

CITY OF BETHEL, ALASKA

Ordinance #11-21 Substitute

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE SECTION 4.16.180 INCREASING PENALTIES UNDER THE SALES AND USE TAX CHAPTER

Now, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

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. The Bethel Municipal Code, Section 4.16.180 Penalties is amended as follow, new language is underlined and old language is stricken.

4.16.180 Penalties.

A. A seller who fails to timely file a return as required under this chapter shall pay a penalty of three and one-half (3 1/2) 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 seventeen and one-half (17 1/2) 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 (1 1/2) 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 (7 1/2) percent of the initial delinquency.

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, minimum penalty is five hundred dollars (\$500).

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 (3) times any deficiency found or estimated by the finance director to have occurred;

provided, the minimum penalty is ~~two thousand five hundred dollars (\$2,500)~~ one thousand dollars (\$1,000) in addition to penalties violators may be assessed administrative and/or legal cost associated with the city's obtaining the necessary records to complete audit or investigation.

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.

F. A penalty imposed under any part except paragraph C. or D. of 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.

G. A penalty imposed under paragraph C. or D. of this chapter may be waived or reduced upon a showing of reasons upon whom the penalty is imposed or a similar justification. Discretion by the city manager upon appeal shall determine the waiver or reduction.

SECTION 3. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS 28 DAY OF MARCH 2012, BY A VOTE OF __ IN FAVOR AND __ OPPOSED.

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk