

Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTION 145.010 OF THE O'FALLON CITY CODE RELATING TO THE O'FALLON CONVENTION AND VISITORS BUREAU.

WHEREAS, the City Council wishes to expand the range of relevant businesses participating in the important work of the O'Fallon Convention and Visitors Bureau by reallocating one of the membership positions to a local business person involved in the City's hospitality service industry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

Section 1: Section 145.010 of Article I of Chapter 145 of the Code of Ordinances of the City of O'Fallon, Missouri, is hereby repealed and a new Section 145.010 is hereby enacted in lieu thereof to read as follows:

CHAPTER 145: TAXATION

ARTICLE I. Transient Guest Tax

Section 145.010 Transient Guest Tax

A. Any person, partnership, venture or corporation now or hereafter engaged in the business of letting sleeping rooms within the City of O'Fallon, Missouri, shall collect a tax sum equal to five percent (5%) of the charge for the sleeping room, in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law; provided, however, that non-governmental agencies Congressionally mandated to provide disaster relief services and all government agencies exempt from the payment of sales taxes shall be exempt from the tax imposed under this Section. No such tax shall be applicable, levied or collected where payment for a sleeping room is being made by such an agency. The tax shall be remitted to the City Collector within thirty (30) days after the last day of each calendar month.

B. The tax herein required shall not be so construed as to exempt any person, partnership, venture or corporation from the payment of the tax to the City of O'Fallon which the City of O'Fallon levies upon the real or personal property belonging to any such person, the tax required of merchants or manufacturers for the sale of goods, nor shall the tax herein required exempt any person from the payment of any tax which may be lawfully required.

C. Any person, partnership, venture or corporation engaged in the business of letting sleeping rooms who shall violate any of the transient guest tax ordinance provisions shall be deemed guilty of an infraction and upon conviction thereof shall be fined five percent (5%) of the average monthly transient guest tax levied during the previous twelve-month period.

D. The City Collector is hereby required to create the Transient Guest Tax Fund to record revenues received and appropriations expended for like cause. The purpose of this fund shall remain singular, and monies for other purposes shall not be commingled.

E. There is hereby established an O'Fallon Convention and Visitors Bureau (OCVB) and its Board of Directors to serve as advisors to the City Council regarding the expenditure of transient guest tax revenue. The Board of Directors shall consist of: one (1) Council member appointed by the Mayor annually for a one year term, who will serve as liaison with the City Council; two (2) City Government officials (Finance Analyst and Economic Development Director); two (2) O'Fallon Business District representatives appointed by the Mayor for two-year terms, one (1) renewable in even-numbered years and one (1) renewable in odd-numbered years; two (2) business persons engaged in the hospitality industry (NAICS Code 72, Accommodation and Food Service) in O'Fallon appointed by the Mayor for two-year terms, one (1) renewable in even-numbered years and one (1) renewable in odd-numbered years; and two (2) citizens at large appointed by the Mayor for two-year terms, one (1) renewable in even-numbered years and one (1) renewable in odd-numbered years. The Director terms shall expire on the first of May of the appropriate year.

F. Vacancies created by removal, resignation or otherwise shall be reported to the City Council by the Mayor and shall be filled in like manner as original appointments, except that the term of office is restricted to the unexpired term of office. No Director of the OCVB shall receive compensation for service.

G. The OCVB is hereby responsible for modeling the continuation and enhancement of current tourism endeavors while envisioning future possibilities. Planning should include consideration of community impact to citizens and business owners, as well as operational and capital requirements.

Section 2: The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3: It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 11TH DAY OF JULY, 2024.



Bill Hennessy

Presiding Officer

Attest:

Bess Bacher

Bess Bacher, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 11TH DAY OF JULY, 2024.



Bill Hennessy

Bill Hennessy, Mayor

Attest:

Bess Bacher

Bess Bacher, City Clerk

Approved as to Form:

Kevin M. O'Keefe

Kevin M. O'Keefe, City Attorney