

AN ORDINANCE

AN ORDINANCE AUTHORIZING GREENVILLE COUNTY, SOUTH CAROLINA TO ESTABLISH AND COLLECT AN ACCOMMODATIONS FEE OF 2.3% OF GROSS RECEIPTS OF BUSINESSES ENGAGED IN PROVIDING ACCOMMODATIONS FOR TRANSIENTS WITHIN THE UNINCORPORATED AREAS OF GREENVILLE COUNTY AND OTHER MATTERS RELATED THERETO.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. This Ordinance shall be referred to as the Greenville County, South Carolina Accommodations Fee Ordinance.

Section 2. Definitions. Whenever any of the following words, terms or definitions are used in this ordinance, they shall have the following meaning:

"Accommodations for Transients" shall be defined to include the accommodations specified in S.C. Code 12-36-920, 1976, as amended from time to time or any successor provision thereto, located within the unincorporated areas of Greenville County.

"Arena" shall mean the arena/family entertainment facility to be located on the real estate generally bounded by Church Street, East North Street and Academy Street in the City of Greenville, South Carolina.

"County" shall mean Greenville County, South Carolina.

"Department of Finance" shall mean Finance and Administrative Services of the County.

"Finance Director" shall mean the Director of Finance and Administrative Services of Greenville County.

"Memorandum" shall mean the Memorandum of Understanding dated May ____, 1994, by and among the City of Greenville, Greenville County, Greenville Memorial Auditorium District and Carl Scheer on behalf of Greenville Arena Management Associates, a South Carolina limited partnership to be formed.

Section 3. Recitals. Greenville County Council has determined that the construction of an Arena will be of benefit to the County by promoting increased commerce in the County, enhanced educational and cultural opportunities and an increase in employment for the citizens of the County, all of which are proper public and corporate purposes of the County.

Section 4. Fee Imposed; Effective Date. Upon the date of execution and delivery by all parties of the documents required under the Memorandum (the "Closing Date"), there shall be imposed and shall immediately accrue as of the first day of the month

following such Closing Date and be collected a fee, as herein provided, upon Accommodations for Transients. The fee imposed by this Section 4 shall not apply to additional guest charges as defined in S.C. Code 12-36-920(B). The fee shall be established at the rate of 2.3% of the gross proceeds derived from the rental or charges for any Accommodations for Transients.

Section 5. Collection; Time When Fee Payment is Due; Monthly Reports. Fees imposed by this Ordinance shall be due on the same date and manner as provided in S.C. Code 12-36-2570 and in accordance with the provisions of S.C. Code 12-36-2570. The County shall provide a form for remittance of the fee to the County. At the time of filing of such form the business providing Accommodations for Transients shall pay to the Finance Department or its designee all fees due for the period for which the form applies.

Section 6. Disposition of Fee. All fees collected under this Ordinance shall be used primarily to defray the cost of constructing the Arena and are subject to annual appropriation by the Greenville County Council. Any funds remaining at the end of each fiscal year of the County and not required to defray the cost of the Arena as provided by the agreement by and among the Greenville Memorial Auditorium District, the City of Greenville, Greenville County and any trustee shall be appropriated as directed by action of the Greenville County Council for capital improvements and increased expenses of the County attributable to the construction and operation of the Arena.

Section 7. Penalty for Nonpayment. If for any reason any fee is not paid when due, a penalty at the rate of two percent (2%) per month on the amount of fees which remains unpaid shall be added and collected. Whenever any person shall fail to pay any fee as herein provided, upon the request of the County, an action may be brought by the County to enforce the payment of such fee on behalf of the County in any court of competent jurisdiction.

Section 8. Records Required. Every business providing Accommodations to Transients in the County shall keep books and records showing the prices, rents or charges made or charges and occupancies taxable under this Ordinance. The Finance Director or his designate shall at all reasonable times have full access to such books and records of such business.

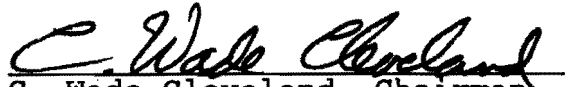
Section 9. Severability of Provisions. If any provision, clause, sentence, paragraph, section or part of this Ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance and the application of such provision

to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved.


Section 10. Termination of Ordinance. Subject to Section 4 herein regarding the effective date of this Ordinance, this Ordinance shall terminate upon payment in full of all bonds issued by the Greenville Memorial Auditorium District for the construction of the Arena.


Section 11. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING, THIS 21st DAY OF JUNE, 1994.


C. Wade Cleveland, Chairman
Greenville County Council

ATTEST:


Elizabeth M. Hanzey
Clerk to Council


Gerald Seals
County Administrator