

City of Cincinnati
 Department of Finance
 Division of Treasury

City of Cincinnati Admissions Tax

General Rules and Regulations
 For
 Cincinnati Municipal Code Chapter 309

Effective 4/1/2024

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I. Overview

The City of Cincinnati levies a 3% tax on all admissions. Any person or organization that intends to charge admission to a place in the City of Cincinnati must be approved for an admissions tax license or an admissions tax license exemption prior to the sale or resale of any admissions. In addition, any person or organization that intends to facilitate the sale or resale of admission to a place in the City of Cincinnati must be approved for an admissions tax license prior to engaging in such activity. Anyone who holds an admissions tax license must also file monthly tax returns for the duration of the license term.

The admissions tax is considered a “trust tax.” It is collected by a license holder and held in trust on behalf of the City of Cincinnati until remitted. At no time do admissions taxes belong to the license holder.

This document sets forth the rules and regulations for the City’s admissions tax requirements.

II. General Provisions

A. Authority

The City of Cincinnati Charter, [Article VIII, Sections 6a - 6b](#) and the Cincinnati Municipal Code (CMC) [Chapter 309](#) establish the tax on amounts received for admission to any place located within the City of Cincinnati and authorize the City Treasurer to adopt and enforce rules and regulations pertaining to the administration and enforcement of the provisions of Chapter 309, as well as [Chapter 801](#), which stipulates general provisions governing certain licensing and tax regulations.

B. Purpose of Rules

These rules and regulations supplement and operationalize City of Cincinnati Charter [Article VIII, Section 6b](#), CMC [Chapter 309](#), and CMC [Chapter 801](#). Terms used in these rules and regulations employ the definitions used CMC Chapters 309 and 801 unless a different meaning is clearly indicated by the context.

C. Records

1. Public Records/Confidentiality of Returns

Except as provided below, all records created or received in conjunction with the City’s admissions tax program are subject to the Ohio Public Records Act.

Admissions tax returns are confidential, and they are not available for inspection by the public or others unless ordered by a court of competent jurisdiction, except that the Treasurer may furnish copies to the federal Internal Revenue Service, the Ohio tax commissioner, and to the City Manager or person designated by the City Manager.

2. Records Retention

All records created in connection with the City’s admissions tax license and tax programs, whether or not provided to the City, must be kept and preserved by the

licensee or applicant for a period of three years from the date of the license application or date of admission, as applicable, unless the Treasurer consents in writing to the destruction of such records within this period or requires in writing that they be kept longer.

III. License Requirements

An admissions tax license authorizes and requires a person to act as the City's agent in the collection and payment of taxes on admissions. Anyone who sells or resells, or facilitates the sale or resale of, admissions in the City of Cincinnati is required to obtain an admissions tax license or an admissions tax license exemption prior to the sale or resale of any admissions.

A. *Applicability & Other Requirements*

An admission is a charge paid for the right or privilege to enter into any temporary or permanent place or event, to use any facilities, or to participate in any tour or itinerant form of amusement within the City of Cincinnati. To Charges meet the definition of a taxable admission where they are for:

- Entry into or participation at;
- A "place," as defined in the CMC Sec. 309-1-P-2;
- Located in the City of Cincinnati;
- For which the Treasurer has not granted an exemption.

Taxable admissions—both for sale or resale—generally include, but are not limited to, tickets, season tickets, memberships, entrance fees, cover charges, dues, greens fees, or subscriptions to the following types of events or venues:

1. Indoor & outdoor theaters, dance halls, ball rooms, cabarets, amphitheaters, auditoriums, stadiums, concerts, plays, lectures, shows, etc.;
2. athletic or sporting events, such as baseball, football, basketball, soccer, hockey, volleyball, boxing, wrestling, racing, esports, etc.;
3. movie theaters, amusement parks, game arcades, fairs, festivals, or conventions, etc.;
4. swimming pools, country clubs, or other clubs offering recreational activities; and
5. private and public golf courses or organizations maintaining a golf course.

