ORDINANCE NO. 15-853

AN ORDINANCE AMENDING ORDINANCE NO. 13-831 PASSED AND APPROVED BY THE CITY OF SOUTH HUTCHINSON, KANSAS ON THE 3RD DAY OF JUNE, 2013; PROVIDING FOR THE IMPOSITION OF A TRANSIENT GUEST TAX UPON SLEEPING ACCOMODATIONS WITHIN THE CITY; FIXING THE RATE OF SUCH TAX AT 7%; CREATING A TOURISM AND CONVENTION PROMOTION FUND TO ACCOUNT FOR THE PROCEEDS OF SUCH TAX; AUTHORIZING THE CITY TO ESTABLISH COMMITTEES TO MAKE RECOMMENDATIONS CONCERNING PROGRAMS AND EXPENDITURES FOR PROMOTION OF CONVENTIONS AND TOURISM.

WHEREAS, K.S.A. 12-1696, and et-sec, authorize cities to levy a transient guest tax upon sleeping accommodations within the City, and specifies the uses which may be made of the proceeds of any such tax; and

WHEREAS, the Governing Body of the City has, by charter ordinance adopted January 5, 2015 authorized the imposition of a transient guest tax of not more than 10%;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS, that Ordinance No. 13-831 passed and approved by the Governing body of the City of South Hutchinson, Kansas on the 3rd day of June, 2013 is hereby amended to read as follows:

Section 1.

A. A transient guest tax of 7% shall be levied upon the gross rental receipts, exclusive of charges for incidental service or facilities, derived from or paid by transient guests for sleeping accommodations in any hotel, motel or tourist court located within the City.

B. For purposes of this ordinance:

1. "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 guest, 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 eight bedrooms furnished for the accommodation of such guests;

2. "Transient guest" means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

3. "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.

C. The taxes levied pursuant to this 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.

D. There is hereby created within the records of the City's finance department a "Tourism and Convention Promotion Fund" ("the Fund"), to which shall be credited all monies received by the City as disbursements form the County or City Transient Guest Tax Fund administered by the Kansas Department of Revenue. Monies credited to the Fund shall be expended only for promotion of conventions and tourism.

E. The city may establish one or more committees to make recommendations to the City Council concerning programs and expenditures for promotion of conventions and tourism.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its summary publication once in the official City newspaper.

PASSED AND APPROVED THIS 16TH DAY OF MARCH, 2015.

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A.E. Murray, Mayor

ATTEST:

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Denise McCue, City Clerk