

# *Rutherford County Finance Office*

*Please note remittance address: P.O. Box 143, Rutherfordton, NC 28139*

The Rutherford County Occupancy Tax shall be *five percent (5%)* of the gross receipts derived from the rental of any room, lodging, or similar place within the county subject to the sales tax imposed by the State under G.S. 105-164.4(a)(3).

Every person, firm, corporation, or association liable for the tax shall, on or before the 20<sup>th</sup> day of each month\*, prepare and render a return. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. \*SL 2011-115.

## OCCUPANCY TAX REPORT INSTRUCTIONS

Occupancy tax report must be filed on or before the 20<sup>th</sup> of the month\* for the previous month's sales. Example: The tax for July, 2015 is due on or before August 20, 2015.

*Keep the payment stub (on the left) for your files.*

Line 1: Fill in the month, year, and due date.

Line 2: Establishment's name & address (Make any necessary changes to these pre-printed addresses)

Line 3: Tax Computation:

- Enter your total occupancy sales (amount of sales not including sales tax on occupancy tax receipts).
- Multiply total sales by five percent (5%). This is the amount of tax due.
- If your business is seasonal and the sales amount is zero (\$0), submit a report showing no tax due. These may be faxed to (828) 287-6179. If property will be closed for a period of time, please note the month range, if applicable.

Line 4: *PENALTIES:*

- Any person, firm, corporation, or association who fails or refuses to collect, file a room occupancy tax return, or pay the room occupancy tax as required by law is subject to the civil and criminal penalties as set forth in NCGS 105-236 for failure to pay or file a return for sales and use taxes.
- *Late Filing Penalty:* NCGS 105-236(3) states that the failure or refusal to file the return on the date it is due shall result in a penalty equal to five percent (5%) of the amount of the tax due if the failure is for no more than one month, with an additional five percent (5%) for each additional month or fraction thereof, during which the failure continues, not exceeding twenty-five percent (25%) in the aggregate, subject to minimum five dollars (\$5.00), maximum twenty-five percent (25%).
- *Late Payment Penalty:* NCGS 105-236(4) states that the failure to pay the taxes when due (without intent to evade the tax) shall result in the assessment of a penalty equal to ten percent (10%) of the tax due, subject to a minimum of five dollars (\$5.00).
- Your attention is also directed to NCGS 105-236(8) and (9) regarding the willful failure to collect, file return, supply information, or to pay the tax due which may be prosecuted as a class 1 misdemeanor.

*Payment:* Send check or money order only payable to Rutherford County.

*Sign and date* the report indicating your title. Reports should be signed by one of the following: the owner of the business; if a partnership, by a partner; or if corporation, by an authorized officer.

*Mail original copy* of report to **Rutherford County, Occupancy Tax, P.O. Box 143, Rutherfordton, NC 28139.** (Return address labels enclosed).