Taxable admissions generally do not include:

1. Virtual events, streaming services, digital content, online services, and digital-only subscriptions; or
2. Fees or charges, the primary purpose of which is compensation for goods that can be consumed, used, or enjoyed at the place or taken away, or personal services that are provided at the place. When the charge for goods or services consumed, used, or enjoyed at the place is incident to the privilege of engaging in the activity or activities for which the place is intended or designed, however, such charge is classified as an admission charge and is subject to the tax except that, when the charge is in the nature of a fixed minimum service charge that includes the provision of food, beverages, or similar services, the portion of the charge subject to the tax is equal to one-third of such minimum service charge.

The burden of showing that any transaction is not subject to the tax imposed by this chapter is upon the vendor or applicant.

B. *Sales Type/Applicant Type*

Applicants must indicate whether they are applying as a seller, reseller, and/or marketplace facilitator.

1. A Seller is a person who sells an admission that has not been purchased previously.
2. A Reseller is a person who sells an admission that has been purchased previously.
3. A Marketplace Facilitator is a person who controls a physical or electronic marketplace or other service (such as a brokerage service) that in exchange for a fee or compensation facilitates the purchase of admission from a seller or reseller.

Applicants should select all applicable vendor types on their application.

If an applicant intends to sell an admission as the agent of another or under any kind of consignment agreement or similar type of agreement, the applicant shall be considered the seller for admissions sold under any such agreement and shall be responsible for collecting and remitting the admissions tax due.

C. *Application*

An application must be made to the Division of Treasury on provided forms. The Division will review the application and approve, deny, or request additional information within 30 days of receipt of the application. The application is attached to these rules as Exhibit A and is [available online](#). The Admissions Tax Documentation and Payment Instructions section of the application contains detailed instructions on submitting the application and payment.

D. *License Fee Cost*

The license fee of \$50.00 must be paid at time of application and must accompany the application. An application will not be considered until the fee is paid. The fee will be refunded if the application is not approved. The fee is non-refundable once a license is issued.

E. *Term / Duration*

Admissions tax licenses are issued for two durations:

1. Annual - An annual license is issued if a vendor will collect admissions for ongoing or recurrent events or forms of amusement and is issued for a maximum term of up to one year. All annual licenses expire on December 31st of the year in which the license is issued. Examples of applicants that would receive an annual license are movie or stage play theaters, concert venues, sports teams, and golf courses. Resellers and Marketplace Facilitators with sales or resales throughout the year should also apply for an annual license.

2. Temporary - A temporary license is issued if a person is collecting admissions for a one-time event or forms of amusement and is issued for a term less than one year. Examples of applicants that would receive a temporary license are traveling circuses, car or home shows, or annual conventions.

F. Transferability

An admissions tax license is non-transferrable.

G. Bond

A bond is required along with the initial license application. A minimum bond amount of \$100.00 is due at the time of application. The Treasurer may increase the amount of the required bond.

H. Review, Approval, Denial of License

The Division typically reviews and approves or denies an application within thirty calendar days. Completed applications will be reviewed in the order they are received. An application will not be reviewed until it is complete, including receipt of the paid license fee and bond. The reasons an application could be denied include but are not limited to:

1. Non-payment of license fee;
2. Delinquent admissions tax returns or payments;
3. Falsified information;
4. Previously suspended or revoked admissions tax license;
5. Non-compliance with other admissions tax regulations; or
6. Other violations of Federal, State, or local laws.

I. Renewal /Amendment

Prior to the expiration of any admissions tax license, each licensee must renew their admissions tax license.

