

(Published in the Iola Register, _____ and _____)

CHARTER ORDINANCE NO. 20

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 12 OF THE CODE OF THE CITY OF IOLA, EXEMPTING THE CITY OF IOLA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1696 TO 12-16,101, INCLUSIVE, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE LEVY OF A TRANSIENT GUEST TAX FOR TOURISM AND CONVENTIONS.

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

SECTION 1. AMENDMENT. The City does hereby amend Charter Ordinance No. 12 of the Code of the City of Iola, to read as follows:

WHEREAS, K.S.A. 12-1696 to 12-16, 101, inclusive, authorizes a levy by cities of a transient guest tax, which provisions are not uniformly applicable to all cities; and

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, cities may exempt themselves from such provisions and provide substitute and additional provisions therefor;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IOLA, KANSAS:

Section 1: The City of Iola, Kansas, a city of the second class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and makes inapplicable to it the provisions of K.S.A. 12-1696 TO 12-16,101, inclusive, and to provide substitute and additional provisions as hereinafter set forth in this Ordinance. The referenced provisions are either enactments or parts thereof which are applicable to this City, but are not applicable uniformly to all cities.

Section 2: As used in this Ordinance, the following words and phrases shall be defined as follows:

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

(b) "Hotel or motel" 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;

(c) "Transient guest" means a persons who occupies a room in a hotel or motel for not more than 28 consecutive days;

(d) "hotel or motel business" means any person engaged in the business of renting, leasing or letting quarters, sleeping accommodations, rooms or a part thereof in connection with any hotel or motel;

(e) "Tourism" means the practice of touring or traveling for recreation, business or education; and

(f) "Touring" means a trip, excursion or circular journey for business, recreation or education.

Section 3: A transient guest tax shall be levied in the City of lola, Kansas at a rate not to exceed 10% 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 a resolution authorizing the same.

Section 4: The transient guest tax levied pursuant to this Ordinance shall be based upon the gross rental receipts collected by any hotel or motel business.

Section 5: The tax levied pursuant to this Ordinance shall be paid by the consumer or user to the hotel or motel business and it shall be the duty of each and every such business to collect from the consumer or user the full payment of any such tax, or an amount equal as nearly possible or practicable to the average equivalent thereto. Each hotel or motel business collecting the tax levied hereunder shall be responsible for paying it over to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698, and any amendments thereto, and the State Department of Revenue shall administer and enforce the collection of such tax as provided therein.

Section 6: The tax levied and collected pursuant to Section 3 of this Ordinance shall become due and payable in a manner prescribed by K.S.A. 12-1698, and amendments thereto, except that all taxes remaining after the 2% deduction for expenses of the Department of Revenue in administration and enforcement of the collection thereof shall be remitted to the City of lola, and shall be credited to the "Tourism and Convention Fund" hereinafter established and shall only be expended out of said fund as hereinafter provided.

Section 7: A "Tourism and Convention Fund" is hereby established to receive disbursements of money from the Secretary of Revenue of the State of Kansas, as provided in subsection (d) of K.S.A. 12-1698.

Section 8: Moneys in the Tourism and Convention Fund shall only be expended as follows:

(a) The Convention and Tourism Committee hereinafter established shall annually consider all requests for expenditures of transient guest tax funds, and shall prepare a budget of expenditures for each year to be submitted to the Governing Body for its approval and action.

(b) The Governing Body shall consider expenditures proposed from the Tourism and Convention Fund by the Convention and Tourism Committee, and shall adopt a budget of such expenditures which may vary from the proposal of the Convention and Tourism Committee in the discretion of the Governing Body. The Governing Body may at any time seek further advice and recommendations from the Convention and Tourism Committee regarding such expenditures, but reserves the exclusive authority to make final decisions on them.

(c) Such funds may be used:

1. To contract with any agency, organization or group of firms to promote conventions and tourism within the City and its environs;
2. To provide for the operation, maintenance, expansion or development of City facilities connected with convention and tourism;
3. To defray the cost of providing municipal service to convention and tourism functions, including police, fire, street department or park and recreation department functions;
4. To create innovative projects and activities promoting conventions and tourism.
5. To promote the general economic welfare of the City and its environs, including the attraction of industry.

Section 9: The Governing Body shall establish a "Convention and Tourism Committee" consisting of at least five but not more than nine members. Said committee shall consist of the following members:

- (a) At least one representative of the Governing Body or City staff;
- (b) At least one representative of the Iola Chamber of Commerce;
- (c) At least one representative of the hotel and motel industry; and
- (d) At least two citizens at large.

Two members of the Convention and Tourism Committee may reside outside of the City of Iola. All other members shall be residents of the City of Iola. Members of the Convention and Tourism Committee shall be appointed by the Mayor with the consent of the Governing Body.

Two of the members of the Convention and Tourism Committee shall be appointed for a term of one year, and three members shall be appointed for a term of two years; and thereafter, all members shall be appointed for a term of two years. All terms are to begin on September 15 of each year.

In case of death, incapacity, resignation or disqualification of any member, the person appointed to such vacancy shall be appointed for only the unexpired term of the person leaving the Convention and Tourism Committee.

Section 10: The City of Iola, Kansas, upon adoption of a resolution authorizing the levy of a transient guest tax, shall have authority to contract for the expenditure of moneys from the Tourism and Convention Fund.

Section 11: This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

Section 12: This Charter Ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, and a referendum is held on the Ordinance as provided in Article 13, Section 5(c)(3) of the Constitution of the State of Kansas, in which case the Ordinance shall become effective if approved by a majority vote of the electors voting thereon.

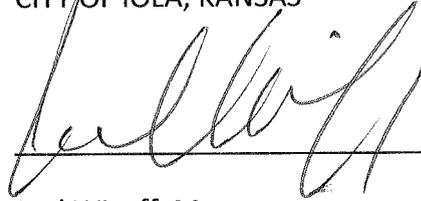
SECTION 2. REPEAL: Charter Ordinance No. 12 and all Ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE: This Charter Ordinance shall take effect and be in force as provided above.

PASSED by the Governing Body, with not less than two-thirds of the members elected voting in favor thereof, September 23, 2013.

APPROVED and SIGNED by the Mayor this 23rd day of September 2013.

CITY OF IOLA, KANSAS



Joel Wicoff, Mayor



Seal



Roxanne R. Hutton, City Clerk