

Niseko Town Accommodation Tax Ordinance

March 13th, 2024

Ordinance No. 1

(Accommodation Tax)

Article 1: An accommodation tax shall be levied in accordance with Article 5, Paragraph 7 of the Local Tax Act (Act No. 226 of 1950; hereinafter referred to as the "Act"), in order to cover expenses for preserving Niseko's environment and landscapes, enhancing the town's appeal as a safe, enriching, and healing resort destination while also promoting sustainable tourism that aligns with residents' daily lives.

(Definitions)

Article 2: The meanings of the terms used in this Ordinance shall follow the classifications listed in the following items, in addition to those defined in the Act and the Niseko Town Tax Ordinance (Niseko Town Ordinance No. 11 of 1954), and shall be as prescribed in each respective item.

- (1) "Hotel business" shall mean a hotel business as defined in Article 2, Paragraph 1 of the Hotel Business Act (Act No. 138 of 1948), excluding boarding houses, as defined in Paragraph 4 of the same act.
- (2) "Private lodging business" shall mean a private lodging business as defined in Article 2, Paragraph 3 of the Private Lodging Business Act (Act No. 65 of 2017).
- (3) "Accommodation facility" shall mean facilities related to a hotel business or private lodging business.
- (4) "Accommodation" shall mean the usage of bedding at an accommodation facility.
- (5) "Accommodation fee" shall mean the amount payable as compensation for accommodation, as prescribed by the Regulation.

(Taxpayers, etc.)

Article 3: The accommodation tax shall be levied on guests lodging at an accommodation facility, pertaining to accommodation services provided in exchange for an accommodation fee.

(Tax Exemption)

Article 4: No accommodation tax shall be levied on the persons set forth in the following items:

- (1) Persons participating in school trips and other school events organized by schools as defined in Article 1 of the School Education Act (Act No. 26 of 1947), excluding universities.
- (2) Persons recognized as necessary by the mayor, in addition to those listed in the preceding item.

(Tax Rates)

Article 5: The tax rate for the accommodation tax shall be determined based on the following classifications per person per night of stay:

- (1) If the accommodation fee is less than 20,000 yen: 200 yen
- (2) If the accommodation fee is 20,000 yen or more but less than 50,000 yen: 500 yen
- (3) If the accommodation fee is 50,000 yen or more but less than 100,000 yen: 1,000 yen
- (4) If the accommodation fee is 100,000 yen or more: 2,000 yen

(Collection Method)

Article 6: The accommodation tax shall be collected using the method of special collection.

(Party Responsible for Special Collection)

Article 7: The Party Responsible for Special Collection of Accommodation Tax (hereinafter referred to as "Party Responsible for Special Collection") shall be a party that runs a hotel business or private lodging business (hereinafter referred to as "hotel business, etc.").

2. Notwithstanding the provisions of the preceding paragraph, the mayor may designate a party as a Party Responsible for Special Collection if it is deemed advantageous for the collection of accommodation tax.
3. The Party Responsible for Special Collection shall collect accommodation tax payable by guests at accommodation facilities.

(Declaration, etc. by Party Responsible for Special Collection)

Article 8: Those intending to operate a hotel business, etc. shall, by the day before the commencement of such business (or within 10 days from the date of designation as a Party Responsible for Special Collection pursuant to Paragraph 2 of the preceding article), submit to the mayor, for each accommodation facility, a declaration form containing the following information listed below, accompanied with documentary evidence of each item:

- (1) Address or office or business location, name or title, and Individual Number (referring to the Individual Number specified in Article 2, Paragraph 5 of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013); the same shall apply hereinafter) or Corporation Number (referring to the Corporation Number specified in Article 2, Paragraph 15 of the same Act; the same shall apply hereinafter) (for those who do not have an individual number or Corporation Number, the address or office or business location and name or designation)

- (2) Location and name of the accommodation facility
 - (3) Number of guest rooms and overview of facilities
 - (4) Scheduled date of business commencement (in cases where business has already commenced on the date of submission of the declaration, the date of business commencement)
 - (5) In addition to those listed in the preceding items, other matters deemed necessary by the mayor.
2. Those who have submitted the declaration form under the preceding paragraph must promptly notify the mayor if there are any changes to the matters listed in each item of the same paragraph.
 3. The Party Responsible for Special Collection must promptly submit a notification to the mayor if they intend to suspend operations of accommodation facilities for one month or more.
 4. Those who have submitted a notification according to the provisions of the preceding paragraph must promptly notify the mayor if they intend to resume operations of the accommodation facilities stated in the notification.
 5. If the Party Responsible for Special Collection has ceased operations of accommodation facilities, they must notify the mayor within 10 days from the date operations cease.