1. Renewal Application: A renewal application must be made to the Division of Treasury at least 30 days prior to expiration of the current license. The Division will review the application and approve, deny, or request additional information within 30 days of receipt of the application. The renewal application uses the same application as the initial license and is [available online](#). The Admissions Tax Documentation and Payment Instructions section of the application contains detailed instructions on submitting the application and payment.
2. Renewal License Fee Cost: \$50.00
3. Renewal Term/Duration: Only annual licenses may be renewed.
4. Renewal Bond: No additional bond is required for a renewal unless stipulated by the Treasurer. If required, the bond amount will be assessed at the time of application.
5. Charges, Fines, and Other Terms: The City will pursue remedies including criminal charges and/or fines in the event an application for renewal is not submitted prior to the expiration of an existing license. If an existing license has been suspended, the City will not accept a renewal application until the

prescribed corrective actions are in place and the license is eligible for reinstatement. If an existing license has been revoked, the license is not eligible for renewal for a period of at least 3 years.

If information submitted by a licensee in the license application changes during the license period, the licensee must immediately notify the Treasurer of the change. Examples include the location of a venue, additions or subtractions of a venue location, or a change in ownership or contact information. The updated information shall also be included in the renewal application.

J. Exemption from Tax; Application for Exemption; and Exemption Application Instructions

Charges for admission, as defined in CMC 309-3, are presumed to be subject to the tax. Particular admissions may be exempt from the tax if the person or organization selling admission meets certain criteria set forth in CMC Section 309-5. The requirements of this section are strictly construed against the applicant for an exemption.

Automatic Exemption From Admissions Tax - Under [CMC Section 309-5](#), the City automatically exempts admissions if the proceeds of the admissions inure exclusively to one of the following three (3) groups:

1. The United States government, the state of Ohio, its departments and institutions, and the political subdivisions of the State including the city of Cincinnati, so long as such entities are acting in their governmental capacities and performing governmental functions and activities, as well as any entity exempted by the Ohio Revised Code. These entities include but are not limited to:
 - a. Ohio municipalities and counties
 - b. Ohio school districts
 - c. Ohio public colleges and universities;
2. A public or private primary educational institution teaching students in grades kindergarten through twelfth grade; or
3. Organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986, as amended, but which are exempted from the requirement to apply for tax-exempt status under section 501(c)(3), if no part of their net earnings inure to the benefit of any private stockholder or individual.

Admissions charged by any of these three entity types are not exempt if the proceeds do not inure exclusively to the benefit of the entity or if they are otherwise excluded from exemption by one of the criteria in CMC 309-5(b). Provided that the admissions are sold by one of the three qualifying entities and not subject to exclusion under CMC 309-5(b), the entity is not required to apply for an admissions tax exemption certificate.

Application For Exemption from Admissions Tax - Under CMC Section 309-5, the City exempts admissions if the proceeds of the admissions inure exclusively to one of the following four (4) entity types:

1. Organizations determined by the federal internal service to be tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, as amended;
2. Persons in the military or naval forces of the United States, or of national guard organizations, including reserve officers' associations or organizations, posts, or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such associations, organizations, posts, units, or societies are organized in the state of Ohio;
3. Employees or employee organizations of any state of Ohio municipal corporation or the dependents or heirs of such members; or
4. A county agricultural society organized under Chapter 1711 of the Ohio Revised Code.

Admissions charged by any of these four entity types are not exempt if the proceeds do not inure exclusively to the benefit of the entity or if they are otherwise excluded from exemption by one of the criteria in CMC 309-5(b). Admissions charged by any of these four entity types are also not automatically exempt.

These entities, when seeking exemption from the admissions tax, must apply for an admission tax exemption certificate prior to the sale of any admissions for which an exemption is sought. An exemption may be granted only if the Treasurer determines prior to the sale of such admissions:

1. That the entity is of the defined type;
2. That all of the proceeds inure exclusively to the benefit the entity and that no part of the net earnings of the entity inure to the benefit of any private stockholder or individual;
3. That none of the criteria in CMC 309-5(b) apply; and
4. That the applicant is otherwise in compliance with the provisions of CMC Chapter 309 and these rules and regulations.

