collected the tax.
- D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

(Ord. 351 §1, 2014)

4.16.130 - Actions to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter is liable to an action brought in the name of the city for the recovery of such amount.

(Ord. 351 §1, 2014)

4.16.140 - Violation—Penalty.

The penalty for violations of this chapter shall be as prescribed in Section I of City of Sutter Creek Ordinance No. 170 codified at Ch. 1.16, and Section VI of City of Sutter Creek Ordinance No. 184.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax collector, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of a misdemeanor and is punishable as aforesaid.

(Ord. 351 §1, 2014)

☐ RENEWAL

☐ NEW BUSINESS

City of Sutter Creek



"Still Rich in Beauty"

Return to:

CITY OF SUTTER CREEK
18 Main Street
Sutter Creek, CA 95685
(209) 267-5647

BUSINESS LICENSE APPLICATION

PLEASE TYPE OR PRINT.

BUSINESS NAME		
BUSINESS ADDRESS (COMPLETE ADDRESS, CITY, STATE, ZIP)		ASSESSOR PARCEL NUMBER
BUSINESS TELEPHONE	OWNER'S TELEPHONE	DATE BUSINESS STARTED IN SUTTER CREEK
BUSINESS OWNER	BUSINESS EMAIL ADDRESS	BUSINESS WEBSITE
BUSINESS OWNER'S HOME ADDRESS (COMPLETE ADDRESS, CITY, STATE, ZIP)		OWNER'S SOCIAL SECURITY NUMBER
TYPE OF APPLICATION <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LLC <input type="checkbox"/> CORPORATION (LIST ALL PARTNERS) (LIST OFFICERS & TITLES)		ATTACH SEPARATE LIST IF NECESSARY
<hr/>		
NAME / TITLE	COMPLETE ADDRESS	(AREA CODE) PHONE
<hr/>		
NAME / TITLE	COMPLETE ADDRESS	(AREA CODE) PHONE
<hr/>		
NAME / TITLE	COMPLETE ADDRESS	(AREA CODE) PHONE
<hr/>		
RESALE NUMBER (BOARD OF EQUALIZATION)	STATE EMPLOYER I.D. #	FEDERAL EMPLOYER I.D. NUMBER

MAILING INFORMATION:

NAME

ADDRESS

CITY, ST, ZIP

ANNUAL \$174.00

SEMI-ANNUAL \$89.00

ONE TO THIRTY DAYS...\$30.00

CA DISABILITY ACCESS FEE PER AB1379 OF \$4.00 IS INCLUDED WITH THE FEES ABOVE.

SIX MONTH PERIOD EITHER JAN-JUN OR JULY-DEC.

WE DO NOT PRORATE.

PLEASE FILL IN APPROPRIATE SPACES:

NUMBER OF EMPLOYEE'S INCLUDING OWNER.

____ NUMBER OF PROFESSIONALS, _____ NUMBER OF ASSISTANTS OR EMPLOYEES

_____ NUMBER OF UNITS (ROOMS, APTS., BEDS, SPACES, VEHICLES, TABLES, CHAIRS, ETC.)

NUMBER OF RENTALS (AUTO, TRAILERS, PLANES, ETC.)

OTHER _____

TYPE OF BUSINESS (GIVE FULL DESCRIPTION)

AFFIDAVIT: I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE REPORTED INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE BEEN GIVEN A SIGN PERMIT APPLICATION AND I WILL COMPLY WITH ALL PROVISIONS OF THE CITY OF SUTTER CREEK SIGN ORDINANCE.

SIGNATURE:

AVOID PENALTIES – FILE PROMPTLY

ALL BUSINESSES ARE SUBJECT TO AUDIT

OFFICE USE ONLY

RECEIVED BY _____ DATE _____

AMOUNT _____ RECEIPT # _____ CASH ☐ CHECK ☐

SIC CODE _____

OCCUPANCY PERMIT

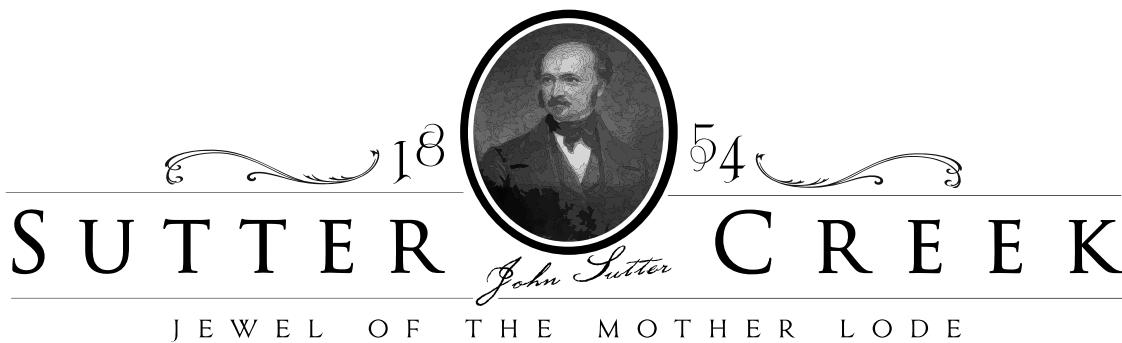
USE PERMIT

ZONING COMPLIANCE

POLICE CLEARANCE

APPROVED

DENIED



Short-Term Vacation Rental Safety Compliance

As a condition of the Conditional Use Permit the Owner/Operator certifies that the rental property will be and will remain in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws. It is the property Owner's responsibility to know and comply with these laws, as they may change during the life of the permit.

By signing, the property Owner certifies that the rental property will meet all safety standards required by law.

The issued Conditional Use Permit is a privilege and violating the conditions more than three (3) times will result in the City revoking the permit.

Owner Name

Date

Owner Signature

Property Address