(Tax Agent)

Article 9: If a Party Responsible for Special Collection does not have a residence, domicile, office, or place of business (hereinafter referred to as "address etc.") within the town, they must appoint someone who has an address etc. within the town (if appointing an individual, only those who earn an independent living can be appointed) as a tax agent to facilitate tax-related matters. They must report to the mayor within 10 days from the date such an appointment became necessary. Or, when appointing someone who has an address etc. outside the town as a tax agent who can handle all matters related to tax payment (if appointing an individual, only those who earn an independent living can be appointed), apply to the mayor within 10 days from the date such an appointment became necessary and obtain approval from the mayor. The same applies when there is a change in tax agent, when there is an intention to make such changes, or in the case of other changes to reported circumstances.

2. Notwithstanding the provisions of the preceding paragraph, the Party Responsible for Special

Collection shall not be required to appoint a tax agent if they have received authorization from the mayor that it will not hinder the collection of accommodation tax. In this case, if there are any changes to the reported circumstances, they must notify the mayor within 10 days from the date of such a change.

(Tax Return and Payment)

Article 10: The Party Responsible for Special Collection shall submit an Accommodation Tax Return Form declaring the total number of lodgings, the tax amount, and any other necessary items pertaining to the period from the first day to the last day of the previous month to the mayor by the end of each month, along with the payment of accommodation tax.

2. If a Party Responsible for Special Collection has been approved by the mayor pursuant to the requirements specified in the Regulation, including having an amount of accommodation tax to be paid that is equal to or less than the amount specified in the Regulation and other requirements, the submission deadline for the Accommodation Tax Return Form to be filed and paid in the months in the left column below, shall be the same deadline as the deadline for the Accommodation Tax Return Form that is to be filed and paid in the month in the right column of the same table. This shall be according to the classifications set forth in the left column, notwithstanding the provisions of the preceding paragraph. However, if the Party Responsible for Special Collection intends to suspend operations of the accommodation facilities for one month or more, or has ceased operations, they must declare and pay the outstanding accommodation tax within one month from the day they intend to suspend operations or from the day they cease operations.

January and February	March
April and May	June
July and August	September
October and November	December

3. When the mayor recognizes that a Party Responsible for Special Collection, who has been approved under the provisions of the preceding paragraph, no longer meets the requirements stipulated in that same paragraph, the mayor may rescind approval.

(Payment of Shortfall Amounts, etc.)

Article 11: When a Party Responsible for Special Collection receives a notice of payment pursuant to the provisions of Article 733-17, Article 733-18, or Article 733-19 of the Act, they

must submit either the shortfall amount, additional charges for underreporting, additional charges for failure to file, or compounded additional charges as designated in the notice by the deadline specified, through a payment form.

(Refund of Uncollectible Amounts or Exemption from Tax Obligations)

Article 12: When the mayor finds that the Party Responsible for Special Collection is unable to collect all or part of the accommodation fees and the accommodation tax due to legitimate grounds, or the Party Responsible for Special Collection has lost the accommodation tax collected due to a natural disaster or any other unavoidable event, the mayor shall refund the amount equivalent to the accommodation tax that has been paid, or shall exempt the Party from the payment obligation when the accommodation tax has not been paid, upon application by said Party Responsible for Special Collection.

2. When the mayor refunds the amount equivalent to the accommodation tax pursuant to the provision of the preceding paragraph, and if the Party Responsible for Special Collection that receives the refund has unpaid tax, the mayor may appropriate the amount to be refunded to the unpaid tax.
3. When the mayor receives an application under the provision of Paragraph 1, the mayor shall notify the Party Responsible for Special Collection whether or not to take the measures prescribed in the same paragraph or the preceding paragraph, within 60 days from the date of receipt of the application.

(Party Responsible for Special Collection's Obligation to Keep a Register, etc.)

Article 13: The Party Responsible for Special Collection shall maintain a register for each accommodation facility, record the following items, and preserve them for five years, starting three months from the day that follows the last day of the month in which the Accommodation Tax Return Form (pursuant to Article 10, Paragraph 1 or 2) was submitted.

