

1st Reading 4/17/90
2nd Reading 5/15/90

Ordinance No. 166-90

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 MT. STERLING, KENTUCKY

WHEREAS, The City Council has experienced the need for continued funding for the promotion of recreational, convention and tourist activity within the City of Mt. Sterling; and

WHEREAS, The City of Mt. Sterling has created by Ordinance a Recreation & Tourism Commission for the promotion of these activities within the City of Mt. Sterling, known as the Mt. Sterling-Montgomery County Recreation & Tourism Commission; and

WHEREAS, KRS 91A.400 authorized the imposition of a 2% special tax on the gross retail sales of restaurants doing business within the City of Mt. Sterling, Kentucky for the funding of the Recreation & Tourism Commission.

BE IT HEREBY ORDAINED BY THE CITY OF MT. STERLING, KENTUCKY,

SECTION 1: For the purpose of operation of the Mt. Sterling-Montgomery Recreation & 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, including the city park system, there is hereby imposed and levied a special tax of 2% of the gross retail sales of restaurants doing business within the city.

SECTION 2: On or after July 1, 1990, every person, company, corporation or other like, or similar persons, groups or organizations doing business as restaurants located in the city shall pay quarterly to the City Treasurer a tax of 2% of the gross retail sales, which is defined to mean gross sales excluding state sales tax, collected by them during the preceding quarter. Such tax shall be due and payable to the City thirty (30) days after the last day of each quarter, together with a return on a form furnished or obtained from the City Clerk, setting forth an aggregate amount of gross sales charged and collected during the period to which the tax applies, together with such other pertinent information as the City may require. Restaurants will begin collecting the tax on July 1, 1990 and make the first payment before October 31, 1990.

SECTION 3: As used in this Ordinance, restaurant means any vised 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: restaurants, coffee shops, cafeterias; short order cafes; luncheonettes; grilles; tea rooms; sandwich shops; soda fountains; roadside 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, establishments serving beverages only in single service or original containers.

SERVICE 4: Temporary food stands, booths, street concessions and similar type operations, whether operated by non-profit corporations or not, when food is prepared and sold for immediate consumption, are not exempt from this tax.

SERVICE 5: Any tax imposed by this Ordinance which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of 10%, together with interest at the rate of 12% against the total amount of tax overdue at any time. After Sixty (60) days, the amount of penalty shall be compounded each month.

SERVICE 6: The tax imposed herein shall be in addition to other general taxes as the Occupational Tax or Business Permit payable to the City of Mt. Sterling.

SECTION 7: It will be the responsibility of the taxpayer to maintain books, records, and papers in support all amounts reported on the quarterly return. The City will be permitted to examine the books, records and papers of the taxpayer upon notification in writing to the taxpayer.


SECTION 8: Any person who shall purposefully refuse to file a return, pay the tax due, 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.

SECTION 9: The funds collected from this tax shall be maintained by the City Clerk-Treasurer in a special fund and disbursed to the Recreation & Tourism Commission in accordance with its annual budget. All such money shall be used solely for the purpose of promoting recreational, convention and tourist activity i 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 10: The Mt. Sterling City Council forbids the Commission to issue revenue bonds or to borrow money beyond the fiscal year without the express approval of the Mt. Sterling City Council. The fiscal year shall begin July 1 and terminate on June 30 following.

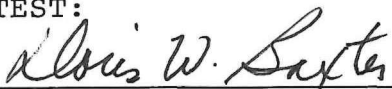
SECTION 11: This Ordinance shall take effect after its passage and upon publication.

ENACTED this 15th day of May, 1990.



BERT MAY, MAYOR
CITY OF MT. STERLING

ATTEST:



DORIS BAXTER
CITY CLERK