

CHARTER ORDINANCE NO. 27

A CHARTER ORDINANCE EXEMPTING THE CITY OF PRAIRIE VILLAGE, KANSAS, FROM THE PROVISIONS OF SUBPARAGRAPHS (b) AND (f) OF K.S.A. 12-1696, SUBPARAGRAPH (a) OF K.S.A. 12-1697 AND FROM THE PROVISIONS OF SUBPARAGRAPH (e) OF K.S.A. 12-1698, WHICH RELATE TO THE LEVY OF A TRANSIENT GUEST TAX, TO CERTAIN DEFINITIONS, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH TRANSIENT GUEST TAX REVENUES MAY BE SPENT; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. The City of Prairie Village, Kansas, is a city of the first class, and by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does hereby exempt, itself from, and makes inapplicable to it, the provisions of subparagraphs (b) and (f) of K.S.A. 12-1696, subparagraph (a) of K.S.A. 12-1697 and the provisions of subparagraph (e) of K.S.A. 12-1698, which relate to the levy of a transient guest tax, to the definitions of "hotel, motel or tourist court" and "accommodations broker", to the levy and maximum rate thereof, and to the purposes for which transient guest tax revenues may be spent, and hereby provides substitute and additional provisions on the same subjects as set forth herein. The referenced statutes are not uniformly applicable to all cities in Kansas.

Section 2. The following is hereby substituted for the provisions of K.S.A. 12-1696(b) and K.S.A. 12-1696(f):

As used in this Charter Ordinance, the following words and phrases shall have the meanings respectively ascribed to them herein:

"Hotel, motel or tourist court" means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having six or more bedrooms furnished for the accommodation of such guests.

"Accommodations broker" means any business which maintains an inventory of six or more bedrooms in one location which are offered for pay to a person or persons for not more than 28 consecutive days.

Section 3. A transient guest tax of nine percent (9%) is hereby levied upon the gross receipts derived from or paid directly or through an accommodations broker by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court located within the City of Prairie Village. The percentage of such transient guest tax may hereafter be determined by the Governing body by ordinary ordinance.

Section 4. Revenues received by the City from the transient guest tax shall be expended for all, or any portion of, community, economic development and cultural activities which encourage or which are deemed to result in increased economic development, visitors and tourism for the City, and to the payments of principal and interest on bonds issued by the City, including bonds issued pursuant to K.S.A. 12-1774.

Section 5. All other provisions of K.S.A. 12-1696, K.S.A. 12-1697 and K.S.A. 12-1698, not exempted hereby, shall remain the same.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Ordinance.

Section 7. This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

Section 8. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF PRAIRIE VILLAGE EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF PRAIRIE VILLAGE, DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, ON THIS DECEMBER 7, 2015.


Laura Wassmer, Mayor

ATTEST

Joyce Hagen Mundy
City Clerk

APPROVED AS TO FORM:


Catherine P. Logan
City Attorney

I hereby certify that this is a true and accurate copy of Charter Ordinance 27 of the City of Prairie Village, KS

Joyce Hagen Mundy
City Clerk