The exemption does not apply to all admissions a given organization may charge. It only applies to the admissions for which the organization has received an exemption certificate duly approved by the Treasurer. Application of the exemption is determined on a case-by-case basis and no blanket exemption will be provided for all admissions an organization may charge based solely on organization type.

- Example:
 - If a 501(c)(3) operates a museum and charges admission, and all other requirements are met, it could receive an annual exemption certificate for those admissions.
 - But if the same organization also decided to hold an event to raise funds, it would be required to apply for a separate exemption certificate for the event, approval of which would depend on the specific circumstances under which the event would be held and whether the admissions separately qualify for exemption.
 - If the event is a series that repeats or occurs over several days, the entity could apply for one exemption certificate for the entire series, so long as the series of events occurs under sufficiently similar circumstances.

Under no circumstances will an exemption be granted for any admissions sold prior to the Treasurer’s issuance of an approved exemption certificate. The tax must be remitted for any admission sold prior to such approval, even if an exemption application, properly submitted and supported, is later approved for other admissions to the same event. Therefore, it is imperative to submit an exemption application and receive an exemption certificate from the Treasurer prior to any admission sales.

For purposes of CMC Section 309-5(b)(3), “direct or indirect monetary support for operating expenses to the applicant” means City funding to an applicant that is unrestricted or that may be used for general operating expenses, including but not limited to salaries of executive staff, development staff and development activities, fundraising campaigns and events, and general management and overhead expenses. It does not include funding for services provided directly to the City; for specific, limited, and defined programs requested by the City that do not include any general operating expenses; or for programming supported by the City through grants that forbid expenditure of the funds on general operating expenses.

Exemption Application Instructions

An exemption application including supporting documentation must be made to the Division of Treasury. The Division typically will review the application and approve, deny, or request additional information within 30 days of receipt of the application and supporting documents. The application is attached to these rules as Exhibit B or is [available online](#). The supporting documentation the applicant must submit includes:

- Fully executed contracts with parties involved in the production of the event. All fees paid or to be paid to such parties related to production of the event must be flat fees. Splitting or sharing any portion of the proceeds of admission on a percentage basis will result in a denial of the application for exemption.

Examples of contracts that must be included are contracts for:

- Performers
- Promoters
- Booking agents
- Venue rental
- Ticketing services

- Caterers
- Copies of all literature available to the public for the event shall be submitted with the application.
- The organization shall indicate if it is receiving any outside funding for the event. If so, the organization must include the terms and identify the payor.
- Documentation supporting the organization’s status, such as an IRS letter affirming an organization’s current status as a 501(c)(3).

This documentation is also detailed in the “Admission Tax Exemption Application Checklist” which is [available online](#).

IV. Administration of Tax

Any entity that holds an admissions tax license must file monthly returns including all supporting documentation and remit payment, if due, for the duration of the license period, as well as file an annual return including all supporting documentation and remit any additional payment, if due.

A. Rate & Calculation of Tax

The City of Cincinnati levies a tax of 3% on the amounts paid for admission in the city of Cincinnati, including resale of such admission. Amounts paid for admission include the following:

- Price of admission, including all various types listed in Sec. III.A. herein;
- Service charges;
- Handling fees;
- Commissions;
- County or Other taxes collected; and
- The fair market value of admission if anything other than money has been exchanged for admission, including goods, services, rights, or anything else of value.

Amounts paid for admission do not include:

- Amounts paid for any other State or City tax; and
- Refunds of any admissions, but only if the admissions tax collected was also refunded.

Calculation of Tax Due for Admissions (See following page for Resale Admissions)

For each event:

Step 1. Calculate Gross Admissions:

$$\text{Gross Admissions} = (\text{Number of Admissions Sold} \times \text{Price of Admission incl. fees}) - \text{Refunds Issued}$$

Step 2. Calculate Admissions Tax Due:

$$\textit{Admissions Tax Due} = \textit{Gross Admissions} \times \textit{Admissions Tax Rate (3.0\%)}$$

Calculation of Tax Due for Memberships & Packages

When admission is included as part of a membership or package, the taxable value of the admission is:

- For memberships that define the number of guests that may be admitted under that membership, the daily non-member admission rate for one visit multiplied by the number of guests included in the membership.
- For memberships that do not define number of guests that may be admitted, the lesser of:
 - The daily non-member admission rate for one visit multiplied by two guests, or
 - The total cost of the membership.

