

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2009-04**

AN ORDINANCE AMENDING ORDINANCE NUMBER 2007-15 RELATING TO THE COLLECTION OF THREE PERCENT (3%) TRANSIENT ROOM TAX TO PROVIDE FUNDS FOR THE CITY OF OAK GROVE, RECREATIONAL, TOURIST AND CONVENTION COMMISSION AND AN ADDITIONAL ONE PERCENT (1%) TO FUND THE OPERATION AND MAINTENANCE OF A CONVENTION/MULTI-PURPOSE EVENTS CENTER

WHEREAS, the City of Oak Grove, in order to promote the general welfare of its inhabitants through the promotion of recreational, tourist and convention activities, has established, a recreational, tourist and convention commission, pursuant to Ordinance No. 1986-4; and

WHEREAS, Section 91A.390 of the Kentucky Revised Statutes provides that the local governing body or bodies shall provide funds for the operation of a commission by imposing a transient room tax; and

WHEREAS, Section 91A.390 (1) allows the local governing body to impose a special transient room tax not to exceed 1% in addition to the 3% for the sole purpose of meeting the operating expenses of a convention center, to be maintained in a separate account per KRS 68.100 and 92.330; and

WHEREAS, the local governing body sees the benefit of allowing the City of Oak Grove Recreational, Tourist and Convention Commission to collect the transient room tax to better ensure the availability of funds for the operation of the commission and the convention/multi-purpose events center.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY:

SECTION I - DEFINITIONS

As used in this Ordinance, unless the context requires otherwise:

- (a) "Tax" means the transient room tax levied and imposed by this Ordinance as authorized by Section 91A.390 of the Kentucky Revised Statutes.
- (b) "Taxpayer" means any person, firm, partnership or corporation (including governmental entities and agencies) who are required by this Ordinance to collect and remit the tax or upon whom the tax is levied and imposed.
- (c) "Commission" means the City of Oak Grove Recreational, Tourist and Convention Commission established by Ordinance No. 1986-3 of the City of Oak Grove,

Kentucky.

SECTION II -IMPOSITION OF TAX

There is hereby imposed on and after the first day of August, 2007 a transient room tax of four percent (4%) of the rent for every occupancy of suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor Courts, motels, hotels, inns or like or similar accommodations businesses in the City of Oak Grove, Kentucky. At the option of the Taxpayer, said Tax may be added to such rent. Whether or not the Tax is added to such rent, it shall be the property of the City of Oak Grove, Kentucky, and the Commission from and after the time the rent is collected. The purpose for which this Tax is imposed and levied is to provide funds for the lawful operations of the Commission.

SECTION III - PAYMENT OF TAX

- (a) The tax shall be paid monthly by the Taxpayers to the City of Oak Grove Recreational, Tourist and Convention Commission aka "Tourism Commission" on or before the 30th day of each month or, if such date is Saturday, Sunday or legal holiday, on or before the next succeeding day which is not a Saturday, Sunday or legal holiday. Each monthly payment shall be the total of Taxes due from the Taxpayer based on rentals for the immediately preceding month. The remittance of the Tax shall be accompanied by a report. The report shall contain such information as the Commission determines is necessary to ensure proper enforcement of the Tax, shall be in such form as prescribed by the Commission and shall be signed and certified as correct by or on behalf of the Taxpayer.
- (b) The information contained in the report shall be confidential. However, the information contained in all reports received by the Commission 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 report may list the names of all Taxpayers as a group, if there are more than three (3) such Taxpayers in the group.

SECTION IV - WEEKLY TAX PAYMENT BY DELINQUENT TAXPAYERS

If a Taxpayer fails to file the monthly report when due or to make the monthly remittance of the Tax which is due then the Commission in its discretion may require the Taxpayer to make weekly reports and weekly remittance of the Tax. Such Taxpayer shall continue to make such weekly reports and weekly remittance of the Tax until the Commission is reasonably satisfied that there will be no further delinquency in the filing of a monthly report and the monthly

remittance of the Tax. When weekly reports and remittances of the Tax are required by the Commission, they shall be due on Thursday of each week for the immediately preceding week ending on and including Saturday.

