

ORDINANCE # 11 - 2022

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING CHAPTER 33 (TAXATION) OF THE FRANKLIN COUNTY CODE OF ORDINANCES BY ADDING A DEFINITION SECTION AND AMENDING SECTION 33.01 (TAX IMPOSED)

WHEREAS, House Bill 8 passed in the 2022 legislative session to expand transient room tax to include the rent of every occupancy of a suite, room, rooms, cabin, lodgings, campsites, or other accommodations charged by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a continuous stay less than 30 days; and

WHEREAS, transient room tax shall be collected by any person which facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration shall be responsible for collection;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I. The Code of Ordinances, Section 33, is hereby amended to add a section as follows:

Rent – Shall include every occupancy of a suite, room, rooms, cabin, lodgings, campsites, or other accommodations charged by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration.

33.01 TAX IMPOSED.

Pursuant to KRS 91A.392, in addition to the 3% transient room tax imposed by KRS 91A.390(1), there is hereby imposed an additional transient room tax of 2% of the rent for every occupancy of a suite, room or rooms, cabin, lodgings, campsites, or other accommodations charged by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration ~~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 (the “special tax”) upon the transient guests who occupy one or more suites, or rooms in motor courts, motels, hotels, inns or like or similar accommodation businesses~~ for a consecutive period of 30 days or less.

33.02 PURPOSE; MONEY COLLECTED.

(A) All money collected from the special tax authorized by this subchapter shall be held in trust and applied for the sole and exclusive purpose of retiring the Series 2015 bonds, issued by the county.

(B) The Series 2015 bonds shall be scheduled to mature over a term not to exceed 17 years.

33.03 GOVERNMENTAL ACTION.

(A) 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 as set forth herein, shall pay the 2% tax herein imposed at the same time and in the same manners that they pay the 3% transient room tax authorized by KRS 91A.390(1). The same interest and penalties applicable to the aforesaid transient room tax of 3% shall also be applicable to the County Revenue Commission as the designated collection agency for the county and same is authorized to create appropriate regulations pertaining to the implementation and enforcement of this tax and to take all appropriate actions to collect and enforce payment of the aforesaid additional 2% tax as are authorized for collection and payment of the existing 3% transient room tax authorized under KRS 91A.390. The County Revenue Commission is directed to disburse the additional 2% tax directly to the company, on a quarterly basis after deducting its customary fees and expenses.

(B) Following all necessary governmental actions, authorizations and consents required for the authorization and issuance of the Series 2015 bonds, the initial collection of the dedicated tax shall commence the end of January 2016 for the calendar quarter ended 12-31-2015, and thereafter the collection shall be the end of each April (for the calendar quarter from January 1 to March 31), July (for the calendar quarter from April 1 to June 30), October (for the calendar quarter from July 1 to September 30) and January (for the calendar quarter from October 1 to December 31) thereafter.

33.04 FORCE AND EFFECT.

The Fiscal Court covenants that the additional 2% transient room tax authorized by this subchapter shall remain in full force and effect while the Series 2015 bonds (or any bonds refunding the Series 2015 bonds for so long as the principal amount of the refunding bonds does not exceed the outstanding principal of the Series 2015 bonds at the time of refunding (excepting costs of issuance), and no changes will occur in the maturity date and the payment dates of such refunding bonds) are outstanding; provided, however, that, upon either the end of 17 years of dedicated tax collection or the retirement of all Series 2015 bonds (or such refunding bonds thereof), whichever comes first, the 2% transient room tax authorized by this section shall terminate and the Fiscal Court shall take appropriate action to repeal such tax.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

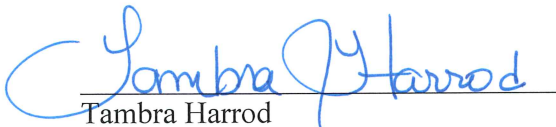
INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 4th day of November, 2022.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 22 day of November, 2022 and of record in Fiscal Court Order Book 33, Page 153.



Huston Wells
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod
Fiscal Court Clerk

SUMMARY

This ordinance adds the definition of transient room tax and the responsible party for collection.