- (1) Date of accommodation, accommodation fee, number of guests, number of guests subject to accommodation tax, and accommodation tax amount.
 - (2) In addition to the preceding items, other matters deemed necessary by the mayor.
2. The Party Responsible for Special Collection shall prepare the following documents and preserve them for two years, starting three months from the day that follows the last day of the month in which the said accommodation took place.
 - (1) Sales slips and other documents created during accommodation, which state the date of

accommodation, accommodation fee, number of occupants, and the accommodation tax.

(2) In addition to the preceding items, other documents deemed necessary by the mayor.

(Preservation of Registers and Documents using Electronic or Magnetic Means)

Article 14: The Party Responsible for Special Collection may, for all or part of the register which must be created and preserved pursuant to the provisions of Paragraph 1 of the preceding article (hereinafter referred to as the "related register"), choose to replace the creation and preservation of the said related register with electronic or magnetic records (records made in an electronic manner, magnetic manner, or other manner that cannot be recognized by human perception, and used for information processing by computers; hereinafter the same) of the related register, if they consistently use a computer for recording from the initial stage, subject to the provisions set forth in the Regulation.

2. The Party Responsible for Special Collection may, for all or part of the documents that they are required to create and preserve under the provisions of Paragraph 2 of the preceding article (hereinafter referred to as "related documents"), choose to instead preserve electronic records pertaining to the related documents, if they consistently use a computer for recording from the initial stage, subject to the provisions set forth in the Regulation.

3. In addition to what is prescribed in the preceding paragraph, the Party Responsible for Special Collection may, for all or part of the related documents (excluding those stated in the Regulation), choose to replace the preservation of the said related documents with electronic or magnetic records of the said related documents, if they electronically or magnetically record the information stated on the said related documents using the equipment set forth in the Regulation, subject to the provisions set forth in the Regulation. In this case, if the Party fails to preserve the electronic or magnetic records of the said related documents as set forth in the Regulation (excluding cases where the said related documents are being preserved), the said Party Responsible for Special Collection must comply with the requirement specified in other regulations and preserve the said electronic or magnetic records throughout the period for which the said electronic or magnetic records must be preserved.

(Preservation of Registers and Documents on Computer-Output Microfilm)

Article 15: The Party Responsible for Special Collection may, for all or part of the related register, choose to replace the creation and preservation of the said related register with the creation of electronic or magnetic records and the preservation of computer-output microfilm (meaning the microfilm created by outputting electronic records using a computer;

hereinafter the same) of the related register, if they consistently use a computer for recording from the initial stage, subject to the provisions set forth in the Regulation.

2. The Party Responsible for Special Collection may, for all or part of the related documents, choose to replace the preservation of the related documents with the preservation of electronic records pertaining to the related documents by electronic computer output microfilm if they consistently use a computer for recording from the initial stage, subject to the provisions set forth in the Regulation.
3. A Party Responsible for Special Collection, who chose to instead create and preserve the related register using electronic or magnetic means, in accordance with the Regulation pursuant to Paragraph 1 of the preceding article, or, who chose to instead preserve the related documents using electronic or magnetic means in accordance with the Regulation pursuant to Paragraph 2 of the preceding article, may, if stated in the Regulation, choose to instead preserve part or all of the related register or related documents using electronic or magnetic recorded computer output microfilm of the said related register or the said related documents, subject to the provisions set forth in the Regulation.

(Application of Laws and Regulations on Town Taxes)

Article 16: Regarding the application of laws and regulations on town taxes to electronic and magnetic records or computer output microfilm pertaining to related registers or related documents for which provision, preservation, or storage is carried out in accordance with the provisions set forth in the Regulation pursuant to Paragraph 1, Paragraph 2, the first sentence of Paragraph 3 of Article 14, or each paragraph of the preceding article, the said electronic and magnetic records or computer output microfilm shall be deemed as related registers or related documents.

(Local Tax Not Subject to Restrictions on Indirect Local Tax and Night Time Execution)

Article 17: The accommodation tax shall be considered an extra-legal special purpose tax designated by ordinances under Article 6-22-4, item 6, and Article 6-22-9, item 4, of the Order for Enforcement of the Local Tax Act (Cabinet Order No. 245 of 1950).

