

Passed: October 10, 2006
1st Publication: October 18, 2006
2nd Publication: October 25, 2006

CHARTER ORDINANCE NO. 41

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1697 RELATING TO IMPOSITION OF A TRANSIENT GUEST TAX UPON SLEEPING ACCOMMODATIONS WITHIN THE CITY, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THEREFOR.

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

SECTION 1. The City of Derby, Kansas, a mayor-council-manager 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 make inapplicable to it, the provisions of K.S.A. 12-1697, and to provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provision of Kansas law is either an enactment or a part of an enactment which is applicable to this city, but is not applicable uniformly to all cities.

SECTION 2. Transient guest tax.

a. In order to provide revenues to promote tourism and conventions, the governing body of the City is hereby authorized to levy a transient guest tax at a rate not to exceed eight per cent (8%) upon the gross receipts derived from or paid 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. The rate of any such tax shall be fixed from time to time by ordinance of the City.

b. Any transient guest tax levied pursuant to this Charter Ordinance shall be based on the gross rental receipts collected by any business.

c. The taxes levied pursuant to this charter ordinance shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each business collecting any of the taxes levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698, and amendments thereto.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 4. This charter ordinance shall take effect sixty-one 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 12, Section 5, Subdivision C (3) of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elected voting in favor thereof, this 10th day of October, 2006.



Dion P. Avello, Mayor

ATTEST:


Jean Epperson, City Clerk