

CHARTER ORDINANCE NO. FIFTY-EIGHT

*(Note: All or parts of this charter ordinance have been repealed.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

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM THE PROVISIONS OF THE SECOND SENTENCE OF THE SECOND PARAGRAPH OF K.S.A. 12-189 AS AMENDED BY SECTION NO. 2 OF CHAPTER 251 OF THE 1992 SESSION LAWS OF KANSAS, AND FROM THE PROVISIONS OF THE FIRST SENTENCE OF K.S.A. 12-191; RELATING GENERALLY TO THE COUNTYWIDE AND CITY RETAILERS' SALES TAX; RELATING TO THE APPLICATION OF SUCH TAX TO CERTAIN SALES; RELATING TO THE EXEMPTION OF CERTAIN SALES FROM THE APPLICATION OF SUCH TAX; AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR AND AN ADDITIONAL PROVISION EFFECTIVE JANUARY 1, 1993, EXEMPTING GROSS RECEIPTS RECEIVED FROM THE SERVICE OF INSTALLING OR APPLYING TANGIBLE PERSONAL PROPERTY IN CONNECTION WITH THE ORIGINAL CONSTRUCTION OF A BUILDING OR FACILITY OR THE CONSTRUCTION, RECONSTRUCTION, RESTORATION, REPLACEMENT OR REPAIR OF A BRIDGE OR HIGHWAY FROM IMPOSITION OF THE CITY OF OVERLAND PARK'S CITY-WIDE RETAILERS' SALES TAX.

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

SECTION 1. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of the second sentence of the second paragraph of K.S.A. 12-189 as amended by Section No. 2 of Chapter 251 of the 1992 Session Laws of Kansas, which sentence reads as follows:

Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable.

Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not uniformly applicable to all cities.

SECTION 2. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION 1, above:

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Such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to Overland Park's city-wide retailers' sales tax insofar as such laws and rules and regulations may be made applicable, except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, and except that, effective January 1, 1993, the City of Overland Park's city-wide retailers' sales tax shall not be imposed upon gross receipts received from the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

SECTION 3. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of the first sentence of K.S.A. 12-191, which sentence reads as follows:

All retail transactions consummated within a county or city having a retail sales tax, which transactions are subject to the Kansas retailers' sales tax, shall also be subject to such county or city retail sales tax, except as otherwise expressly provided in K.S.A. 12-190, and amendments thereto.

Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not uniformly applicable to all cities.

SECTION 4. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION 3, above:

All retail transactions consummated within the City of Overland Park, Kansas, which transactions are subject to the Kansas retailers' sales tax, shall also be subject to the City of Overland Park's city-wide retailers' sales tax, except that, effective January 1, 1993, the City of Overland Park's city-wide retailers' sales tax shall not be imposed upon gross receipts received from the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

SECTION 5. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official city newspaper.

SECTION 6. THIS IS A CHARTER ORDINANCE AND IT SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN SIXTY 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 14th day of September, 1992.

Ed Eilert, Mayor

ATTEST:  
Norma Moffet  
City Clerk

APPROVED AS TO FORM:  
Robert J. Watson  
City Attorney

Passed: 9/14/92  
Published: 9/16/92  
9/23/92  
Effective: 11/23/92

*Entire ordinance repealed by Charter Ordinance No. Sixty-Five*

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