

**Horse Cave**  
**Ordinance Number \_\_\_\_\_**

AN ORDINANCE BY THE CITY OF HORSE CAVE RELATING TO THE CREATION OF  
THE HORSE CAVE - HART COUNTY TOURIST COMMISSION

WHEREAS, the City Council of Horse Cave, Kentucky understands the need for the promotion of tourist activity within the city of Horse Cave and Hart County; and

WHEREAS, of the County of Hart, Kentucky has previously established the Hart County Tourism Commission pursuant to the provisions of KRS 91A.350 (2) for the purpose of promoting tourism activity, the Fiscal Court of Hart County, Kentucky and has agreed to amend Hart County Ordinance KOC220.12 and to change the name of the Hart County Tourism Commission to the Horse Cave – Hart County Tourist Commission; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSE CAVE, HART COUNTY, KENTUCKY AS FOLLOWS:

- 1) The City of Horse Cave, Kentucky, and the Fiscal Court of Hart County, Kentucky, do hereby agree to change the name of the Hart County Tourism Commission to the Horse Cave – Hart County Tourist Commission for the purpose of promoting tourist activity within the City of Horse Cave and the County of Hart, Kentucky. The Horse Cave – Hart County Tourist 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 City of Horse Cave and the County of Hart, Kentucky.
- 3) The effective date of this ordinance shall be the \_\_\_\_ day of \_\_\_\_\_, 2012. All references to the commission shall refer only to the Horse Cave – Hart County Tourist Commission.
- 4) The Horse Cave-Hart County Tourist Commission shall be composed of seven (7) members to be appointed pursuant to the provisions of KRS 91A.360 by the Hart County Judge/Executive and the Mayor of Horse Cave 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 the 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 association, provided that if only one (1) local hotel and motel association exist which covers both the city and county, then one (!) commissioner shall be appointed from a list of three (3) 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 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 one (1) commission member shall be appointed from the aggregate list.
  
- E) One (1) commissioner by the County Judge/Executive of Hart, Kentucky

- F) One (1) commissioner by the Mayor of Horse Cave, Kentucky
- 5) A candidate submitted for appointment to the commission, pursuant to sections (4)(A) through (4) (F) of this ordinance, shall be appointed by joint action of the chief executive officers of Hart County and the City of Horse Cave within thirty (30) days of the receipt of the required list or lists; if not, the association or associations shall by election within ten (10) days determine the commissioner from the list of lists submitted by the 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 chief executive officers of Hart County and the City of Horse Cave 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. Nothing herein shall affect the terms of the present members of the Commission, but upon expiration of the term of any presently sitting member, the procedures contained herein shall be utilized to appoint said member's successor.
  - 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.350 (2) to 91A.390, as they exist and as they may hereafter be amended. 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 Horse Cave – Hart County Tourist 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, the Fiscal Court of the County of Hart, Kentucky, the Mayor of the City of Horse Cave, and the Horse Cave City Ordinance 2012-05

Council. A copy of the audit reports shall be available by the Horse Cave – Hart County Tourist Commission to members of the public upon request and at no charge.

10) A commissioner may be removed from office by joint or separate action of the Fiscal Court of the County of Hart, Kentucky or the Horse Cave City Council, as provided by KRS 65.007 as it now exists and as it may hereafter be amended.

11) The Horse Cave – Hart County Tourist Commission shall annually submit to the Fiscal Court of the County of Hart, Kentucky and the Horse Cave City Council, 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 and the Horse Cave City Council, 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 Horse Cave-Hart County Tourist Commission during any fiscal year shall be used to make up a part of the commission's budget for its next fiscal year.

16) The Commission or an agent or employee designated in writing by the Commission is authorized 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) (A) Any Transient Room tax imposed by this ordinance remaining unpaid after it becomes due shall bear interest at the rate of (12%) per annum of the amount of the unpaid tax payable and added to the principal amount when paid.

(B) If said account remains unpaid sixty (60) days after its due date, the Tourist Commission may seek enforcement and collection through the Office of the Hart County Attorney.

(C) Any owner, manager, Corporate officer, Director, or agent in charge of any facility subject to this Ordinance is deemed responsible for seeing that said monies are paid to the Tourist Commission. Sixty (60) days delinquency on the part of any establishment charged with collecting and paying this tax shall be prima facie evidence of willful intent not to pay same.

(D) Upon conviction for willful intent not to pay said tax, any person mentioned in subsection (C) above shall be guilty of a Class A misdemeanor as defined in KRS Chapter 500, et seq., and upon conviction may be fined not less than \$100.00 nor more than \$500.00 or sentenced to imprisonment in the County Jail for not less than 0 days, up to twelve (12) months in said jail, or both fine and imprisonment may be levied.

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 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.

This Ordinance may be published in summary.

ADOPTED by the City Council of Horse Cave, Kentucky following first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED by the City Council of Horse Cave, Kentucky following second reading and public hearing on this the \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

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HORSE CAVE MAYOR