

**Hart County**  
**Ordinance Number KOC 220.12**

ORDINANCE BY THE COUNTY OF HART ESTABLISHING THE HART  
COUNTY TOURISM COMMISSION AND IMPOSING A THREE (3 %)   
TRANSIENT ROOM TAX

Whereas, the governing body of the County of Hart, Kentucky has established the Hart County Tourism Commission pursuant to the provisions of KRS 91A.350 (2) for the purpose of promoting tourism activity.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF HART COUNTY, KENTUCKY, AS FOLLOWS:

- 1) The Fiscal Court of Hart County, Kentucky, hereby creates and establishes the Hart County Tourism Commission for the purpose of promoting tourist activity within the County of Hart, Kentucky. The Hart County Tourism Commission shall be governed by KRS 91A.350 (2) and other applicable provisions of the Kentucky Revised Statutes as they now exist and as they may hereafter be amended, and said commission shall have all the authority, powers, duties and obligations granted to it by these statutes.
- 2) The territory covered by this ordinance shall be all of the territory within the County of Hart, Kentucky.
- 3) The effective date of this ordinance shall be the 1<sup>st</sup> day of May, 2001. All references to the commission shall refer only to the Hart County Tourism Commission.
- 4) The Hart County Tourism Commission shall be composed of seven (7) members to be appointed by the Hart County Judge/Executive, in the following manner:
  - A) Two (2) commissioners from a list of three (3) or more names submitted by the local city hotel and motel association.
  - B) One commissioner from a list of three (3) or more names submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the city and county, then three (3) commissioners shall be appointed from a list of six (6) or more names submitted by it. If no formal local city or county hotel and motel association is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to subsection (4) (A) and (4)



of this section. Then up to three (3) commissioners shall be appointed from a list of six (6) or more names of persons residing within the jurisdiction of the commission. A local city or county hotel or motel association shall not be required to be affiliated with the Kentucky Hotel and Motel Association to be recognized as the official local or county hotel and motel association.

- C) One (1) commissioner from a list of three (3) or more names submitted by the local restaurant association or associations. If no formal local restaurant association or associations exist upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection. Then one (1) commissioner shall be appointed from a list of three (3) or more names of persons residing within the jurisdiction of the commission. A local restaurant association or associations shall not be required to be affiliated with the Kentucky Restaurant Association to be recognized as the official local restaurant association or associations.
  - D) One (1) commissioner from a list of three (3) or more names submitted by the chamber or chambers of commerce existing within the county of Hart, Kentucky. Each chamber of commerce within the territory covered by this ordinance shall submit a list of three (3) names, and the County Judge/Executive of the County of Hart, Kentucky, shall appoint one (1) commission member from the aggregate list.
  - E) Two (2) commissioners by the County Judge/Executive of the County of Hart, Kentucky.
- 5) A candidate submitted for appointment to the commission, pursuant to subsection (4) (A) to (4) (D), shall be appointed by the Judge/Executive of the County of Hart, Kentucky, within thirty (30) days of the receipt of the required list or lists; if not, the association or associations shall be election within ten (10) days determine the commissioner from the list or lists submitted by plurality vote of the aggregate membership.
  - 6) Vacancies shall be filled in the same manner that the original appointments are made.
  - 7) The commissioners shall be appointed for terms of three (3) years provided, that in making the initial appointments, the County Judge/Executive of the County of Hart, Kentucky, shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year. There shall be no limitation in the number of terms to which a commissioner is reappointed. Subsequent appointments shall be for three (3) year terms.



