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CHARTER ORDINANCE NO. 19 (21-06)

A CHARTER ORDINANCE OF THE CITY OF MARION, KANSAS RELATING TO A TRANSIENT GUEST TAX LEVY FOR THE CITY OF MARION, KANSAS; PROVIDING FOR THE EXEMPTION OF SAID CITY FROM THE PROVISIONS OF SECTION 12-1697(a) AND 12-1697(d), OF KANSAS STATUTES ANNOTATED; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT

WHEREAS, the Governing Body, with the support of the lodging industry in the City of Marion, sees value in collecting a Transient Guest Tax in Marion; and

WHEREAS, proceeds from such Transient Guest Tax are intended to be used for the promotion of tourism, conventions, commerce and economic development in Marion, as determined appropriate by the Governing Body.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Marion, Kansas, that:

- Section 1. The City of Marion, Kansas, a City of the second class, duly organized, created and existing under and by virtue of the laws of the State of Kansas, pursuant to the authority of Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does exempt itself from the provisions of Section 12-1697(a) and Section 12-1697(d) of the Kansas Statutes Annotated and amendments thereto.
- Section 2. In substitution of the provisions of Section 12-1697(a) and Section 12-1697(d) of the Kansas Statutes Annotated and amendments thereto, the Governing Body of the City of Marion, Kansas, hereby adopts the following provision:
- A transient guest tax shall be levied in the City of Marion, Kansas, of 6% 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.
- Section 3. Proceeds from such Transient Guest Tax shall be used for the promotion of tourism, conventions, commerce and economic development in Marion, as determined appropriate by the Governing Body.

Section 4. Severability. Any provisions or section of the Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official newspaper, and shall take effect 60 days after final publication, unless a petition signed by a number of electors of the City equal to not less than 10% of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED with more than a 2/3 vote of the Governing Body of the City of Marion, Kansas this ____ day of _____, 2021, and SIGNED by the Mayor.

CITY OF MARION, KANSAS

APPROVED:

David Mayfield, Mayor

ATTEST:

Tiffany Jeffrey, City Clerk

APPROVED AS TO FORM:

Susan C. Robson, City Attorney