

CHARTER ORDINANCE NO. EIGHTY-SEVEN

(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 2 OF CHARTER ORDINANCE NO. SIXTY-FOUR RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES; AND PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISION AUTHORIZING THE CITY OF OVERLAND PARK, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATTING REAL PROPERTY IN THE CITY, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATTING REAL PROPERTY IN THE CITY FOR CONTRIBUTIONS PREVIOUSLY MADE FOR THOROUGHFARE IMPROVEMENTS, TO GRANT EXEMPTIONS, TO LEVY AN EXCISE TAX ON ADMISSIONS TO EVENTS TO BE HELD IN AN ARENA TO BE CONSTRUCTED AND OWNED BY THE CITY ON LAND TO BE OWNED BY THE CITY ON THE NORTH SIDE OF 115TH STREET EAST OF METCALF AVENUE, AND TO LEVY AN EXCISE TAX ON CONCESSION SERVICES AND FOOD AND BEVERAGE SERVICES SOLD IN AN ARENA TO BE CONSTRUCTED AND OWNED BY THE CITY ON LAND TO BE OWNED BY THE CITY ON THE NORTH SIDE OF 115TH STREET EAST OF METCALF AVENUE.

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

SECTION 1. Section 2 of Charter Ordinance No. Sixty-Four of the City of Overland Park be and the same is hereby amended to read as follows:

No city or county shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and a compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act; (d) levying an excise tax on the act of platting real property in the city, granting credits against excise taxes paid on the act of platting real property in the city for contributions previously made for thoroughfare improvements, and granting exemptions; (e) levying an excise tax on admissions to events to be held in an arena to be constructed and owned by the city on land to be owned by the city on the north side of 115th Street east of Metcalf Avenue; or (f) levying an excise tax on

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concession services and food and beverage services sold within an arena to be constructed and owned by the city on land to be owned by the city on the north side of 115th Street east of Metcalf Avenue. No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

SECTION 2. Existing Section 2 of Charter Ordinance No. Sixty-Four is hereby repealed.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 4. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body not less than two-thirds of the members elect voting in favor thereof the 18th day of October, 2004.

Ed Eilert, Mayor

ATTEST:

Marian Cook
City Clerk

APPROVED AS TO FORM:

Robert J. Watson
City Attorney

Passed: 10-18-04
Published: 10-21-04
10-28-04
61 days 12-28-04
Effective: 12-28-04

**Entire Ordinance was repealed by Chapter 204 of the 2005 Session Laws of Kansas, effective July 1, 2006.*