

Introduced by: Knopp  
Date: 11/10/09  
Hearing: 12/01/09  
Action: Postponed as Amended Until 01/05/10  
Date: 01/05/10  
Action: Failed to Enact  
Vote: 0 Yes, 9 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2009-50**

**AN ORDINANCE REQUIRING RETAIL AND WHOLESALE SELLERS OF LIQUID  
PETROLEUM PRODUCTS TO FILE AN ANNUAL REPORT WITH THE KENAI  
PENINSULA BOROUGH CONCERNING THE QUANTITY OF SUCH  
PRODUCTS SOLD IN 2009**

**WHEREAS,** the Kenai Peninsula Borough has been considering modifications to its tax code structure; and

**WHEREAS,** one area that has been the subject of discussion is whether to change the taxation of liquid petroleum products; and

**WHEREAS,** because sellers of liquid petroleum products typically sell other items and all sales are reported without separating the liquid petroleum products from other products sold, it is difficult to ascertain the financial effect of changing the tax treatment of liquid petroleum products; and

**WHEREAS,** because the price of liquid petroleum products has changed so significantly and is likely to continue to change within the next couple of years, the report of quantities sold as opposed to sale amounts received would provide more meaningful information; and

**WHEREAS,** it is important that the confidentiality of such reports be maintained in order to protect proprietary information of such sellers;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** That sellers of liquid petroleum products at the retail and wholesale level shall provide a report on a form provided by the Kenai Peninsula Borough stating the quantity of such fuel sold in 2009 on a monthly basis. The report shall only include retail sales occurring within the boundaries of the Kenai Peninsula Borough and shall be due on April 30, 2010. For purposes of this ordinance, liquid petroleum products are limited to automobile and marine fuels, aviation fuels, diesel fuels, home heating oils, and propane.

**SECTION 2.** The information contained in all such reports shall be confidential and privileged information due to the proprietary nature of the information contained and the relatively small size of the industry in the Kenai Peninsula Borough.

**SECTION 3.** Failure to provide such information on or before the due date shall result in a fine of \$300.00 if not reported within two weeks of the deadline. Thereafter, the fine shall be an additional \$20 per day for each day that the report is not filed.

**SECTION 4.** That this ordinance shall take effect immediately and except for the provisions of Section 2 and 3 above, shall expire March 15, 2010, unless the expiration date is extended by assembly ordinance.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2010.**

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Pete Sprague, Assembly President

ATTEST:

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Johni Blankenship, Borough Clerk

Yes: None

No: Fischer, Haggerty, Knopp, McClure, Pierce, Smalley, Smith, Superman, Sprague

Absent: None