

Introduced by: KIB Assembly
Requested by: Borough Assessor
Drafted by: Borough Assessor
Introduced: 12/03/2015
Amended: 12/03/2015
Public Hearing: 12/17/2015
Amended: 12/17/2015
Adopted: 12/17/2015

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2016-09**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING KODIAK ISLAND BOROUGH CODE OF ORDINANCES TITLE 3
REVENUE AND FINANCE, CHAPTER 3.40 PERSONAL PROPERTY TAX,
SECTION 3.40.060 PENALTIES AND INTEREST**

WHEREAS, KIBC 3.40.060 sets penalty rates for failure to file personal property returns as required by KIBC 3.40.010 and KIBC 3.40.020; and

WHEREAS, an amendment made to KIBC 3.40.050 under KIBC Ordinance No. FY2014-10 erroneously omitted the penalty applied to tax due upon a person who fails to file a personal property return; and

WHEREAS, this ordinance would set forth at Section 3.40.060(B), that a person who fails to file a personal property return shall be liable for a penalty of 10 percent of the tax assessed; and

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of 30 the Kodiak Island Borough Code of Ordinances; 31

Section 2: Title 3 *Revenue and Finance*, Chapter 3.40 Personal Property Tax, Section 33 3.40.050 Penalties and Interest is hereby amended as follows:

**Chapter 3.40
PERSONAL PROPERTY TAX**

Sections:

- 3.40.010 Property subject to taxation.
- 3.40.020 Exemptions.
- 3.40.030 Assessment return.
- 3.40.040 Tax situs of personal property.
- 3.40.050 Liability for and collection of personal property taxes.
- 3.40.060 Penalties and interest.
- 3.40.070 Classification of boats and vessels.
- 3.40.080 Classification of aircraft.

53 **3.40.060 Penalties and interest.**

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- A. A person who or entity required by this code to file a personal property return files a completed return after the filing deadline, but before the mailing of the assessment notices shall, in addition to other penalties provided by law, be liable for a penalty of five percent of the tax assessed against said personal property for that tax year.

- B. A person or entity required by this code to file a personal property return either for himself or as agent for another, or as agent, officer, or manager of a corporation, who fails to file a return as required by this code prior to February 28th of the current assessment year before the mailing of the assessment notices shall, in addition to other penalties provided by law, shall be fined a penalty in the amount of \$300.00. and be liable for penalty of 10 percent of the tax assessed against said personal property for the tax year.

- C. A person or entity required by this code to file a personal property return who, either on his own behalf, as agent for another, or as the agent, officer, or manager of a corporation, knowingly makes a false statement, return or list required by this section relating to the amount, kind, or value of personal property subject to taxation by the borough with intent to avoid or evade the assessment on taxation of the property, or part of it, is guilty of a violation of this chapter, and this action is punishable by a fine of \$1,000. (AS 29.45.140). [Ord. FY2014-10 §16, 2014; Ord. FY2011-07 §2, 2010; Ord. 93-36 §4, 1993; Ord. 92-25 §2, 1992; Ord. 74-8-O §3, 1974; Ord. 69-4-O §1, 1969; Ord. 67-11-O §1, 1967; prior code Ch. 3 subch. 2 §3. Formerly §3.40.030. Code 1974 §3.24.030].

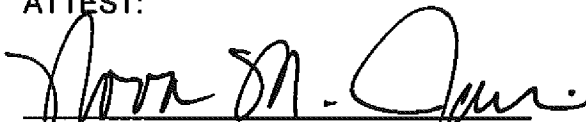
**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SEVENTEENTH DAY OF DECEMBER, 2015**

KODIAK ISLAND BOROUGH



Jerrol Friend, Borough Mayor

ATTEST:



Nova M. Javier, MMC, Borough Clerk