- 8) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to carry out the purpose of KRS 91A.390, as they exist and as they may hereafter be amended. At least 85% of the monies collected shall be used for direct media purchases. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers, and printers.
- 9) The books of the Hart County Tourism Commission shall be audited annually by an independent auditor who shall make a report to the commission, to the associations submitting lists of names from which commission members are selected, the County Judge/Executive of the County of Hart, Kentucky, and the Fiscal Court of the County of Hart, Kentucky. A copy of the audit reports shall be available by the Hart County Tourism Commission to members of the public upon request and no charge.
- 10) A commissioner may be removed from office by the Fiscal Court of the County of Hart, Kentucky, as provided by KRS 65.007 as it now exists and as it may hereafter be amended.
- 11) The Hart County Tourism Commission shall annually submit to the Fiscal Court of the County of Hart, Kentucky, its budget and a request for funds for the operation of the commission for the ensuing year. The Fiscal Court of the County of Hart, Kentucky, shall include the commission in its annual budget and shall provide funds for the operation of the commission by imposing a transient room tax of up to three percent (3%) of the rent 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 accommodations businesses. The transient tax imposed by this ordinance shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself as exclusively providing apartments. For the purpose of this ordinance, apartment means a room or set of rooms, in an apartment building or other multiple-family structure, fitted especially with a kitchen and usually leased as a dwelling for a minimum of thirty (30) days or more.
- 12) A portion of the money collected from the imposition of this tax, as determined by the Fiscal Court of the County of Hart, Kentucky, may be used to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and



promotion of tourist and convention business and shall include athletic stadiums. The balance of the money collected from the imposition of this tax shall be used for purpose set forth in KRS 91A.350, as it now exists and as it may hereafter be amended. Proceeds of the tax shall not be used as subsidy in any form to any hotel, motel, or restaurant. Money not expended by the Hart County Tourism Commission during any fiscal year shall be used to make up a part of the commission's budget for its next fiscal year.

- 13) The Hart County Tourism Commission, with the approval of the Fiscal Court of the County of Hart, Kentucky, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be paid out of the revenue anticipated from the transient room tax during the year the money is borrowed. The Hart County Tourism Commission may pledge securities for the repayment of any sum borrowed.
- 14) The fiscal year of the commission shall begin July 1 and end June 30 of each year.
- 15) All persons, firms, organizations or other like or similar persons, groups or organization doing business as motor courts, motels, hotels, inns, or other like or similar accommodations business shall collect and pay transient tax to the Treasury of the County of Hart, Kentucky, on a monthly basis on or before the 15<sup>th</sup> of the next month immediately following the month in which the transient room taxes are collected and at the same time shall file a return on a form provided by the Commission for such purpose.
- 16) The County Judge/Executive of Hart, Kentucky or their duly authorized agents are empowered to examine the books, papers, and records of any person, firm, organization or other like or similar accommodation business required herein to file a return. Said examination shall be permitted in order to determine the accuracy of any return made, or if no return was made to determine the amount of room tax due and owing.
- 17) Any Transient Room tax imposed by this ordinance remaining unpaid after it becomes due shall bear interest at the rate of (10%) of the amount of the unpaid tax payable to the county. In addition, any person who shall fail, neglect or refuse to properly complete and file a return as required herein or pay the tax imposed herein, or any portion thereof, shall be subject to a fine of not less than twenty-five (\$25.00), no more than one hundred dollars (\$100.00), or imprisonment of not more than thirty (30) days, or both fine and imprisonment.



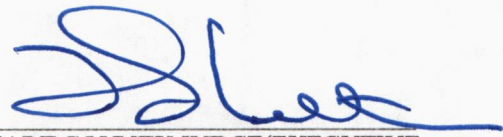
- 18) All base amounts collected by the Hart County Fiscal Court in the fifteen (15) day payment period as provided herein shall be paid over to the Hart County Tourism Commission within thirty (30) days, until the budget for the current fiscal year has been paid over to the Commission.
- 19) The ordinance shall be severable. If any sentence, clause, section or portion of this ordinance or the application thereof to any particular set of facts is for any person found to be unconstitutional or invalid, said sentence, clause, section or portions shall be severed, and such unconstitutional or invalidity shall not affect repeal any of the remaining provisions, sentences, clauses, or portions of the ordinance.
- 20) This ordinance becomes effective immediately upon passage of second reading and publication.
- 

ADOPTED by the Fiscal Court of Hart County, Kentucky  
following first reading this 5th day of April, 2001.

ADOPTED by the Fiscal Court of Hart County, Kentucky  
following second reading and public hearing on this the 19th day of  
April, 2001.

ATTEST:

  
FISCAL COURT CLERK

  
HART COUNTY JUDGE/EXECUTIVE