

CITY OF HOMER, ALASKA
ORDINANCE NO. 90-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
COMBINING THE SPECIAL SALES TAX PROVISIONS OF CHAPTER 3.12
WITH THE GENERAL SALES TAX PROVISIONS OF CHAPTER 9.16;
PROVIDING A CIVIL PENALTY FOR VIOLATION OF SALES TAX PROVISIONS;
AND AUTHORIZING THE RECORDING OF LIENS FOR DELINQUENT SALES
TAXES; AND AUTHORIZING THE FORGIVENESS OF UNCOLLECTED
TAXES, PENALTIES, AND INTEREST ON CERTAIN CONDITIONS

THE CITY OF HOMER ORDAINS:

Section 1. The existing text of section 9.16.010 of the Homer City Code is hereby designated as subsection a. of that section.

Section 2. Subsections 3.12.010 a. and b. of the Homer City Code are hereby recodified as subsections 9.16.010 b. and c, respectively.

Section 3. Sections 3.12.020 and 3.12.030 of the Homer City Code are hereby repealed.

Section 4. Section 9.16.020 of the Homer City Code is hereby amended to read as follows:

9.16.020 Mill rate contingency. The sales tax enacted by subsection a. of section 9.16.010 shall remain in effect only in such years that the City Council sets the property mill levy at six mills or less. In such years as the property mill levy exceeds six mills, this sales tax levy shall not be in effect.

Section 5. Section 9.16.030 of the Homer City Code is hereby repealed.

Section 6. Section 9.16.050 of the Homer City Code is hereby created to read as follows:

9.16.050 Civil penalties. a. Failure to Obtain Certificate of Registration. A seller who is required to obtain a certificate of registration under KPB Chapter 5.18, but fails to do so within the time prescribed, is subject to a civil penalty equal to 25% of the amount of any City tax found to be due in addition to payment of the actual amount of City taxes.

b. Failure to File Return. A seller who fails to file a timely return, or who fails to remit all City taxes collected by him or later found to be due, is subject to a civil penalty of 5% per month of the amount of City taxes found to be due, to a maximum of 25%. The filing of an incomplete return, or the failure to remit all taxes, is the equivalent of filing no return. All City taxes due but not paid within the time required shall accrue and be assessed an interest charge at the maximum statutory rate as provided by AS 29.45.650 (d).

c. The provisions of this section shall be enforced by the Kenai Peninsula Borough pursuant to KPB 5.18.290.

Section 7. Section 9.16.060 of the Homer City Code is hereby created to read as follows:

9.16.060 Forgiveness of uncollected taxes, penalties and interest. a. If, pursuant to the provisions of KPB 5.18.275, the Kenai Peninsula Borough forgives payment of a Borough sales tax, penalties or interest thereon, the City Manager may grant forgiveness of any corresponding City sales tax, penalties or interest.

b. The City Manager shall notify the City Council in writing of any such incidence of forgiveness which shall be final unless overridden by the Council within 30 days of such forgiveness.

Section 8. Section 9.16.070 of the Homer City Code is hereby created to read as follows:

9.16.070 Sales tax liens. a. Sales taxes, together with penalties, interest, and costs of administration, shall constitute a lien in favor of the City upon all real and personal property of every person making sales subject to City sales taxes and, when recorded, sales tax liens are prior and paramount to all other liens or encumbrances against the property except as provided by AS 29.45.650 (e).

b. A lien imposed by subsection a. may be filed and recorded by the City or the Kenai Peninsula Borough pursuant to KPB 5.18.295. Enforcement of City sales tax liens by foreclosure or any other remedy shall be administered by the Kenai Peninsula Borough.

Section 9. This is a general ordinance of a permanent nature and the provisions of Sections 1. through 8. as contained herein shall be codified for inclusion in the Homer City Code.

Section 10. The City Clerk shall provide a certified copy of this ordinance to the Kenai Peninsula Borough following enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 10th day of September, 1990.

THE CITY OF HOMER, ALASKA

John P. Calhoun
JOHN P. CALHOUN, MAYOR

AYES: 6
NOES: 0
ABSENT: 0
ABSTAIN: 0

ATTEST:

Mary L. Shannon
~~Patti J. Whalin, CMC~~ Mary L. Shannon
City Clerk

(City Seal)

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form and content:

C. E. Swackhammer
C. E. Swackhammer, City Manager
Date: 9/11/90

Gordon J. Tans
Gordon J. Tans, Perkins Coie
Date: 9/17/90