

APPENDIX A. CHARTER ORDINANCES

NOTE:

The charter ordinances included herein are for information only. Each contains the substance as adopted by the Governing Body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each ordinance as adopted are on file in the office of the City Clerk. Date of passage and effective date are shown in parenthesis at the end of the text.

CHARTER ORDINANCE NO. 38

CHARTER ORDINANCE EXEMPTING THE CITY OF LEAWOOD, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1696, 12-1697(a), 12-1698(e) AND 12-16,101 WHICH RELATE TO THE LEVY OF A TRANSIENT GUEST TAX, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH TRANSIENT GUEST TAX REVENUES MAY BE SPENT; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS RELATING TO THE LEVYING OF A TRANSIENT GUEST TAX; AND REPEALING CHARTER ORDINANCE NO. 31.

Section 1. The City of Leawood, Kansas, a Kansas municipal corporation, by the power vested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 12-1696, 12-1697(a), 12-1698(e) and 12-16,101, and any amendments thereto, which apply to the City, but are part of an enactment which does not apply uniformly to all cities, and provide substitute and additional provisions therefore as hereinafter provided.

Section 2. As used in this ordinance, the following words and phrases have the meaning respectively ascribed to them herein:

- (a) Person means an individual, firm, partnership, corporation, joint venture or other association of persons;

- (b) 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 more than two bedrooms furnished for the accommodation of such guests;
- (c) Transient Guest means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;
- (d) Business means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court;
- (e) Economic Development Promotion means (1) activities and expenditures, including capital expenditures, to attract the location or relocation of business into the community; (2) activities designed to encourage retention and expansion of existing businesses in the community; and (3) convention and tourism promotion activities designed to attract visitors into the community through marketing efforts, including advertising, directed to a least one of the five basic convention and tourist market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel and support of those activities and organizations which encourage increased lodging facility occupancy.

Section 3. That a transient guest tax shall be levied in the City of Leawood, Kansas, at a rate not to exceed 9.0% upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel or motel. The percentage and effective date of such tax shall be determined by the Governing Body and shall be specified in an ordinance authorizing same.

Section 4. The revenues from said tax shall be expended to promote economic development, conventions and tourism and related expenditures and such other purposes as may be determined by the Governing Body by resolution, including but not limited to the following uses:

- (a) The Governing Body may contract with an agency, organization or group of firms to promote economic development, conventions and tourism for the City.

- (b) Revenues may be utilized for the operation, maintenance, expansion and development of City facilities connected with economic development, conventions and tourism.
- (c) Revenues may be utilized for the purpose of paying all or a part of the cost of designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging, remodeling, operating and maintaining capital projects relating to economic development, conventions and tourism, including but not limited to real estate, buildings, improvements, parking facilities, furnishings, machinery and equipment for facilities which promote economic development, conventions and tourism.
- (d) Revenues may be utilized for the purpose of paying the principal and interest on sales tax revenue bonds, transient guest tax revenue bonds or other bonds issued by the City, the proceeds of which are used to design, acquire, construct, reconstruct, improve, equip, furnish, repair, enlarge and remodel such capital projects as are described in subsection (c) of this section.
- (e) Revenues may be utilized to make payments for principal or interest for bonds issued to construct parking facilities, convention or community centers, parks, or recreational facilities that may be used in connection with economic development, conventions and tourism.
- (f) Revenues may be utilized to defray the cost of providing municipal services to economic development, convention and tourism functions, such as but not limited to Police, Fire, Public Works, or Parks and Recreation Departments.
- (g) Funds may also be utilized for the creation of innovative projects and activities that relate to the promotion of economic development, conventions and tourism.
- (h) Revenue may be utilized to promote the general economic welfare of the City, including the attraction of industry.
- (i) Revenue may be utilized for such general purposes of the City as the Governing Body shall determine by resolution to be necessary.

[Date Passed: 11-05-07]
[Effective Date: 01-20-08]