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2 (Published in the Topeka Metro News May 5, 2006 and May 12, 2006)
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4 CHARTER ORDINANCE NO. 95
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6 A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner
7 exempting the City of Topeka from the provisions
8 of K.S.A. 25-2113 in accordance with the
9 provisions of Article 12, Section 5 of the
10 Constitution of the State of Kansas.
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12 WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution,
13 hereinafter referred to as the "Constitution," cities of the State of Kansas,
14 hereinafter referred to as the "State," may by charter ordinance elect, in the
15 manner prescribed in the Constitution, that the whole or any part of any
16 enactment of the State legislature applying to such city, other than enactments of
17 statewide concern applicable uniformly to all cities; other enactments applicable
18 uniformly to all cities; and enactments prescribing limits of indebtedness, shall
19 not apply to such city; and

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

28 WHEREAS, K.S.A 25-2113, hereinafter referred to as the "Act," is an
29 enactment of the State legislature which is applicable to the City of Topeka,

30 Kansas, hereinafter referred to as the “City,” but not uniformly applicable to all
31 cities of the same class; and

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

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

40 Section 1. **Statute made inapplicable.**

41 The City of Topeka, Kansas, by the power vested in it by article 12,
42 section 5, of the Constitution of the State of Kansas, hereby elects to exempt
43 itself from and make inapplicable to it the provisions of K.S.A. 25-2113. Such
44 referenced provisions are either enactments or a part thereof which are
45 applicable to this city but are not applicable uniformly to all cities.

46 Section 2. **Publication of charter ordinance.**

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

49 Section 3. This Charter Ordinance shall take effect sixty-one (61) days
50 after final publication unless a sufficient petition for a referendum is filed and
51 referendum held on this Charter Ordinance as provided in article 12, section 5,
52 subdivision (c)(3), of the Kansas Constitution, in which case this Charter

53 Ordinance shall become effective if approved by a majority of the electors voting
54 therein.

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

59 PASSED and APPROVED by the City Council May 2, 2006.
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William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE _____ BY _____
TO BE CODIFIED _____
NOT TO BE CODIFIED _____