SECTION V - PENALTY AND INTEREST ON DELINQUENT TAXES

Any Taxes which are not paid by the date they are due shall be subject to a penalty of ten percent (10%) of the amount then due; and the total of such Taxes and penalty shall bear interest at the rate of twelve percent (12%) per annum from the first day of the month in which such Taxes were due until paid (or, in the case of the Taxpayer required to make weekly Tax remittances, from the first day of the week in which such Taxes were due until paid).

SECTION VI - CRIMINAL PENALTIES

- (a) Any Taxpayer who fails to timely file the report required by this Ordinance shall be subject to the same penalty for a Class A Misdemeanor as provided in the Kentucky Penal Code (Chapter 500 et seq. of the Kentucky Revised Statutes).
- (b) The failure to make timely remittance and payment of the Tax to the Oak Grove Tourism Commission is, and shall be considered to be, a theft by failure to make required disposition of property as proscribed by Section 514.070 of the Kentucky Revised Statutes.
- (c) If said account remains unpaid Sixty (60) days after its due date, the Oak Grove Tourism Commission may seek enforcement and collection through Christian County's Court of proper jurisdiction.
- (d) Any owner, manager, corporate officer, director, or agent in charge of any facility subject to this Ordinance is deemed responsible for seeing that said monies are paid to the Commission. Sixty (60) days delinquency on the part of any establishment charged with collecting and paying this tax shall be prima facie evidence of willful intent not to pay same.
- (e) Upon conviction for willful intent not to pay said tax, any person mentioned in subsection (d) above, shall be guilty of a Class A misdemeanor as defined in KRS Chapter 500 et seq. and upon conviction may be fined not less than \$100.00 nor more than \$500.00.
- (f) An authorized form for use in reporting the tax levied and remitted is attached hereto.

SECTION VII – AUTHORITY TO AUDIT

The Commission and/or Finance Director/Treasurer of Oak Grove is authorized to examine the books, papers, and records of any facility subject to this Ordinance in order to determine the accuracy of any return made, or, if no return was made, to ascertain the amount of tax

imposed by the terms of this chapter. Each facility subject to this Ordinance is hereby directed and required to give the Commission or its duly authorized agent the means, facilities, and opportunity for an examination and investigation as authorized.

SECTION VIII - SEVERABILITY

If any provision of this Ordinance is held to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated.

SECTION IX - REPEAL ORDINANCES

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION X - EFFECTIVE DATE

The effective date of this Ordinance shall be effective upon publication.

Approved on First Reading this 21st day of April, 2009.


Approved on Second Reading this 28th day of April, 2009.

APPROVED:

ATTEST:



Dan Potter, Mayor
City of Oak Grove, Kentucky



Evelyn McDaniel, CAO/City Clerk
City of Oak Grove, Kentucky

PUBLISHED: In the Kentucky New Era, the 6th day of April, 2009.



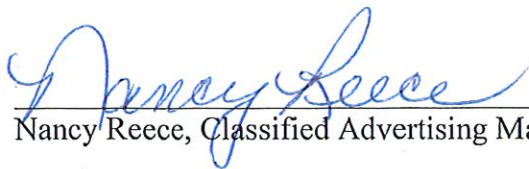
Kentucky New Era.

The Kentucky New Era, Inc.
P.O. Box 729
1618 E. Ninth St.
Hopkinsville, Kentucky
42241-0729

State of Kentucky
County of Christian

SS Affidavit of Publication

I, Nancy Reece, Classified Advertising Manager, of the Kentucky New Era, paper of general circulation, printed and published at Hopkinsville, Kentucky, do solemnly swear that from my own personal knowledge, and reference to the files of said publication, a 36 inch advertisement for Ordinance 2009-04 was inserted by City of Oak Grove in the Kentucky New Era, May 6, 2009.


Nancy Reece, Classified Advertising Manager

Subscribed and sworn to before me this 6th day of May 2009.


Notary Public

Christian County, Kentucky

My commission expires Nov 5, 2012