CHARTER ORDINANCE NO. 91

A CHARTER ORDINANCE, introduced by Councilmember Jeff Preisner, exempting the City from the provisions of K.S.A. 41-712 and providing substitute and additional provisions on the same subject in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas.

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution, hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter referred to as the "State," may by charter ordinance elect, in the manner prescribed in the Constitution, that the whole or any part of any enactment of the State legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities; other enactments applicable uniformly to all cities; and enactments prescribing limits of indebtedness, shall not apply to such city; and

WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect until sixty (60) days after its final publication; provided, however, if within sixty (60) days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, such charter ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, K.S.A. 41-712, hereinafter referred to as the "Act," is an enactment of the State legislature which is applicable to the City of Topeka, Kansas, hereinafter referred to as the "City," but not uniformly applicable to all cities of the same class; and

WHEREAS, the Act is not an enactment of the legislature of statewide concern applicable uniformly to all cities; to other enactments of the legislature applicable uniformly to all cities; to enactments of the legislature applicable uniformly to all cities of
the same class limiting or prohibiting the levying of any tax, excise, fee, charge, or other
exaction; or to enactments of the legislature prescribing limits of indebtedness; and
WHEREAS, the governing body of the City now wishes to exempt itself from the
Act and provided certain substitute and additional provisions to the Act, which, in
accordance with the provisions of the Constitution, may be accomplished only upon
either the adoption of a charter ordinance of the City or by an enactment of the state
legislature applicable to all cities of the State.
NOW THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF
TOPEKA, KANSAS, THAT:

Section 1. The Governing Body of the City of Topeka, Kansas, by the power
vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby
elects to and does exempt itself and make inapplicable to it K.S.A. 41-712, which
applies to this city but is part of an enactment commonly known as the Kansas Liquor
Control Act, as enacted in Chapter 242 of the Session Laws of 1949, which enactment
applies to this city but does not apply uniformly to all cities.

Section 2. The following is hereby substituted for the provisions of K.S.A. 41-
712, as amended:

Sales of alcohol liquor; days and hours of sale. The Governing Body shall
provide by ordinary ordinance for the permitted days and hours for the retail sale of
alcoholic liquor.

Section 3. This Charter Ordinance shall be published once each week for two (2)
consecutive weeks in the official City newspaper.

Section 4. This Charter Ordinance shall take effect sixty-one (61) days after final
publication unless a sufficient petition for a referendum is filed and a referendum held
on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the
Kansas Constitution, in which case this Charter Ordinance shall become effective if
approved by a majority of the electors voting therein.
Section 5. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State of the State of Kansas.

PASSED AND APPROVED by the Council of the City of Topeka Aug. 12, 2003

CITY OF TOPEKA, KANSAS

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 8/17/03 BY ISBC
TO BE CODIFIED
NOT TO BE CODIFIED
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 91 was passed on the 13th day of August, 2003, as shown by the minutes, Book 2003 Page 306, by a vote of 6 for and 3 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 20th day of August, 2003, and on the 27th day of August, 2003, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 27th day of October, 2003.

Iris E. Walker, City Clerk

CERTIFICATE

CITY OF TOPEKA )
COUNTY OF SHAWNEE ) ss:
STATE OF KANSAS )

I, Iris E. Walker, City Clerk of the City of Topeka, County of Shawnee, State of Kansas, do hereby certify that the above and foregoing, consisting of four (4) typewritten pages, including the page upon which this Certificate is written, is a full true and correct copy of Charter Ordinance No. _______ of the said City of Topeka, that all acts and things required by Article 12, Section 5 of the Constitution of the State of Kansas were done and performed in the manner and within the time prescribed and that said Ordinance became effective on the ____ day of ______________, 2003.

Iris E. Walker, City Clerk