

1 (Published in the Topeka Metro News June 4, 2003 and
2 June 11, 2003).

3
4 CHARTER ORDINANCE NO. 89

5
6 A CHARTER ORDINANCE introduced by Mayor Felker amending Charter Ordinance
7 No. 68, as codified in City of Topeka Code § A12-1 of the
8 City of Topeka which exempted the City from the provisions
9 of K.S.A. 13-1024a and provided substitute and additional
10 provisions on the same subject in accordance with the
11 provisions of Article 12, Section 5 of the Constitution of the
12 State of Kansas.

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

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

28 WHEREAS, K.S.A. 13-1024a, hereinafter referred to as the "Act," is an
29 enactment of the State legislature which is applicable to the City of Topeka, Kansas,
30 hereinafter referred to as the "City," but not uniformly applicable to all cities of the same
31 class; and

32 WHEREAS, the Act is not an enactment of the legislature of statewide concern
33 applicable uniformly to all cities; to other enactments of the legislature applicable
34 uniformly to all cities; to enactments of the legislature applicable uniformly to all cities of
35 the same class limiting or prohibiting the levying of any tax, excise, fee, charge, or other
36 exaction; or to enactments of the legislature prescribing limits of indebtedness; and

37 WHEREAS, the governing body of the City has, in accordance with the
38 Constitution, passed and approved its Charter Ordinance No. 68, as codified in Topeka
39 City Code § A12-1, February 11, 1986, and published, recorded, and filed the same with
40 the Secretary of the State, hereinafter referred to as "Charter Ordinance No. 68" and, as
41 such, exempted itself from the Act and provided certain substitute and additional
42 provisions to the Act; and

43 WHEREAS, the City now wishes to amend Charter Ordinance No. 68 which, in
44 accordance with the provisions of the Constitution, may be accomplished only upon
45 either the adoption of a charter ordinance of the City or by an enactment of the state
46 legislature applicable to all cities of the State.

47 NOW THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF
48 TOPEKA, KANSAS, THAT:

49 Section 1. Pursuant to Article 12, Section 5 of the Kansas Constitution, the
50 City of Topeka, Kansas, Charter Ordinance No. 68, as codified in Topeka City Code §
51 A12-1, is hereby amended to read as follows:

52 **General improvements and land therefore.**

53 For the purpose of paying for any bridge, viaduct, street, trafficway, sidewalk
54 public building, ~~offstreet parking facility~~, including the land necessary therefore, for land
55 for public parks and recreation facilities (including golf courses) and developing the
56 same, within or without the city, for the purpose of acquiring, improving or extending an
57 electric or electronic traffic control system, or for the improvement, repair or extension of

any airport, waterworks system, sanitary and/or stormwater sewage disposal plant system, electric light plant, antenna and tower system ~~storm sewers and drainage improvements~~ or other public utility plant owned by the city; ~~and for the purpose of rebuilding, adding to or extending the same from time to time, as the necessities of the city may require;~~ and for the acquisition of equipment for the construction, installation, maintenance, and repair of such improvements, the city may borrow money and issue its general obligation bonds for the same purpose of paying the costs of any of the equipment or improvements mentioned in this section and the land necessary therefore. ~~Provided, that no bond shall be issued for such purposes unless the same were authorized by an ordinance which sets forth:~~

- ~~(a) The general nature of the proposed improvement;~~
- ~~(b) The estimated or probable cost;~~
- ~~(c) The extent of the proposed improvement district, if any, to be assessed;~~
- ~~(d) The proposed method of assessment; and~~
- ~~(e) The proposed apportionment of costs, if any, between the improvement district and the city at large.~~

~~Provided further, that if, within 30 days after publication of the ordinance authorizing said bonds, a petition in opposition to the same, signed by not less than five percent of the electorate residing within the city, is filed with the city clerk, then said ordinance shall be of no force and effect unless the question of issuance of the bonds is approved by a majority of those voting at an election called for such purpose or at the next general election.~~

Section 2. This 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 a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the

85 Kansas Constitution, in which case this Charter Ordinance shall become effective if
86 approved by a majority of the electors voting therein.

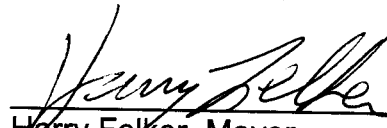
87 Section 4. Upon the effective date of this Charter Ordinance, this Charter
88 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
89 with a statement of the manner of adoption and a certified copy shall be filed with the
90 Secretary of State of the State of Kansas.

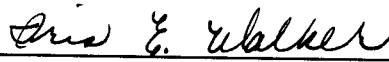
91 Section 5. That Charter Ordinance No. 68, as codified in Topeka City Code §
92 A12-1 is hereby specifically repealed.

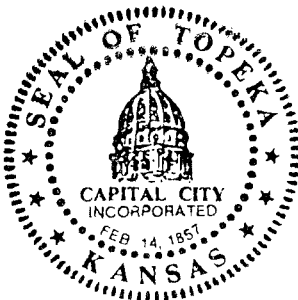
93 PASSED AND APPROVED by the Council of the City of Topeka May 27, 2003

94 CITY OF TOPEKA, KANSAS

95 ATTEST:

96
97 
98 Harry Felker, Mayor

99
100 
101 Iris E. Walker, City Clerk
102



APPROVED AS TO FORM AND LEGALITY	
DATE <u>5/27/03</u>	BY <u>BBC</u>
TO BE CODIFIED <u>X</u>	
NOT TO BE CODIFIED	

102
103
104

105
106
107
108
109
110
111
112
113
114
115

116
117
118
119
120
121
122
123
124
125
126
127
128
129
130

131
132

Iris E. Walker
Iris E. Walker, City Clerk

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

Iris E. Walker, City Clerk