When a package includes admission and other services (e.g. birthday party packages) or goods (e.g. merchandise, food, beverage), the taxable value of the package is the lesser of:

- The value of admissions included in the package if sold separately from the package, or
- The total cost of the package.

Calculation of Tax Due for Resale Admissions

For each event:

A vendor making or facilitating the resale of an admission must collect and remit the tax on the net resale value, which is calculated as the difference between the full price of the admission at resale and the full price at the original sale or previous resale, on which admission tax was previously paid. If no value was given for the admission at sale or at a previous resale, the full price at resale is subject to the tax. If the resale price is lower than the previous sale or resale price, no tax is due.

Step 1. Net Resale Price:

$$\text{Net Resale Price} = \text{Resale Price} - \text{Prior Sale or Resale Price}$$

Step 2. Calculate Gross Resale Admissions:

$$\text{Gross Resale Admissions} = (\text{Number of Admissions Sold} \times \text{Net Resale Price incl. fees}) - \text{Refunds Issued}$$

Step 3. Calculate Admissions Tax Due:

$$\text{Admissions Tax Due} = \text{Gross Resale Admissions} \times \text{Admissions Tax Rate (3.0\%)}$$

Calculation of Tax Due for Donated, Complimentary, or Gifted Admissions

Except in circumstances when all admission to an event is free of charge, any admissions that are given away free of charge are not exempt from taxation. Rather, the price of admission is \$0, so the calculation of tax due results in no tax due. These admissions should still be reported on a monthly and annual tax return with a \$0 charge.

The price of admission is not the only taxable amount in a transaction. Admissions tax therefore must be paid on any service charges, handling fees, or other non-City and non-State taxes even if the price of admission is \$0.00. If value of any kind is exchanged for an admission, tax must be paid on the fair market value of the amount given in exchange for the admission.

Marketplace Facilitators

Marketplace facilitators are required to collect and remit taxes due on all admissions sold or resold through their marketplace or services.

B. Remittance of Tax

Each seller, reseller, and marketplace facilitator must submit the following:

1. **Submit Monthly Admissions Tax Return.** A monthly admissions tax return, including supporting documentation, and payment is to be received by the City Treasurer by the twentieth day of each month, for the preceding month. For example, the monthly return and payment for January is required to be received by the City Treasurer no later than February 20th. If the payment is delinquent, a late fee of 1% per month applies to the delinquent amount. Please note that a tax return is required even if no tax is due. Temporary license holders must file monthly tax return(s) only for months during the term of the license.
2. **Submit Annual Admissions Tax Return.** An annual admissions tax return, including supporting documentation, and payment is to be received by the City Treasurer by April 15th of each year. If the payment is delinquent, and a late fee of 1% per month applies. Please note that a tax return is required even if no tax is due.

C. Refund of Tax

A refund of admissions taxes remitted to the City may be claimed under the following conditions:

