

BOARD OF COMMISSIONERS,  
COUNTY OF YORK  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE 2001-08

AMENDMENT TO YORK COUNTY CODE AMENDING SECTION 107-4 AND ADDING A NEW SECTION

AN ORDINANCE AMENDING SECTION 107-4 OF THE YORK COUNTY CODE INCREASING THE HOTEL EXCISE TAX FROM TWO (2) TO THREE (3) PER CENT

1. Chapter 107, Taxation, Section 107-4.A Imposition of tax, is amended to increase the tax to 3%. The amended Subsection reads as follows:

A tax of 3% is hereby imposed on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. 1% of the tax shall be used for tourism, convention promotion, and tourism development projects and activities detailed in a Memorandum of Agreement between the County and the York County Convention and Tourist Bureau, previously executed, and modified or amended.

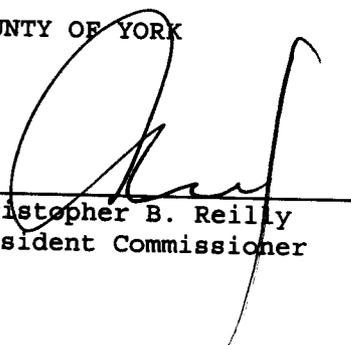
2. This amendment shall take effect on February 1, 2002.

Ordained and enacted this 26th day of December, 2001.

ATTEST:

COUNTY OF YORK

  
Charles R. Noll  
Administrator/Chief Clerk

  
Christopher B. Reilly  
President Commissioner

(SEAL)

The above Ordinance was ordained, enacted, and adopted this 26th day of December, 2001 at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of James Donahue and seconded by Shirley Glass and passed with a vote of 3 yes and 0 no.

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT, reached the 12<sup>th</sup> day of December, 2001, by and between the County of York, Pennsylvania, hereinafter referred to as "County", and the York County Convention and Visitors Bureau, hereinafter referred to as "Bureau";

WITNESSETH:

WHEREAS, the County has designated the Bureau as the recognized tourist promotion agency for York County; and

WHEREAS, the County has enacted a Hotel Excise Tax Ordinance, hereinafter referred to as "Ordinance", to fund countywide tourist promotion; and

WHEREAS, under the provisions of the Ordinance the County collects the Hotel Excise Tax, hereinafter referred to as "Tax", and distributes all Tax revenues received to the Bureau, less administrative costs; and

WHEREAS, the Bureau is required under the provisions of 16 P.S. Section 1770.2(c) to use two-thirds of Tax revenues to directly fund countywide tourist promotion activities, and to use one-third of the Tax revenues for the purposes of tourism, convention promotion, and tourism development; and

WHEREAS, the County and Bureau jointly desire to identify tourism, convention promotion, and tourism development projects and activities for funding with Tax revenues; and

NOW, THEREFORE, it is understood and agreed by all parties, intending to be legally bound, as follows:

1. Recitals Incorporated.

The recitals set forth above are incorporated herein by reference.

2. Representations of the County.

A. The County will increase the Tax from its present two (2) per cent rate to the three (3) per cent rate authorized under the provisions of 25 P.S. Section 1770.2(a).

B. The County will distribute Tax revenues collected to the Bureau to be used for countywide tourist promotion and tourism, convention promotion, and tourism development.

3. Representations of the Bureau

A. The Bureau has reviewed and agrees to officially designate the following County activities as County tourism, convention promotion, and tourism development projects and activities eligible for funding with Tax revenues:

i. Projects and activities of the York County Bicentennial Committee; and

ii. Projects and activities of the York County Heritage Trust; and

iii. Projects and activities of the Maryland and Pennsylvania Railroad Preservation Authority; and

iv. Projects and activities of the York County Rail Trail Authority; and

v. Projects and activities of the Lower Susquehanna Heritage Area.

B. The Bureau agrees to create a York County Convention and Visitors Bureau Tourism Development Fund (YCCVB TDF) equaling one-third of the Tax revenues received.

