

CITY OF WEST LIBERTY

ORDINANCE NO. 11-25-1996-01

AMMENDMENTS ORDINANCE NO. 11-25-1996-001-B

An ordinance relating to the finance and cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourists and convention business in the city of West Liberty, Kentucky.

Whereas, the City Council has experienced the need for continued funding for the promotion of convention and tourist activity within the City of West Liberty; and

Whereas, the City of West Liberty has created by Ordinance No. 11-5-1996-001 a Tourism Commission for the promotion of these activities within the City of West Liberty, known as the West Liberty Tourism Commission; and

Whereas, KRS 91A.400 authorized the imposition of a 3% special tax on the gross retail sales of restaurants doing business within the City of West Liberty, Kentucky for the funding of the Tourism Commission.

Be it hereby ordained by the City Of West Liberty, Kentucky,

SECTION 1:

For the purpose of operation of the West Liberty Tourism Commission and to finance the cost of acquisition, construction, operation and maintenance on facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied special tax of 3% on the gross retail sales of restaurants doing business within the City.

SECTION 2:

On or before the twentieth day of each calendar month, each restaurant operator shall report to the City Clerk, on forms provided by the West Liberty Tourism Commission, the gross sales of that restaurant from food and beverages for the preceding calendar month, and calculate the tax due for that month by computing 3% gross sales from food and beverages. The operator shall remit with the form the tax due to the City. Any taxes collected in the excess of the computation herein provided shall be retained by the restaurant operator.

SECTION 3:

As used in this ordinance, restaurant means any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: luncheonettes: restaurants, coffee shops, cafeterias, short order cafes, stands, street vendors, catering kitchens, delicatessen, or similar places in which food is prepared for sale for consumption on the premises or elsewhere. It does not include schools, food vending machines, and establishments serving beverages only in single service or original containers.

SECTION 4:

Temporary foods stands, booths, street concessions and similar type operations if operated by non-profit organizations, when food is prepared and sold for immediate consumption, are not exempt from this tax.

SECTION 5:

As reimbursement for the cost of collecting and remitting the tax, the restaurant owner, corporation, person or entity responsible for collecting the tax shall deduct on each return, 1 ¾% of the first \$1,000.00 tax due and 1%_ of the tax in excess of \$1,000.00 (The same compensation rate as the Kentucky Sales Tax rate.)

SECTION 6:

Any tax imposed by this ordinance which shall remain unpaid after it becomes due, as set forth herein, shall be subject to a delinquency penalty charge of 10%, and such delinquent taxes and penalty chares shall be subject to an interest charge of 1% per month from the due date until paid in full. (Enacted this 22nd day of June, 1998 Ordinance No. 11-25-1996-001-B Amendment)

SECTION 7:

The tax imposed herein shall be in addition to other general taxes such as the Occupational Tax or Business Permit payable to the city of West Liberty.

SECTION 8:

An person who shall purposely refuse to file a return, pay the tax due, including all penalty and interest charges, or who shall knowingly file a false or fraudulent return required herein, shall be guilty of a misdemeanor subject to a fine of not more than \$100.00 for each violation, imprisonment for not more than thirty (30) days, or both. (Enacted this 22nd day of June, 1998 Ordinance No. 11-25-1996-001-B Amendment)

SECTION 9:

A collection fee in the amount of 3% shall be retained by the city, to cover administration cost.

SECTION 10:

The Commission shall annually submit to the City Council, a budget for the upcoming fiscal year. The Commission shall submit a report of the operation of the Commission during the proceeding year. Shall submit for review and approval by the City Council, Policies and Procedure developed and/or revised by the Commission for Operations and dispensation of funds.

SECTION 11:

The funds collected from this tax shall be maintained by the City Treasurer in a special fund and disbursed to the Tourism Commission in accordance with its annual budget. All such money shall be used solely for the purpose of promoting convention and tourist activity in the city as set out in KRS Section 91A.390, and shall not be used to provide a subsidy in any form to any hotel, motel or restaurant. Any money not expended by the Commission during any fiscal year will be used to make up a part of the Commission's budget for the next fiscal year.

SECTION 12:

The West Liberty City Council forbids the Commission to issue revenue bonds or to borrow money beyond the fiscal year without the express approval of the West Liberty City Council. The fiscal shall begin July 1 and terminate on June 30 following.

SECTION 13:

The Commission must have on file an application, from any group, prior to any expenditures, to said group.

SECTION 14:

Any paid staff of any organization, eligible to receive funding from the Tourism Commission, shall not be appointed to serve as a Commission Member.

SECTION 15:

A Commission member may be removed from office by action of the local government body, that established the Commission and consistent with the method by which Commission was established. (KRS 65.005)

SECTION 16:

This Ordinance shall take effect after its passage and upon publication.

SECTION 17:

It will be the responsibility of the taxpayer to maintain books, records, and papers in support of all amounts reported on the quarterly return. The city, through its agents, will be permitted to examine the books, records, and papers of the taxpayer upon notification in writing to the taxpayer. (Enacted this 22nd day of June, 1998 Ordinance No. 11-25-1996-001B Amendment)

ENACTED THIS 25TH DAY OF NOVEMBER, 1996

ORDINANCE NO. 11-25-1996-001

Signed By: William S Wells, Mayor

Attest By: Linda Bradley, City Clerk

FIRST READING: 10-28-1996

SECOND READING: 11-25-1996

PUBLICATION: 12-05-1996