- Refund due to Overpayment by Licensee to City. In the event of an overpayment of admissions tax from the licensee to the City, but without any claim of refund to the purchaser due to refund of the purchase price, overpayment of tax by the purchaser, or otherwise, the licensee shall provide documentation of the overpayment to the City for review and may request a refund. The refund shall be provided:
 - As a credit against the licensee's next monthly return; or
 - If no future monthly return is anticipated or if the licensee requests, the City may pay the refund directly to the licensee.
- Refund of Incorrect or Improper Collection of Admissions Tax from Purchaser(s). In the event of an overpayment of admissions tax that includes a claim of overpayment by a purchaser or a refund of the purchase price to the purchaser, the licensee shall provide documentation of the overpayment to the City for review and may request a refund. Any refund of the tax must be returned to the purchaser, and the Treasurer may condition the refund and cancellation of the debt to the City on proof that such payment was in fact made to the purchaser.
 - Refund Claimed by Purchaser of Admission. A purchaser who has overpaid or improperly paid City admissions taxes can apply for a refund directly to the City Treasurer, provided that the tax was remitted to the City. The request for refund shall include all details of the transaction, documentation, and an explanation of why the refund is justified. If approved, the City will pay the refund directly to the purchaser.
 - Refund Claimed by Licensee. A licensee who has collected the tax from a purchaser who has overpaid or improperly paid the tax, or who has refunded the purchase price of an admission to the purchaser, may request a refund from the City, provided that the admissions tax amount was included in a refund to the purchaser. The licensee shall

provide to the City documentation of the refunded tax to the purchaser for review. The refund shall be provided:

- As a credit against the licensee’s next monthly return; or
- If no future monthly return is anticipated or if the licensee requests, the City may pay the refund directly to the licensee.

V. Fee Schedule

A. License Fees & Penalties

Fee Type	Amount	Description
License Fee	\$50.00	Same fee applies for temporary/annual and new/renewal applications. See Rules & Regulations Section III for instructions
Financial Recovery Fee / Surcharge	3%	Additional fee for credit card transactions

B. Tax Return Fees & Penalties

Fee Type	Amount	Description
Remitted Taxes	3%	Charged on gross admissions revenue. See Rules & Regulations Section IV for instructions
Financial Recovery Fee / Surcharge	3%	Additional fee for credit card transactions
Late Penalty	1% / month	For late tax returns filed and/or late payments, this fee amount will be charged per month against the total amount of taxes collected but not remitted. If necessary, the City Treasurer will estimate taxes due.

C. Violations & Fines

Fee Type	Amount	Description
Civil Fine	\$500.00	Anyone who violates any provision of CMC Chapter 309 shall be guilty of a misdemeanor of the first degree, and shall be fined not more than \$500, or imprisoned not more than 60 days, or both.

VI. Violations & Delinquency

A. *Program Violations*

In the event of delinquency or violation, the City will enforce program requirements and pursue collections to the full extent of law. Anyone who violates any provision of CMC [Section 309-99\(a\)-\(d\)](#) shall be guilty of a misdemeanor of the first degree, and shall be fined not more than \$500, or imprisoned not more than 60 days, or both.

B. *Suspension of a License*

The City may suspend a vendor's license if the vendor fails to comply with a requirement of CMC Chapter 309 or these rules and regulations. During the period of suspension, a vendor may not charge admission or apply for another admissions tax license or an exemption certificate. If the renewal of a license is due during the period of suspension, the licensee will not be allowed to renew the suspended license and will be required to apply for a new license.

C. *Revocation of a License*

The City may revoke a vendor's license if a vendor fails to comply with a requirement of CMC Chapter 309 or these rules and regulations. A vendor whose license has been revoked shall be barred from applying for a new license or exemption certificate for a period of 12 months from the date of revocation.

D. *Taxes Made a Lien*

If admissions were charged but tax was not collected and/or remitted, the City may place a lien upon

- all of the property of any person required to collect and remit or
- the real property of the location of the event or form of amusement.

E. *Appeals of Decisions Regarding Licenses*

The entity has a right to appeal the following:

- License Denial
- License Suspension
- License Revocation

An appeal must be made to the City of Cincinnati's Director of Finance within thirty (30) days from the date of the notice pursuant to CMC Section 309-13(h).

Once an appeal is received, the Director of Finance will schedule a hearing within thirty (30) days with:

- the appellant;
- the Treasurer, or his/her designee; and
- any other participants deemed necessary by the Director of Finance.

Upon completion of the hearing, the Director of Finance will issue a written decision.