

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 12, WHICH IS A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, 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.

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 therefore;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS;

Section 1. The City of Abilene, 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 an 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, including bed and breakfasts, 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 person who occupies a room in a hotel, motel or bed and breakfast 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, motel or bed and breakfast;

(e) "Convention and Tourism Promotion" means: (1) Activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy;

(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 Abilene, Kansas, at a rate not to exceed 5 percent 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 the 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 amount of any such tax, or an amount equal as nearly possible or practical to the average equivalent thereof. 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 percent deduction for expenses of the Department of Revenue in administration and enforcement of the collection thereof shall be remitted to the City of Abilene, and shall be credited to the Convention and Visitor Fund hereinafter established and shall only be expended out of said fund as hereinafter provided.

Section 7. A "Convention and Visitor 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. Monies in the "Convention and Visitor Fund" shall only be expended as follows:

(a) The Convention and Visitor Bureau hereinafter established shall annually consider all requests for expenditure 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 the expenditures proposed from the Convention and Visitor Fund by the Convention and Visitor Bureau, and shall adopt a budget of such expenditures which may vary from the proposal of the Convention and Visitor Bureau in the discretion of the

Governing Body. The Governing Body may at any time seek further advice and recommendations from the Convention and Visitor Bureau 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 services 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 tourist related industries.

Section 9. A "Convention and Visitor Bureau" is hereby established to advise the Governing Body and make recommendations concerning programs and expenditures for conventions and tourism. The bureau will consist of thirteen members appointed by the Mayor and confirmed by the City Commission. Initially, four members shall be appointed for terms ending April 30, 2004; four members for terms ending April 30, 2005; and four members for terms ending April 30, 2006. Thereafter, at the expiration of the terms of the original members, their successors shall be appointed for terms of three years each, and each shall serve until a successor is appointed and qualified. The member of the Abilene Chamber of Commerce shall serve a one (1) year term ending April 30 each year. Any vacancies in the membership of the bureau shall be filled by the appointment of a new member as in the case of the original appointment, to fill the unexpired terms of the member whose office is vacant.

Section 10. Each member of the Convention and Visitor Bureau shall be a representative of one of the following groups:

- (a) Owners, operators or employees of persons engaged in the hotel or motel business within the City, whether such members reside inside or outside the City;
- (b) Representatives from agencies or organizations actively engaged in promoting tourism, or from facilities or organizations of historic or cultural attraction in the City or its environs;
- (c) Members of the general public;
- (d) Members of City boards or commissions;
- (e) One member shall be the President or President's representative of the Abilene

Chamber of Commerce board who shall serve a one year term.

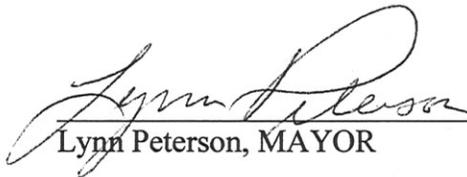
In making appointments to the bureau, the Mayor shall designate which group the appointed member is to represent. No more than four representatives from any one of the above groups shall be members of the committee at any time. The bureau shall hold regular meetings at a time and place to be established by them, subject to approval of the Governing Body. All meetings shall be open to the public. The bureau shall elect a chairman and secretary, which shall also be the vice-chairman. No member of the bureau shall receive any compensation for service thereon. Any member who is absent for three consecutive regular meetings shall be deemed to have resigned, and a successor shall be appointed.

Section 11. The City of Abilene, Kansas, upon adoption of a resolution authorizing the levy of a transient guest tax, shall have authority to contract for the expenditure of monies from the Convention and Visitor Fund.

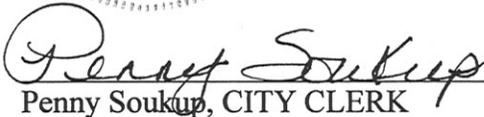
Section 12. his charter ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

Section 13. 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.

PASSED by the Governing Body, not less than two-thirds of the members elected voting in favor thereof, December 15, 2003.


Lynn Peterson, MAYOR




Penny Soukup, CITY CLERK