

CHARTER ORDINANCE NO. 1-2019

A CHARTER ORDINANCE EXEMPTING THE CITY OF LANSING, 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, AND REPEALING CHARTER ORDINANCE 2-2010 AND RESOLUTION B-11-10.

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, a city may exempt itself from such provisions and provide substitute and additional provisions thereof;

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

Section 1. The City of Lansing, 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 uniformly applicable to all cities.

Section 2. All ordinances and resolutions and parts of ordinances and resolutions related to transient guest tax fees passed prior to the publication date of this ordinance are hereby repealed as of the date of publication of said ordinance.

Section 3. 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, 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 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 part thereof in connection with any hotel or motel;
- E. Tourism means the practice of touring or traveling for recreation, business or education;
- F. Touring means a trip, excursion or circular journey for business, recreation or education.

Section 4. A transient guest tax shall be levied in the City of Lansing, Kansas, at a rate of 7% 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, motel, or place of lodging as may be authorized by statute. 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 5. The tax levied pursuant to this ordinance shall be paid by the consumer or user to the hotel, motel, or lodging 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 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 Lansing, and shall be credited to the "Transient Guest Tax Fund" hereinafter established and shall only be expended out of said fund as hereinafter provided.

Section 7. A "Transient Guest Tax 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. The revenue derived from 5% of the levy and receipted in the "Transient Guest Tax Fund" shall only be expended as follows:

- A. The Governing Body shall consider the expenditures proposed from the Transient Guest Tax Fund and shall adopt a budget of such expenditures which may vary from the proposal of the Convention and Tourism Committee at 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 such final decisions.
- B. Such funds may be used to:
 1. contract with any agency, organization or group of firms to promote conventions and tourism within the City and its environs;
 2. provide for the operation, maintenance, expansion or development of City facilities connected with convention and tourism;
 3. defray the cost of providing municipal services to convention and tourism functions, including police, fire, street division, or parks and recreation division functions;
 4. create innovative projects and activities promoting conventions and tourism;
 5. promote the general economic welfare of the City and its environs, including the attraction of industry.

Section 9. Revenue derived from the remaining 2% levy may be receipted into the "Facilities Renovation Fund" from which businesses subject to the tax levied herein may utilize such monies upon such terms and conditions as may be established by the City for the purpose of renovation of such businesses, hotels, motels, and tourist court facilities. After the first day of February of each calendar year, businesses, which are subject to the tax, may apply for, on an approved city form, revenue collected from the previous four quarters. Funds requested by a business shall not exceed its actual

remittances to the state for the 2% of the total transient guest tax levy, minus state administrative expenses. No business may claim remittances made by another business, and no new business may claim remittances which it has not paid to the state. Funds requested may be used to:

- A. Reimburse any expenditure for a capital improvement;
- B. Reimburse payments for retiring the debt on a capital improvement;
- C. Reimburse payments for a lease/purchase of capital improvements;
- D. Perform a capital improvement;
- E. Reimburse a down payment on a lease agreement or reimburse a lease buy out;
- F. Reimburse for new, hotel related, construction in the City of Lansing.

It will be the responsibility of each participating business to document its remittances to the state. Funds collected by the city in a single four-quarter period ending December 31st which have not been requested in the subsequent five four-quarter periods shall be available to the city to expend on the legal uses set forth in Section 7 of this Charter Ordinance. This section shall remain in force for not less than five years from the date of adoption of this Charter Ordinance.

Section 10. A "Convention and Tourism Committee" is hereby established to advise the Governing Body and make recommendations concerning programs and expenditures for conventions and tourism. The committee shall consist of five (5) members appointed by the Mayor and confirmed by the Governing Body. Initially, three (3) members shall be appointed for terms ending April 30, 1993; two (2) members shall be appointed for terms ending April 30, 1994. Thereafter, at the expiration of the terms of each original member, a successor member shall be appointed to fill each vacancy to a term of two years, and each shall serve until a successor is appointed and qualified. Any vacancy in the committee membership shall be filled by the appointment of a new member in the same manner as the original appointment, who will then complete the remaining unexpired term of the vacating member.

Section 11. The Convention and Tourism Committee shall be composed of one representative from each of the following groups:

- A. The Lansing Governing Body;
- B. Owners, operators, or employees of persons engaged in the hotel, motel, or lodging business within the City, whether such members reside inside or outside the City;
- C. Agencies or organizations actively engaged in promoting tourism, or historic and cultural attractions in the city or its environs;
- D. Members of the general public;
- E. Members of the Lansing business community.

When appointing members to the committee for subsequent confirmation by the Governing Body, the Mayor shall designate the group from which the proposed appointee is to represent. Subject to the approval of the Governing Body, regular meetings, at a time and place to be established by the committee, shall be held. All such meetings shall be open to the public. The committee shall elect a chairman and secretary. The secretary shall also serve as the vice-chairman. No member of the committee shall receive any compensation for service thereon. Any member absent for three (3) consecutive regular meetings shall be deemed to have resigned, and a successor shall be appointed.

Section 12. The City of Lansing, 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 Tourism and Convention Fund.

Section 13. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

Section 14. This Charter Ordinance shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

Section 15. Charter Ordinance 2-2010 is hereby repealed.

PASSED by the Lansing Governing Body, not less than two-thirds of the members elected voting in favor thereof, on this 17th day of January, 2019.

Michael W. Smith, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

Published: Leavenworth Times

First Publication Date: _____

Second Publication Date: _____