

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Christina Valdivia-Alcala establishing a business improvement district to be known as the NOTO Business Improvement District and creating a new Chapter 3.70 TMC addressing services, financing and establishment of a district advisory board in accordance with K.S.A. 12-1782 *et seq.*

WHEREAS, the Mayor appointed a District Planning Committee (“Committee”) to study and develop preliminary plans for the establishment and operation of a proposed NOTO Business Improvement District (“NOTO BID”); and

WHEREAS, on February 8, 2022, the Committee submitted a report to the governing body: (1) advocating for the creation of the NOTO BID, (2) identifying its boundaries, (3) outlining the additional and extended services needed within the NOTO BID, (4) estimating the annual cost of providing those services during the next three years and (5) describing the proposed method of financing such costs; and

WHEREAS, on February 8, 2022, the governing body announced its intention to consider establishing a NOTO BID, set a public hearing for March 15, 2022, and directed the City Clerk to publish a notice of the hearing and to mail a copy of the notice to every business within the proposed NOTO BID; and

WHEREAS, a Notice of Public Hearing authorized by Resolution No. 9290 was duly published in the Topeka Metro News on February 14, 2022, and copies of the notice, together with copies of Resolution No. 9290, were sent out by first class mail, at least 30 days prior to the hearing, to all businesses located within the NOTO BID; and

WHEREAS, on March 15, 2022, the governing body conducted the public hearing which was concluded on such date; and

WHEREAS, the governing body finds and determines that it is advisable and in the public interest to establish a business improvement district to provide for the

administration and financing of additional services within the district and to promote the economic vitality of the district and the development, promotion and support of community events and activities.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA that:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.70.010, which said section reads as follows:

Name of district; boundaries; start date.

(a) The name of the business improvement district shall be the NOTO BID which shall commence on January 1, 2023.

(b) The boundaries of the district shall be Morse Street on the north, Norris Street on the south, Quincy Street on the east and Jackson Street on the west.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.70.020, which said section reads as follows:

Description of services.

The services to be provided within the district will include: (a) maintenance of public sidewalks and parks, trash removal, snow treatment/removal; (b) safety; security; (c) beautification that will enhance the visual appeal of the district, including banners, decorations and public art; (d) promotion of the district through television, radio, print and social media; and (e) any other service authorized by K.S.A. 12-1784 and amendments thereto.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.70.030, which said section reads as follows:

Method of financing; service fee.

(a) The district will be financed by imposition of an annual service fee on businesses within the following tier levels:

Tier 1: Businesses located in the area bounded by Gordon Street on the north; Norris Street on the south; Quincy Street on the east and Jackson Street on the west.

<u>Number of Square Feet</u>	<u>Retail & Service (Main Floor) Rate</u>	<u>Retail & Service (Distinct from main floor business) Rate</u>	<u>Trade/Office Space/Warehouse Rate</u>
<u>1-500</u>	<u>\$100</u>	<u>\$75</u>	<u>\$75</u>
<u>501-1,000</u>	<u>\$175</u>	<u>\$125</u>	<u>\$125</u>
<u>1,001 - 2,500</u>	<u>\$250</u>	<u>\$200</u>	<u>\$200</u>
<u>2,501 -5000</u>	<u>\$325</u>	<u>\$275</u>	<u>\$275</u>
<u>5,001 – 10,000</u>	<u>\$400</u>	<u>\$350</u>	<u>\$350</u>
<u>10,001 – 20,000</u>	<u>\$475</u>	<u>\$425</u>	<u>\$425</u>
<u>20,001 plus</u>	<u>\$550</u>	<u>\$500</u>	<u>\$500</u>

Tier 2 Businesses located in the area bounded by Morse Street on the north; Gordon Street on the south; Quincy Street on the east and Jackson Street on the west.)

<u>Number of Square Feet</u>	<u>Retail & Service (Main Floor) Rate</u>	<u>Retail & Service (Distinct from main floor business) Rate</u>	<u>Trade/Office Space/Warehouse Rate</u>
<u>1-500</u>	<u>\$50</u>	<u>\$35</u>	<u>\$35</u>
<u>501-1,000</u>	<u>\$100</u>	<u>\$50</u>	<u>\$50</u>
<u>1,001 - 2,500</u>	<u>\$125</u>	<u>\$75</u>	<u>\$75</u>
<u>2,501 -5000</u>	<u>\$200</u>	<u>\$150</u>	<u>\$150</u>
<u>5,001 – 10,000</u>	<u>\$225</u>	<u>\$175</u>	<u>\$175</u>
<u>10,001 – 20,000</u>	<u>\$250</u>	<u>\$200</u>	<u>\$200</u>
<u>20,001 plus</u>	<u>\$300</u>	<u>\$250</u>	<u>\$250</u>

However, businesses that had a physical presence in the district on or before

January 1, 2008 are not obligated to pay the fee.

(b) Service fees shall be imposed for calendar year 2023 contingent upon the district advisory board submitting to the governing body, on or before May 15, 2022, a program of services to be provided in 2023 and a proposed budget.

(c) Service fees shall be due and payable on March 1 of each year.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.70.040, which said section reads as follows:

Business improvement district advisory board.

(a) The mayor shall appoint, with the consent of the city council, five members who are representative of businesses located within the district.

(b) Of the members appointed to the advisory board, three shall be appointed for a term of two years and two shall be appointed for a term of one year, after which all terms shall be for a two year period. Members shall not serve beyond the end of their appointed terms. Upon expiration of a term, the position shall remain vacant until a successor is appointed. Any vacancy shall be filled by appointment of the mayor with the consent of the city council for the unexpired term.

(c) The advisory board shall, pursuant to K.S.A 12-1790 and amendments thereto and not later than May 15 of each year, submit to the governing body a recommended program of services to be performed or provided within the district during the following calendar year and a proposed budget.

Section 5. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.70.050, which said section reads as follows:

Enforcement – Violations – Penalty.

(a) The amount of any unpaid fee, the payment of which is required under this chapter, shall constitute a debt due to the City. No civil judgment shall bar or prevent a criminal prosecution for each and every violation of this chapter.

(b) It shall be unlawful for any person who is the owner or operator of any business required to pay a fee pursuant to this chapter to continue operation of such business after such fee has become past due and remains unpaid. Any person convicted of a violation of this section shall be fined in a sum no greater than \$500.00. Each day of such violation shall constitute a separate offense.

Section 6. This ordinance, which is subject to the protest provisions of K.S.A. 12-1789 and amendments thereto, shall take effect upon its passage, approval and publication in the official City newspaper, but shall be subject to repeal if, within 45 days following publication of the ordinance, a sufficient petition by the owners of a majority of the businesses located within the district is submitted to the City Clerk to compel repeal of this ordinance and dissolution of the district.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

ADOPTED and APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

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Brenda Younger, City Clerk