(Exemption from Niseko Town Administrative Procedure Ordinance)

Article 18: Regarding actions such as imposition and collection of accommodation tax, as well as administrative guidance (referring to administrative guidance as defined in Article 2, Section 7 of the Niseko Town Administrative Procedure Ordinance (Niseko Town Ordinance No. 15 of

1997)), and other exercises of public authority, the application of the provisions of the said ordinance shall be in accordance with the provisions of the Town Tax Ordinance.

(Imposition and Collection)

Article 19: The accommodation tax shall be levied and collected pursuant to the provisions of the Town Tax Ordinance, in addition to the regulations of this Ordinance and other related laws regarding local tax.

(Delegation)

Article 20: Beyond what is set forth in this Ordinance, matters necessary for the enforcement of this Ordinance shall be specified in the Regulation.

(Breach of Obligation to Preserve Registers and Create Documents)

Article 21: Those who fall under any of the following items shall be subject to imprisonment up to one year or a fine of up to 500,000 yen:

- (1) Those who fail to enter the necessary information as specified by Article 13, Paragraph 1 in the register without a legitimate reason, or makes false entries in the register, or conceals said register;
- (2) Those who violate the provisions of Article 13, Paragraph 1 and fails to preserve the register as specified in said paragraph for five years;
- (3) Those who fail to create the documents as specified by the provisions of Article 13, Paragraph 2 without a legitimate reason, or makes false documents therein, or conceals said documents;
- (4) Those who violate the provisions of Article 13, Paragraph 2 and fails to preserve the documents as specified in said paragraph for two years.

2. In the case where the representative of a corporation, an agent, a hired person, or an employee of a corporation commits a violation as outlined in the preceding paragraph through a corporation or person, the individual who committed the violation shall be punished, and the corporation or person shall be subject to the fine stated in the same paragraph.

(Civil Fine for Failure to Appoint a Tax Agent)

Article 22: If a Party Responsible for Special Collection who has not obtained the authorization referred to in Article 9, Paragraph 2 and has not obtained the approval referred to in Paragraph 1 of the same article, fails to appoint a tax agent pursuant to the provision of the

same paragraph without legitimate grounds, the Party shall be charged a fine of up to 100,000 yen.

2. The amount of the fine stated in the preceding paragraph shall be determined by the mayor, appropriate to the circumstances.
3. The payment due date to be specified in the payment notice issued for collecting the fine specified in Paragraph 1 shall be within 10 days from the date the notice was issued.

Supplementary Provisions

(Effective Date)

1. This Ordinance shall come into effect as of the date specified in the Regulation; provided, however, that the provisions of Paragraph 4 to Paragraph 6 of the Supplementary Provisions shall come into force as of the date of promulgation.

(Scope of Application)

2. This Ordinance shall apply to accommodation provided on or after the date the Ordinance comes into effect (hereinafter referred to as the "Enforcement Date") (except for accommodation services provided from the day before the Enforcement Date to the Enforcement Date).

(Tax Rate Special Provision)

3. For the time being, regardless of the provisions of Article 5, the tax rate specified therein shall be 100 yen per person per night for accommodations with an accommodation fee less than 5,001 yen.

(Transitional Measures)

4. Notwithstanding the provision of Article 8, Paragraph 1, a party that has operated a hotel business, etc. as of the date of the promulgation of this Ordinance, or a party that intends to operate a hotel business, etc. between the date of promulgation and the Enforcement Date shall submit a declaration form as prescribed in the paragraph with supporting documents

attached, to the mayor, no later than the day prior to the Enforcement Date.

5. Those who have submitted a declaration form according to the provisions of the preceding paragraph must immediately report to the mayor if there is any change in the declared matters.

(Preparatory Actions)

6. Designations under Article 7, Paragraph 2, approvals under Article 9, Paragraph 1, and other necessary procedures and acts related to these matters may be conducted before the Enforcement Date.

(Review)

7. The mayor shall review the Ordinance every five years after the enforcement of the Ordinance, taking into consideration how the Ordinance is being enforced and changes in socioeconomic conditions, etc., and shall take necessary measures based on the results of the review.

※ この資料の日本語と英語の文において翻訳の差異が生じたときは、日本語文の内容とする。

*In the event of any translation differences between the Japanese and English versions of this document, the Japanese version shall take precedence.