CHARTER ORDINANCE NO. 95

A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner
exempting the City of Topeka from the provisions
of K.S.A. 25-2113 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 25-2113, 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.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Statute made inapplicable.

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 exempt itself from and make inapplicable to it the provisions of K.S.A. 25-2113. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

Section 2. Publication of charter ordinance.

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

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and 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 4. 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 certified copy shall be filed with the Secretary of State of the State of Kansas.

PASSED and APPROVED by the City Council May 2, 2006.

__________________________
William W. Bunten, Mayor

ATTEST:

__________________________
Iris E. Walker, City Clerk

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STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 95 was passed on the 2nd day of May, 2006, as shown by the minutes, Book 2006 Page 216, by a vote of eight for and two against, being not less than 2/3 of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 5th day of May, 2006, and on the 12th day of May, 2006, being once each week for two consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty days after the final publication, said charter ordinance took effect on the 12th day of July, 2006.

__________________________
Iris E. Walker, City Clerk

CERTIFICATE

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 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 _____________, 20_____.

__________________________
Iris E. Walker, City Clerk