

ORDINANCE NO. **BG2013 – 40**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), SUBCHAPTER 2-18 (BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU) AND CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES), SUBCHAPTER 18-5 (TRANSIENT ROOM TAX) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

WHEREAS, the Bowling Green Area Convention and Visitors Bureau is proposing amendments to Chapter 2 (Administration), Subchapter 2-18 (Bowling Green Area Convention and Visitors Bureau) and Chapter 18 (Occupational License Fees and Taxes), Subchapter 18-5 (Transient Room Tax) of the City's Code of Ordinances to align provisions with state law and to remove any obsolete language; and,

WHEREAS, it is in the best interests of the City to amend Chapter 2 and Chapter 18 as requested.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 2 (Administration) is hereby amended as follows:

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2-18 BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU.

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2-18.06 Request for Funds; Transient Room Tax.

The Bureau shall annually submit to the Board of Commissioners and the Fiscal Court a request for funds for the operation of the Bureau for the ensuing year. The Board of Commissioners and Fiscal Court shall include the Bureau in their annual budgets and shall provide funds for the operation of the Bureau by imposing a transient room tax, not to exceed three (3%) percent of the rent

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for every occupancy of a 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 accommodation businesses regardless of the period of stay at the subject establishment. The transient room taxes shall be levied in accordance with KRS 91A.390 and shall be collected, and provision shall be made for the collection of the tax and the enforcement of the tax measure. The imposition of the tax shall appear in the Code of the City.

2-18.07 Use of Transient Room Tax Collection.

A portion of the money collected from the imposition of any such transient room tax, as determined by the Board of Commissioners and Fiscal Court, upon the advice and consent of the Bureau, may be used to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourists and convention business and shall include athletic stadiums. The balance of the money collected from the imposition of any such transient room tax shall be used for the purpose of promoting convention and tourist activity within the City and County as set out in KRS 91A.350. Proceeds from any such transient room tax may not be used to provide a subsidy in any form to any hotel, motel or restaurant. Money not expended by the Bureau during any fiscal year shall be used to make up a part of the Bureau's budget for its next fiscal year.

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2. Chapter 18 (Occupational License Fees and Taxes) is hereby amended as follows:

...

18-5 TRANSIENT ROOM TAX.

18-5.01 Transient Room Tax Imposed.

a. A transient room tax of three (3%) percent is hereby imposed and levied on the rate, rent or other charge for the occupancy of a suite, room or rooms, let or rented by any and all persons, firms or organizations doing business as motor courts, motels, hotels, inns or other like or similar

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accommodation business regardless of the period of stay at the subject establishment. Transient room taxes shall not apply to the rental or leasing of an apartment building 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 minimum period of thirty (30) days or more.

b. In addition to the above three (3%) percent, effective January 1, 1994, a special transient room tax of one (1%) percent is hereby imposed and levied on the rate, rent or other charge for the occupancy of a suite, room or rooms, let or rented by any and all persons, firms or organizations doing business as motor courts, motels, hotels, inns or other like or similar accommodation businesses regardless of the period of stay at the subject establishment. This additional special one (1%) percent transient room tax is levied for the sole purpose of meeting the operating expenses of the Convention Center of Bowling Green/Warren County.

c. All persons, firms, organizations or businesses doing business as motor courts, motels, hotels, inns or other like or similar accommodation businesses shall collect and pay the transient room tax and the special transient room tax to the City of Bowling Green ~~quarterly, monthly or at other intervals as set out in regulations issued by the Chief Financial Officer~~ and at the time shall file a return on a form provided for such purpose.

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18-5.02 Allocation for Special Tourism Projects.

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~~b. The Chief Financial Officer is hereby directed and empowered to allocate and disburse annually, if necessary, subject to Board of Commissioners approval, up to one hundred thousand (\$100,000.00) dollars of the three (3%) percent transient room tax to the person or agency as set forth in bond documents and related agreements in order to assist in the payment of the cost of the~~

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~~acquisition, construction, operation and maintenance of the National Corvette Museum in Bowling Green and Warren County.~~

eb. All of the three (3%) percent transient room tax not allocated or disbursed by the Chief Financial Officer as approved by the Board of Commissioners, upon the advice and consent of the Bureau, relating to this Section which is collected by the City of Bowling Green shall be paid out to the Bowling Green Area Convention and Visitors Bureau within ~~forty five (45)~~ thirty (30) days after the end of each ~~quarter~~ month. Late payments collected by the City of Bowling Green shall be paid out within fifteen (15) days after receipt. Any legal fees and costs and any audit fees and costs incurred in the administration of this tax or in the collection of delinquent accounts shall be paid by the Bowling Green Area Convention and Visitors Bureau. Accordingly, the Bowling Green Area Convention and Visitors Bureau may commence and prosecute collection actions on delinquent accounts in its own name in civil and bankruptcy courts through attorneys, auditors and accountants retained by it. All receipts, payments and control utilized by the City relating to the collection of the room tax and special room tax shall be included in the annual audit for the City as prescribed by the Kentucky Revised Statutes.

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3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

4. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on November 19, 2013, and given final reading on December 3, 2013, and said Ordinance shall be in full force and effect upon signature, recordation and publication in

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summary pursuant to KRS Chapter 424.

ADOPTED: December 3, 2013

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 10/30/2013, 10:00 a.m.