

Ordinance 173

AN ORDINANCE IMPOSING A TRANSIENT ROOM TAX OF THREE (3)~~%~~ ESTABLISHING MONTHLY COLLECTION OF TAXES; ESTABLISHING THE COUNTY TREASURER AS EXAMINER; ESTABLISHING PAYMENT TO THE OWEN COUNTY TOURISM AND CONVENTION COMMISSION; ESTABLISHING PENALTIES FOR NONCOMPLIANCE; AND ESTABLISHING AN EFFECTIVE DATE UPON PUBLICATION AND SEVERABILITY.

BE IT ORDAINED BY THE COUNTY OF OWEN;

SECTION 1. There is hereby imposed a three percent (3%) transient room tax on the rent of each room, per night of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, campgrounds or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses within the territorial jurisdiction of Owen County, Kentucky. This transient room tax shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a period of thirty (30) days or more.

SECTION 2.

- (a) All persons, companies, partnerships, limited liability companies, or other like or similar persons, groups or organizations doing business as motor court, motel, hotel, inn, campgrounds or like or similar accommodations businesses subject to said tax shall collect and pay said tax to the Owen County Treasurer as the designated collection agency for the commission. All transient room taxes imposed by this ordinance shall be due no later than thirty (30) days after the end of each calendar month. The tax shall be remitted monthly and reported monthly and annually (see SECTION 3 below) on forms provided by the Owen County Treasurer.
- (b) The information contained in these reports shall be confidential. However, the information contained in all reports received pursuant to the collection of the transient room tax may be set down separately in statistical form, which statistical compilation shall not be confidential so long as it contains no information by means of which it would be possible to determine the gross receipts or other business information for an individual taxpayer. Such statistical reports may list the names of all taxpayers as a group so long as there are more than three (3) such taxpayers in a group.
- (c) Each taxpayer may deduct and retain two percent (2) of the first one thousand dollars (\$1,000.00) of tax due and one and one-quarter

(1.25%) of the tax due in excess of one thousand dollars (1,000.00) per month, as reimbursement for the cost of collecting and remitting the tax and required forms.

SECTION 3. Every motor court, motel, hotel, inn, campgrounds like or similar accommodations business subject to the transient room tax imposed by this ordinance shall annually, by March 31st, furnish the County of Owen with a written breakdown of all collections in the preceding calendar year for the tax so collected.

SECTION 4. The Owen County Treasurer, and /or his duly authorized agent may request to examine the books, papers, and records of any person, firm, organization, or other like or similar accommodation business required herein to file a return. The examination shall be permitted in order to determine the accuracy of any return made, or if no return was made to determine the amount of room tax due and owing.

SECTION 5. All monies collected pursuant to KRS 91A.390 shall be maintained in an account separate and unique from all other funds and revenues collected, and shall be considered tax revenue for the purpose of KRS 68.100 and KRS 92.330. All monies collected by the Owen County Treasurer shall be paid over to the Owen County Tourism and Convention Commission within thirty (30) days of the payment due date. Late payments collected by the Owen County Treasurer shall be pay over within fifteen (15) days after receipt. In consideration of the cost of collection of the tax, bookkeeping expenses, costs of forms, postage and other incidental expenses with will necessarily be incurred by the Owen County Treasurer, the county may be paid a commission of three percent (3%) of all taxes collected hereunder, including any interest and penalties collected thereon. All receipts and payments utilized by the County relating to collection and payment of the transient room tax shall be included in the annual audit of the County as prescribed by Kentucky Revised Statues.

SECTION 6. A portion of the money collected from the imposition of this tax, as determined by the Owen County Fiscal Court, upon the advice and consent of the Owen County Tourism and Convention Commission, may be used to finance the cost of acquisition, construction, operation, and maintenance of facilities useful in the attraction and promotion of tourist and convention business. The balance of the money collection from the imposition of this tax shall be used for the purposes set forth in KRS 91A.350. Proceeds from this tax shall not be used as a subsidy in any form to any hotel, motel, or restaurant. Money not expended by the Commission during any fiscal year shall be used to make up part of the Commission's budget for the year.

SECTION 7.

- (a) Any Transient room tax imposed by this ordinance remaining unpaid after the same becomes due shall bear interest at the rate of five percent (5%) per annum, and the person from whom the transient room tax is due shall further be charged a penalty of five percent (5%) of the amount of the unpaid tax. In addition, any person who shall fail to collect and pay over to the Owen

County Treasurer the appropriate transient room tax, or any portion thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day's continued violation shall constitute a separate offense.

- (b) The failure to make timely remittance and payment of transient room tax shall be considered to be a theft by failure to make required disposition of property as proscribed by KRS 514.070.

SECTION 8. This ordinance shall be published in the News-Herald newspaper by title and summary within thirty (30) days following adoption and shall become effective upon publication.

SECTION 9. Severability. If any portion of this ordinance is held to be un-constitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be invalidated.

Upon motion made by Magistrate Tray Bramblett, and seconded by Magistrate Casey Ellis, a first reading was held and approved on the 8th day of Feb., 2011.

first reading
Attest: Juan Kincaid

Upon motion made by Magistrate Casey Ellis, and seconded by Magistrate Teresa Davis, that the ordinance be duly adopted. Whereupon, the vote was called and on roll call the vote stood:

District I Magistrate Yes
District II Magistrate Yes
District III Magistrate Yes
District IV Magistrate Yes

Whereupon Owen County Judge-Executive Carolyn H. Keith declared the ordinance adopted on its second reading, affixing his signature and the date hereto, and declared that the same be recorded.

Judge Carolyn Keith

Owen County Judge-Executive

Attest:

Juan Kincaid