

BILL NO. 98-10

ORDINANCE NO. 4560

*Wiscott
April 1998*

AN ORDINANCE CALLING AN ELECTION IN THE CITY OF LEE'S SUMMIT, MISSOURI, A CONSTITUTIONAL CHARTER CITY, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER TO IMPOSE A LICENSE TAX ON CERTAIN GROSS RECEIPTS OF HOTELS, MOTELS AND SIMILAR PLACES OF BUSINESS; AUTHORIZING THE BOARD OF ELECTION COMMISSIONERS OF JACKSON COUNTY, MISSOURI, AND THE ELECTION AUTHORITY OF CASS COUNTY, MISSOURI, TO CONDUCT SAID ELECTION; PRESCRIBING THE FORM OF QUESTION TO BE USED; AND PROVIDING THAT NOTICE OF SAID ELECTION BE GIVEN AND SAID ELECTION BE HELD IN ACCORDANCE WITH APPLICABLE MISSOURI LAW.

WHEREAS, the City of Lee's Summit is a constitutional charter city; and,

WHEREAS, Article VI, § 19(a) of the Missouri Constitution states that, "Any city which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has the authority to confer upon any city, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law"; and,

WHEREAS, the Charter for the City of Lee's Summit, adopted April 2, 1996, provides in § 13.1 that, "The City Council shall have the power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of any class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate"; and,

WHEREAS, RSMo § 94.110 authorizes third class cities to impose a license tax on "hotels, rooming houses, boarding houses . . . and all other pursuing like occupations"; and,

WHEREAS, RSMo § 94.270 authorizes fourth class cities to impose a license tax on "hotels, [and] public boardinghouses"; and,

WHEREAS, RSMo § 94.360 authorizes special charter cities to impose a license tax on "hotels, roominghouses, boardinghouses . . . all others pursuing like occupations"; and,

WHEREAS, the City desires to place before the voters the question of whether an occupational license tax should be imposed on certain gross receipts of hotels, motels and similar places of business.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That an election be and the same is hereby ordered to be held in the City of Lee's Summit, Missouri, on April 7, 1998, pursuant to RSMo § 115.123, as amended, for the purpose of submitting to the qualified voters of said city the following question:

QUESTION NO. 1

Shall a tax be imposed by the municipality of Lee's Summit, Missouri, in the form of a license tax on certain gross receipts of hotels, motels and similar places of business, in an amount equal to five percent (5%) of gross daily rental receipts derived from transient guests for sleeping accommodations, the proceeds of which shall be used to promote the general economic welfare of Lee's Summit including, but not limited to, the attraction and retention of business and industry to the community and/or the promotion and provision of facilities for tourism, conventions, and visitors?

SECTION 2. That at said election, the qualified registered voters of the city shall vote at the polling places within the city, as designated by the Board of Election Commissioners of Jackson County, Missouri, and the Election Authority of Cass County, Missouri.

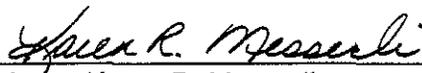
SECTION 3. That the judges and clerks at said election shall be designated by the Board of Election Commissioners of Jackson County, Missouri, and the Election Authority of Cass County, Missouri.

SECTION 4. That the Board of Election Commissioners for Jackson County, Missouri, and the Election Authority for Cass County, Missouri, shall be furnished a certified copy of this ordinance and are requested to conduct said election in the manner provided in the statutes of the State of Missouri.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

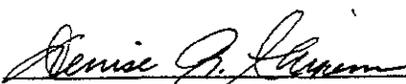
SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, and approved by the mayor of said city this 20th day of January, 1998.



Mayor Karen R. Messerli

ATTEST:



City Clerk, Denise R. Chisum

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APPROVED by the Mayor of said city this 20th day of January, 1998.

ATTEST:

Karen R. Messerli
Mayor Karen R. Messerli

Denise R. Chisum
City Clerk Denise R. Chisum

APPROVED AS TO FORM:

Christine M. Treat
City Attorney Christine M. Treat