



Legislation Details (With Text)

File #: 230015 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 1/5/2023 **In control:** Council

On agenda: 1/13/2023 **Final action:** 1/12/2023

Title: Sponsor(s): Mayor Quinton Lucas and Councilmembers Kevin O’Neill and Eric Bunch

Providing for submission of this ordinance to the qualified voters of the City for their approval at a general election called for Tuesday, April 4, 2023 the question of imposing a City lodging tax to owners of short-term rentals as authorized by Article VI, Section 19(a) of the Missouri Constitution; authorizing and directing the City Clerk to notify the responsible election authorities of this election; and recognizing this ordinance as having an accelerated effective date.

Sponsors: Quinton Lucas, Kevin O’Neill, Eric Bunch

Indexes:

Code sections:

Attachments: 1. No Fact Sheet, 2. Docket Memo 230015, 3. Authenticated Ordinance 230015

Date	Ver.	Action By	Action	Result
1/12/2023	1	Council		
1/10/2023	1	Special Committee for Legal Review	Adv and Do Pass	
1/5/2023	1	Council	referred	

ORDINANCE NO. 230015

Sponsor(s): Mayor Quinton Lucas and Councilmembers Kevin O’Neill and Eric Bunch

Providing for submission of this ordinance to the qualified voters of the City for their approval at a general election called for Tuesday, April 4, 2023 the question of imposing a City lodging tax to owners of short-term rentals as authorized by Article VI, Section 19(a) of the Missouri Constitution; authorizing and directing the City Clerk to notify the responsible election authorities of this election; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, pursuant to the Missouri Constitution, Missouri Charter Cities are authorized to impose any tax which the legislature of Missouri could grant, so long as the exercise of such authority does not otherwise conflict with the Missouri Constitution, state statutes, or the City’s Charter and the tax is approved by a majority of the qualified voters; and

WHEREAS, the City presently imposes a convention and tourism tax of 7.5% on the sale or charges of certain sleeping rooms paid by the transient guests of hotels, motels, and tourist courts situated within the City and doing business within the City pursuant to Section 68-551, Code of Ordinances; and

WHEREAS, the City Council desires to take steps to assess an occupancy fee on short-term rentals similar to the fee imposed on hotels, motels and the rest of the accommodation industry; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Election Called. That an election is called on Tuesday, April 4, 2023, at which election the question of establishing the tax described in this ordinance shall be submitted to the qualified voters of the City for their consideration, as required by law.

Section 2. Ballot Title - Transient Boarding and Accommodation Tax. The ballot title shall be:

QUESTION

SHALL THE FOLLOWING BE APPROVED?

Shall the City of Kansas City impose a Transient Boarding and Accommodation Tax of seven and one-half percent (7.5%) to all lodging establishments, including short-term rentals, not otherwise subject to the City's Convention and Tourism Tax?

___ YES ___ NO

The voter who desires to vote in favor of this question shall place an X in the box opposite Yes. The voter who desires to vote against this question shall place an X in the box opposite No.

Section 3. Delivery of Ordinance by City Clerk to Election Authorities. That the Clerk shall deliver certified copies of this ordinance and notice of election to the Board of Election Commissioners of Kansas City, Missouri, to the Board of Election Commissioners of Clay County, to the Board of Election Commissioners of Platte County, and to the County Clerk of Cass County, which shall be the authority of the respective election authorities of the City to submit this amendment to the electors of Kansas City as herein provided and to give public notice thereof as provided by law within one business day of the effective date of this ordinance.

Section 4. Election Notice. That the notice of election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called an election to be held in said City on Tuesday, April 4, 2023, at which election all qualified voters residing within the City of Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY ELECTION

GENERAL MUNICIPAL ELECTION, APRIL 4, 2023

QUESTION NO. ___
(Transient Boarding and Accommodation Tax)

Shall the City of Kansas City impose a Transient Boarding and Accommodation Tax of seven and one-half percent (7.5%) to all lodging establishments, including short-term rentals, not otherwise subject to the City's Convention and Tourism Tax?

___ YES ___ NO

[Instructions to voters will be supplied by the election authorities]

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A full and complete copy of this ordinance, submitting the above proposition to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where it is open for inspection and copying.

The polling places for the election will be *[insert list of polling places in last publication only]*.

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I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, Revised Statutes of Missouri.

Given under my hand and the official seal of the City of Kansas City, Missouri, this_ day of_, 20____.

(SEAL)

MARILYN SANDERS
City Clerk, City of Kansas City,
Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of the City of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My commission expires:

Section 5. That this ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(A) of the City Charter in that it calls for an election, and shall take effect in accordance with that section.

Approved as to form:

Dustin E. Johnson
Associate City Attorney