Introduced by: Council Member Leinberger
Date Introduced: August 15, 2006
Public Hearing Date: August 29, 2006
Action: Passed
Vote: 5-2

CITY OF BETHEL, ALASKA

ORDINANCE #06-17

AN ORDINANCE AMENDING SECTION 4.16.180 OF THE BETHEL MUNICIPAL CODE REGARDING CHANGING PENALTIES FOR TAXES NOT PAID AND ESTABLISHING NEW PENALTIES FOR TAX REPORTS NOT FILED

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. Section 4.16.180 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

4.16.180 Penalties.

A. A seller who fails to timely file a return as required under this chapter ~~or who fails to remit all the taxes due the city by that seller shall pay a penalty of five percent of the taxes due if no return is filed and five percent of the delinquent amount if a complete return is filed~~ shall pay a penalty of three and one-half percent of the taxes due. The penalty shall be imposed for each month or part of a month during which the delinquency of failure to file exists up to a maximum of ~~twenty-five~~ seventeen and one- half percent of the initial delinquency. The filing of an incomplete return shall be treated as the filing of no return.

B. A seller who fails to timely pay an amount shown on a return as required under this chapter shall pay a penalty of one and one-half percent of the taxes not paid. The penalty shall be imposed for each month or part of a month during which the delinquency of failure to pay exists up to a maximum of seven and one-half percent of the initial delinquency.

~~B.~~ C. A person required to collect a tax under this chapter, who fails to provide a written receipt or invoice setting out the amount of the tax due on the transaction when the amount of the tax is required to be shown on the receipt or invoice, shall pay a penalty to the city equal to twice the amount of the tax due on the sale.

~~C.~~ D. A person required to collect a tax under this chapter, who fails or refuses to produce records demanded or allow inspection at such reasonable time as requested or demanded by the finance director shall pay to the city a penalty equal to three times any deficiency found or estimated by the finance director to have occurred; provided, the minimum penalty is three hundred dollars.

~~D.~~ E. A person required to maintain records under the provisions of this chapter shall immediately notify the city of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty may be a defense to a civil penalty levied under this section, but does not excuse the person from the liability for payment to the city of taxes required to be collected. The unexplained or accidental loss of records, except by fire, theft or casualty, does not excuse a person from the performance of any of the requirements under this chapter.

~~E.~~ F. A penalty imposed under this chapter may not be waived or reduced except upon a clear showing of reasons beyond the control of the person upon whom the penalty is imposed or a similar strong justification and approval by the city manager of the waiver or reduction. (Ord. 98-27 § 2 (part))

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage.

PASSED AND APPROVED THIS 29th DAY OF AUGUST 2006, BY A VOTE OF 5 IN FAVOR AND 2 OPPOSED.

ATTEST:

R. Thor Williams, Mayor

Sandra Modigh, City Clerk