C. Annually, through December 31, 2010, the Bureau agrees to allocate \$169,000.00, or one-half of the YCCVB TDF, whichever is less, as follows:

i. \$9,000.00 to the York County Bicentennial Committee; and

ii. \$15,000.00 to the York County Heritage Trust; and

iii. \$20,000.00 to the Maryland and Pennsylvania Railroad Preservation Authority; and

iv. \$50,000.00 to the York County Rail Trail Authority; and

v. \$75,000.00 to the Lower Susquehanna Heritage Area. It is understood and agreed by the County and the Bureau that the 2002 allocation will be utilized as a matching requirement for other funds and that subsequent annual allocations shall be dependent on future matching requirements. Upon notification from the County that the matching fund requirements are less than \$75,000.00, the Bureau shall select and submit recommended allocations for the balance of the \$75,000.00 for other tourism, convention promotion, and tourism development projects and activities for County approval.

vi. The Bureau agrees that the County has the sole responsibility to revise the allocation of funds for the activities funded under the provisions of this Section. If less than \$169,000.00 in funds are allocated, the Bureau agrees to notify the County as soon as possible of the decrease in allocation and the County will expeditiously revise and notify the Bureau of the revised funding levels.

vii. The Bureau, at its discretion, shall fulfill its funding obligations, under the provisions of this Section by remitting funds throughout the calendar year, until the annual allocations are met.

3. Termination of Agreement

A. This Agreement shall terminate:

i. On December 31, 2010; or

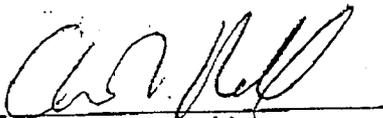
ii. If the County no longer designates the Bureau as the recognized tourist promotion agency for York County;

iii. The County no longer collects or reduces the Tax to less than 3%.

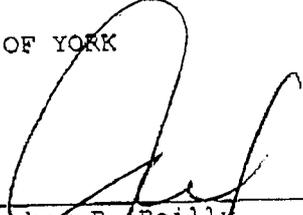
B. Upon termination of the Agreement, the obligations contained herein including the funding of projects as set forth in Section 3C shall terminate and become null and void.

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties approved the execution and delivery of this MEMORANDUM OF AGREEMENT on the date first above written.

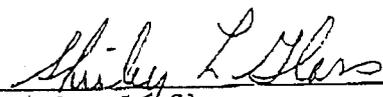
WITNESS:

  
\_\_\_\_\_  
Charles R. Noll  
Administrator/Chief Clerk

COUNTY OF YORK

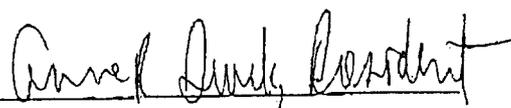
  
\_\_\_\_\_  
Christopher B. Reilly  
President Commissioner

  
\_\_\_\_\_  
James F. Donahue  
Commissioner

  
\_\_\_\_\_  
Shirley L. Glass  
Commissioner

WITNESS:

YORK COUNTY CONVENTION AND  
TOURIST BUREAU

  
\_\_\_\_\_  
Anne J. [unclear]

  
\_\_\_\_\_  
By: [unclear], a.o.t.

LEGAL NOTICE

Notice is hereby given that the Commissioners of the County of York, Commonwealth of Pennsylvania, will consider Ordinance 2001-08 to amend Section 107-4 of the York County Code increasing the Hotel Excise Tax from two (2) to three (3) per cent at their regularly scheduled meeting on December 26, 2001, at 10:00 a.m., in the Commissioners' Meeting Room, 1 West Marketway, 4th Floor, York, PA.

A certified copy of Ordinance 2001-08 may be examined at the York County Commissioners' Office, 1 West Marketway, 4th Floor, York, PA during normal office hours, or at the Law Library, York County Courthouse, 28 East Market Street, York, PA.

It is the policy of the County of York to ensure services are meaningfully accessible to qualified individuals with disabilities in accordance with the Americans with Disability Act. Upon request, auxiliary aids and accommodations are available to individuals with disabilities. Persons seeking accommodations should call the County at 717.771.9099. Individuals with a hearing impairment should contact the Deaf Center at 717.845.7022, or 717.848.6765 (TDD).

BOARD OF COMMISSIONERS

Christopher B. Reilly, Pres.  
James F. Donahue  
Shirley L. Glass

Please publish one (1) time in classified section on or before December 18, 2001.

I certify the attached to be a true and correct copy of Ordinance 2001-08.

Charles R. Noll  
Administrator/Chief Clerk  
Date: