

## APPENDIX A - CHARTER ORDINANCES

NOTE: The charter ordinances included in this appendix are for informational purposes only. Each of them contains the substance as passed by the City Governing Body, but enacting clauses, publication clauses and signatures have been omitted. Complete copies of each ordinance as passed are on file in the office of the City Clerk. Copies of charter ordinances also are on file with the secretary of state. Date of passage is shown in parentheses at the end of the text.

CHARTER ORDINANCE NO. 1..... 1	CHARTER ORDINANCE NO. 21 – Ordinance
CHARTER ORDINANCE NO. 2..... 1	No. 1930 ..... 10
CHARTER ORDINANCE NO. 3..... 1	CHARTER ORDINANCE NO. 22 – Ordinance
CHARTER ORDINANCE NO. 4..... 1	No. 1965 ..... 11
CHARTER ORDINANCE NO. 5..... 1	CHARTER ORDINANCE NO. 23 - Ordinance
CHARTER ORDINANCE NO. 6 — Ordinance	No. 2004 ..... 11
No. 1063 ..... 2	CHARTER ORDINANCE NO. 24 - Ordinance
CHARTER ORDINANCE NO. 7 — Ordinance	No. 2045 ..... 12
No. 1078 ..... 2	CHARTER ORDINANCE NO. 25 – Ordinance
CHARTER ORDINANCE NO. 8 — Ordinance	No. 2130 ..... 13
No. 1070 ..... 2	CHARTER ORDINANCE NO. 26 - Ordinance
CHARTER ORDINANCE NO. 9 — Ordinance	NO. 2175..... 13
No. 1087 ..... 4	CHARTER ORDINANCE NO. 27 - Ordinance
CHARTER ORDINANCE NO. 10..... 4	No. 2204 ..... 13
CHARTER ORDINANCE NO. 11 — Ordinance	CHARTER ORDINANCE NO. 28..... 16
No. 1432 ..... 4	CHARTER ORDINANCE NO. 29..... 17
CHARTER ORDINANCE NO. 12 — Ordinance	CHARTER ORDINANCE NO. 30..... 18
No. 1445 ..... 5	CHARTER ORDINANCE NO. 31..... 19
CHARTER ORDINANCE NO. 13 — Ordinance	CHARTER ORDINANCE NO. 32..... 20
No. 1637 ..... 5	CHARTER ORDINANCE NO. 33..... 20
CHARTER ORDINANCE NO. 14 — Ordinance	CHARTER ORDINANCE NO. 34..... 20
No. 1638 ..... 6	
CHARTER ORDINANCE NO. 15 — Ordinance	
No. 1619 ..... 6	
CHARTER ORDINANCE NO. 16 — Ordinance	
No. 1806 ..... 6	
CHARTER ORDINANCE NO. 17 — Ordinance	
No. 1808 ..... 7	
CHARTER ORDINANCE NO. 18 — Ordinance	
No. 1810 ..... 7	
CHARTER ORDINANCE NO. 19 — Ordinance	
No. 1840 ..... 8	
CHARTER ORDINANCE NO. 19A - Ordinance	
No. 1852..... 8	
CHARTER ORDINANCE NO. 20 — Ordinance	
No. 1896 ..... 10	



### **CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THAT PORTION OF SECTION 14-205 OF THE GENERAL STATUTES OF KANSAS, 1949, RELATING TO THE QUALIFICATION OF APPOINTIVE OFFICERS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. (Repealed by C.O. No. 5)

### **CHARTER ORDINANCE NO. 2**

This ordinance was introduced but did not pass for adoption. This was after Ordinance No. 3 was adopted so Ordinance No. 2 was declared void.

### **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THOSE PORTIONS OF K.S.A. 14-204 and 14-205 RELATING TO THE FILLING OF VACANCIES CREATED ON THE CITY COUNCIL, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. (Repealed by CO No. 14)

### **CHARTER ORDINANCE NO. 4**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM K.S.A. 79-1952; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REMOVING ANY LIMITATIONS OF TAX LEVY.

Section 1. The City of Bonner Springs, Kansas, a City of the second class, 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, K.S.A. 79-1952, and provide substitute and additional provisions as hereinafter set forth in this ordinance. K.S.A. 79-1952 is applicable to this City but is not applicable uniformly to all cities of the second class, and the legislature has not established classes of cities for the purpose of imposing tax limitations and prohibitions under said constitutional provision.

Section 2. The Governing Body of the City of Bonner Springs, Kansas is hereby authorized and empowered to levy taxes in each year on each dollar of assessed tangible valuation of said City for the following City purposes; provided, that the City purposes specifically authorized by other statutes are not excluded because they are not enumerated herein: General operating fund (which shall include the following activities): General government; police department; fire department; health and sanitation, including refuse collection and disposal; highways (all public traveled ways, including bridges); sewer maintenance sanitary and storm; sewage treatment and disposal; parks; cemeteries; street lighting; forestry; ambulance services; civil defense; community buildings; recreation; flood control; municipal housing authority; traffic control.

Said Governing Body may levy an amount necessary to meet the requirements of its adopted budget.

(5-16-68)

### **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM SECTION 32 OF CHAPTER 274 OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 14-201 PROVIDING SUBSTITUTE AND ADDITIONAL

PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF OFFICERS. (Repealed by C.O. No. 13)

**CHARTER ORDINANCE NO. 6 — Ordinance No. 1063**

AN ORDINANCE REGULATING AND IMPOSING LICENSE TAXES ON THE PRIVILEGE OF ENGAGING IN ANY BUSINESS, TRADE, OCCUPATION OR PROFESSION OR RENDERING OR FURNISHING ANY SERVICES IN THE CITY OF BONNER SPRINGS, KANSAS, PROVIDING THE PENALTIES FOR VIOLATION THEREOF, AND REPEALING PENALTIES FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 512 AND CHAPTER 14 OF THE CODE OR ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS. (Repealed by Charter Ordinance No. 28)

**CHARTER ORDINANCE NO. 7 — Ordinance No. 1078**

AN ORDINANCE AMENDING ORDINANCE NO. 1063 RELATING TO OCCUPATION LICENSES FOR THE CITY OF BONNER SPRINGS, KANSAS, BY AMENDING SECTIONS 7 AND 8 OF SAID ORDINANCE BY DELETING PROVISIONS RELATING TO PRO-RATA LICENSES AND PROVIDING THAT ALL SUCH LICENSES FOR THE PRIVILEGE OF ENGAGING IN ANY BUSINESS, TRADE, OCCUPATION OR PROFESSION OR FURNISHING OR RENDERING SERVICES IN THIS CITY SHALL BE ANNUAL LICENSES. (Repealed by Charter Ordinance No. 28)

**CHARTER ORDINANCE NO. 8 — Ordinance No. 1070**

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE PURCHASE OF EQUIPMENT OF ALL TYPES TO MEET THE NEEDS OF THE CITY, ESTABLISHING A PROCEDURE FOR THE AUTHORIZATION OF THE PURCHASE OF SUCH EQUIPMENT BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS; AND, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATIONS BONDS OF THE CITY TO FUND SUCH PURCHASES.

Section 1. for the purpose of this ordinance, the terms defined in this Section shall have the meanings ascribed to them as follows:

(a) Equipment means any type of equipment necessary to meet the needs of the City and includes, without limitation: cars; trucks; grading equipment, motorized or otherwise; fire equipment and apparatus; ambulance equipment and apparatus; ditching equipment and apparatus; police cars, equipment and apparatus; bookkeeping equipment and apparatus; office machines; office equipment; street sweepers and apparatus; communications equipment and apparatus; and any and all related equipment and apparatus necessary to carry out the business, administration duties, responsibilities and services of the City including, but not limited to, health, police, fire, street, sewer, utility and administration services, duties and responsibilities.

(b) Cost means all costs necessarily incurred for the preparation of plans, specifications, estimates, the cost of preparation and publication of notices, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and all other lawful expenses incurred in planning and effecting the acquisition of equipment.

(c) Consultants means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the Governing Body in planning and setting specifications for such equipment.

Section 2. In accordance with K.S.A. 12-137 and because there are no present statutory or constitutional provisions limiting or prohibiting the purchase of equipment and the funding of such purchase by the issuance of no-fund warrants or general obligation bonds of such City, and because there are no such provisions or procedures to levy taxes to pay for such purchases and such warrants or bonds, the Governing Body of this City is hereby authorized to purchase equipment and fund such purchase or purchases by the issuance of no-fund warrants or general obligations bonds of this City and to levy a tax against all of the property in the City at large as necessary to pay the principal and interest on such bonds, all in the manner and subject to the limitations and procedures provided herein.

Section 3. Before any contract is let or equipment purchased under the authority of this ordinance, the Governing Body shall by a two-thirds vote of the entire members of said body adopt an ordinance finding the purchase of equipment necessary and in the best interests of the City and authorizing such purchase; such ordinance shall state the estimated amount of money needed to effect such purchase, shall state the manner and means of payment, and if payment, by no-fund warrants or general obligation bonds, shall state the period of years over which said bonds or warrants will be issued, and shall authorize the issuance of general obligation bonds or no-fund warrants to fund the purchase and the levy of a tax upon all property in the City at large for the purpose of paying the principal and interest of such bonds or warrants.

The said ordinance shall be published once each week for two consecutive weeks in the official City newspaper; the said ordinance shall take effect 60 days after its final publication, unless within 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 numbers of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk of this City demanding that such ordinance be submitted to a vote of the electors, in which case said ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; provided; that the Governing Body may submit any such ordinance to a referendum without petition; provided; that such an ordinance to be submitted to a referendum without petition may be passed by a majority vote of the Governing Body and published only once in the official City newspaper. An election called under the provisions of this ordinance shall be called within thirty (30) days and held within 90 days after the date such petition is determined sufficient or after the publication of an ordinance authorizing a levy for which an election is called without petition. The Governing Body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once a week for three consecutive weeks in the official City newspaper and the election shall be conducted as elections for City officers and by the officers handling such elections. The proposition shall be: "Shall Ordinance No. \_\_\_\_\_ Entitled (Title or Ordinance) Take Effect?"

The genuineness of the signature and address of all signers of each protest shall be verified by some signer of the protest: the Governing Body shall be the Judge of the sufficiency of any protest and its decision shall be final and conclusive; provided, names may be withdrawn from any such protests by the signers thereof at any time before the Governing Body shall convene its meeting to determine the sufficiency thereof.

Section 4. The cost of such purchases may be paid for from:

(a) Funds available to the City; or

(b) By the issuance of no-fund warrants of such City in an amount not in excess of the cost of such equipment. Such warrants may be issued to be payable by not more than five tax levies from and after January 1 of the year following issuance and shall be payable by a tax levied against the City at large; or

(c) By the issuance of general obligation bonds. Bonds issued under this ordinance shall be issued in accordance with the provisions of the general bond law, and shall be payable by a tax levied against the City at large; or

(d) By a combination of available funds and either the issuance of such no-fund warrants or the issuance of such bonds. (7-2-74)

#### **CHARTER ORDINANCE NO. 9 — Ordinance No. 1087**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 17-4756(a) AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE EXERCISE OF URBAN RENEWAL POWERS BY CITIES.

Section 1. The City of Bonner Springs, 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. 17-4756(a) and provide substitute and additional provisions as hereinafter set forth in this ordinance.

Such referenced provision is either an enactment or a part thereof which is applicable to this City, but is not applicable uniformly to all cities.

Section 2. (a) A municipality may itself exercise its urban renewal project powers (as herein defined) or may, if the Governing Body of the municipality by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency created by K.S.A. 17-4757, except the powers listed in K.S.A. 17-4748(h). In the event the Governing Body of the municipality makes such determination, the urban renewal agency shall be vested with all of the urban renewal powers in the same manner as though all such powers were conferred on such agency or authority instead of the municipality. The Governing Body of any municipality which has elected to have such powers exercised by an urban renewal agency may, when it shall deem such action to be in the best interest of the municipality, by resolution divest such agency of the powers previously conferred upon it and restore such powers to the municipality. The Governing Body electing to divest any urban renewal agency of urban renewal project powers and to exercise the same shall assume, on behalf of the municipality, all debts, contracts and obligations lawfully incurred or entered into by the urban renewal agency due in the periods such powers were exercised by such agency. (12-17-74)

#### **CHARTER ORDINANCE NO. 10**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1915 AND PROVIDING FOR THE MEMBERSHIP APPOINTMENT AND TERMS OF THE MEMBERS OF THE PARK AND RECREATION ADVISORY COMMISSION. (Repealed by Charter Ordinance No. 33)

#### **CHARTER ORDINANCE NO. 11 — Ordinance No. 1432**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS FROM K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO.

Section 1. The City of Bonner Springs, 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 K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, which is an enactment of the legislature applicable to this City but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Bonner Springs, Kansas. (5-19-86)

#### **CHARTER ORDINANCE NO. 12 — Ordinance No. 1445**

A CHARTER ORDINANCE RELATING TO MUNICIPAL COURT COSTS; EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THEREFOR.

Section 1. The City of Bonner Springs, 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. 12-4112. Such referenced provision is applicable to this City but it is not applicable uniformly to all cities.

Section 2. The City of Bonner Springs, Kansas, intends to provide substitute provisions to K.S.A. 12-4112 in the form of an ordinance which states as follows, to wit:

There shall be established by separate ordinance a court cost fee against each accused person who enters a plea of guilty, enters a plea of no contest or is found guilty of any violation of any ordinance of the City. Said costs shall be due at the time of the plea or conviction unless an extension is granted by the Judge of the Municipal Court and said costs shall be payable to the City of Bonner Springs, Kansas. (10-20-86)

#### **CHARTER ORDINANCE NO. 13 — Ordinance No. 1637**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM K.S.A. 14-201 PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT OF AND RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF SUCH OFFICERS.

Section 1. The City of Bonner Springs, 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 makes inapplicable to K.S.A. 14-201, which statutory section is not applicable uniformly to all cities, and provide substitute and additional provisions as hereinafter set forth in this ordinance.

Section 2. There shall be elected on the first Tuesday in April of each odd-numbered year a Mayor and one-half the number of Councilpersons of each ward as set forth in the code of ordinances of this City. The Mayor shall hold his office for a term of two years and Councilpersons shall hold their offices for a term of four years.

Section 3. The City Manager shall appoint, by and with the consent of the City Council, a Municipal Judge of the Municipal Court, a Chief of Police, City Clerk, City Treasurer, City Attorney and may appoint policemen and such other officers as they may deem necessary. Officers so appointed and confirmed shall hold their offices for the term specified in a written contract, if any, or if none, at the pleasure of the City

Manager. The City Council shall by ordinance specify their duties and compensation, and by ordinances may abolish any office created by them whenever they may deem it expedient. A licensed professional engineer may be retained to act in the capacity of City Engineer for specifically defined duties, and provide for reasonable compensation for the services rendered.

Section 4. Charter Ordinance No. 5 is hereby repealed. (3-16-92)

#### **CHARTER ORDINANCE NO. 14 — Ordinance No. 1638**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THOSE PORTIONS OF K.S.A. 14-204 AND 14-205 RELATING RESIGNATIONS OF MEMBERS OF THE CITY COUNCIL AND THE FILLING OF VACANCIES CREATED ON THE CITY COUNCIL, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING CHARTER ORDINANCE NO. 3.

Section 1. The City of Bonner Springs, Kansas, by the power vested in it by Article 1, Section 5, of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from those portions of K.S.A. 14-204 and 14-205 relating to the filling of vacancies on the Council of said City, which apply to said City but not uniformly to all cities, and provide substitute and additional provisions on the same subject as hereinafter provided.

Section 2. The resignation of any person of the Governing Body of the City shall be submitted to the City Clerk and immediately forwarded to all members of the Governing Body of the City for approval or rejection by the Governing Body.

Section 3. Any vacancy of the Governing Body of the City of Bonner Springs, Kansas, either by death, resignation or otherwise, shall be filled by appointment of the Mayor with the approval and consent of the City Council and shall be effective upon such approval or rejection by the Governing Body at the next regularly scheduled meeting. Any resignation of a member of the Governing Body can be voluntarily withdrawn by the person resigning prior to the said approval or rejection by the Governing Body. Any person presently filling such a vacancy or hereafter so appointed and approved shall serve for the balance of the unexpired term of office of the person vacating such office.

Section 4. Charter Ordinance No. 3 is hereby repealed. (3-16-92)

#### **CHARTER ORDINANCE NO. 15 — Ordinance No. 1619**

AN ORDINANCE CHANGING AND INCREASING AND IMPOSING LICENSE TAXES ON THE PRIVILEGE OF ENGAGING IN ANY BUSINESS, TRADE, OCCUPATION OR PROFESSION OR RENDERING OR FURNISHING ANY SERVICE IN THE CITY OF BONNER SPRINGS, KANSAS, AMENDING CHAPTER V, BUSINESS REGULATIONS, ARTICLE 1 LICENSES AND BUSINESS REGULATIONS, SECTIONS 5-102 AND 5-107 OF THE CODE OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS. (Repealed by Charter Ord. No. 28)

#### **CHARTER ORDINANCE NO. 16 — Ordinance No. 1806**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194 PERTAINING TO THE IMPOSITION OF EXCISE TAXES.

(Repealed by C.O. No. 21)

**CHARTER ORDINANCE NO. 17 — Ordinance No. 1808**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM CERTAIN PROVISIONS CONTAINED IN K.S.A. 12-1220 RELATING TO THE IMPOSITION OF THE ANNUAL TAX LEVY FOR THE MAINTENANCE OF THE BONNER SPRINGS CITY LIBRARY, AND PROVIDING SUBSTITUTE PROVISIONS RELATING THERETO.

Section 1. The City of Bonner Springs, Kansas, hereby elects, pursuant to the authority granted by Article 12, Section 5 of the Constitution of the State of Kansas, to make inapplicable to it, and exempt the City of Bonner Springs, Kansas, from the following language contained in K.S.A. 12-1220, to-wit:

“ . . .the Governing Body. . .is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto. . .”

Section 2. Following the effective date of this charter ordinance, the library board of the Bonner Springs City Library shall annually recommend to the Governing Body a proposed tax levy for the maintenance of the Bonner Springs City Library and the Governing Body is hereby authorized to and shall annually levy the tax for the maintenance of such library in such sum as the Governing Body shall determine within the limitations fixed by law, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto. (3-16-98)

**CHARTER ORDINANCE NO. 18 — Ordinance No. 1810**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-16,101, RELATING TO A CONVENTION AND TOURISM COMMITTEE, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it, and exempt itself from the provisions of K.S.A. 12-16,101, which apply to said City but not uniformly to all cities and to provide substitute provisions on the same subject as hereinafter provided.

Section 2. The Governing Body hereby establishes a convention and tourism committee to make recommendations concerning the programs and expenditures for promotion of tourism. The Governing Body shall appoint five members to such committee, a majority of which shall be representatives of businesses subject to the transient guest tax. In appointing such members, the Governing Body shall attempt to create a representative balance of large and small businesses and businesses from the various geographic areas of the City. The Governing Body shall provide, by resolution, for the appointments, and terms of service not to exceed four years of such members. The Governing Body shall have the authority to contract for convention and tourism programs to be implemented. (3-16-98)

**CHARTER ORDINANCE NO. 19 — Ordinance No. 1840**

AN ORDINANCE AMENDING CHARTER V, BUSINESS REGULATIONS, ARTICLE 1, LICENSE AND BUSINESS REGULATIONS, SECTIONS 5-102 AND 5-107 OF THE CODES OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS. (Repealed by Charter Ordinance No. 28)

**CHARTER ORDINANCE NO. 19A — Ordinance No. 1852**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194 PERTAINING TO THE IMPOSITION OF EXCISE TAXES, IMPOSING AN AMUSEMENT ATTENDANCE TAX, ESTABLISHING A DEFINITION THEREOF, PROVIDING FOR EXEMPTIONS FROM SAID TAX, PROVIDING FOR THE PAYMENT AND COLLECTION OF THE AMUSEMENT ATTENDANCE TAX, THE ADMINISTRATION AND ENFORCEMENT, AND DEFINING RELEVANT TERMS.

Section 1. Purpose and Authority. The City of Bonner Springs, Kansas, by virtue of 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. 12-194, insofar as that statute prohibits the City of Bonner Springs, Kansas, from imposing any excise tax, or tax in the nature of an excise. The Amusement Attendance Tax levied by this ordinance is for the purpose of raising general revenues for the City. The City's authority to levy this tax is derived from Article 12, Section 5(b) & (c) of the Kansas constitution.

Section 2. Definitions. for the purpose of this ordinance, the following words shall have the meanings respectively ascribed to them:

(a) Amusement means any theatrical, dramatic, musical, or other types of concerts, or spectacular performance or show, or motion picture show, or similar exhibition for public entertainment, within the City. Amusement shall not include any event or program sponsored by any public or private school, any religious or church organization, the Wyandotte County Museum, the Agricultural Hall of Fame, any event sponsored by a not-for-profit civic group or any event sponsored by the City of Bonner Springs.

(b) Person means any natural person, trustee, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any other group of individuals acting as a unit, whether mutual cooperative, fraternal, or otherwise. Whenever the term person is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof; and as applied to corporations, the officers thereof.

Section 3. Exemptions. Any person who shall have paid the Amusement Tax levied by Ordinance No.1791 and any amendments thereto, or the Amusement Admission Tax levied by Ordinance No. 1851 and any amendments thereto, shall be exempt from the payment of the Amusement Attendance Tax required to be paid by this ordinance as to that specific admission for which the tax levied by Ordinance No. 1791 or the tax levied by Ordinance No. 1851 has been paid.

**Section 4. Tax Imposed.**

(a) A tax is hereby levied and imposed upon all amusements within the City at the rate of \$.50 per ticket for admission of each person entering the premises of a place of amusement for the purpose of witnessing, viewing, or participating in the amusement. The tax herein levied shall be in addition to any other taxes.

(b) The ultimate incidence of and liability for payment of said tax shall be borne by the ticket user or purchaser.

(c) Any amusement subject to this tax shall be entitled to be exempt from said tax on complimentary tickets issued without compensation. Exempt complimentary tickets shall not exceed five percent of the total tickets issued on a per event basis. (C.O. No. 21)

Section 5. Payment and Collection of Tax. The owner, manager, licensee, or operator of each amusement shall bear, jointly and severally, the duty to collect the tax from each ticket purchaser or user. Every person required to collect the tax levied by this ordinance shall secure said tax from the ticket user or purchaser at the time of collection of the price or charge of the ticket of admission. Whenever suitable, the amount of the tax shall be shown separately on each ticket of admission or the ticket shall indicate that the purchase price includes local taxes; provided, however, in no event shall tickets of admission printed prior to the effective date of this ordinance be required to separately show the tax hereby imposed. The tax shall be paid to the City Clerk under procedures prescribed by the City Clerk and as otherwise provided by this ordinance.

Section 6. Administration and Enforcement. The City Clerk or his/her designated agent is designated as the administration and Enforcement Officer of the tax hereby imposed on behalf of the City. It shall be the responsibility and duty of the City Clerk or his/her designated agent to collect all amounts due the City from the owners, managers, licensees, and operators of amusement in the City. A sworn monthly amusement admission tax return, on a calendar month basis, shall be filed by each owner, manager, licensee, or operator of each amusement in the City with the City Clerk or his/her designated agent regardless of whether there is any tax due for the month covered by the return, on forms prescribed by the City Clerk, showing the number of admission tickets sold and issued, if any. Said returns are to be filed by the last day of the month following the month covered by said return. The tax herein imposed due and owing shall accompany the return and shall likewise be due as of the last day of the month following the month covering the return.

The City Clerk or his/her designated agent, may enter the premises of any amusement for the purposes of inspection and examination of its books and records for the proper administration of this ordinance, and for the enforcement of the collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder, or interfere with the City Clerk or his/her designated agent in the discharge of duties thereunder.

It shall be the duty of every owner, manager, licensee, or operator of any amusement to keep accurate and complete books and records, containing all information necessary for the collection of the tax herein imposed, to which the City Clerk or his/her designated agent shall at all times have full access, which records shall show: (a) the number of tickets of admission issued during any previous 24 hour period, and (b) the actual amusement attendance tax receipts collected for the date in question.

Section 7. Suit for Collection: Revocation of License. Whenever any person shall fail to pay any taxes herein provided, or when any owner, manager, licensee, or operator of an amusement in the City shall fail to collect the tax hereby imposed from any person who has the ultimate liability for payment of the same, the City Attorney shall, upon request of the City, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction. If the City Council, after a hearing held by them, shall find that any amusement owner, manager, licensee, or operator has willfully evaded the responsibility to collect the tax imposed by this ordinance, they may suspend or revoke all City licenses, including but not limited to any liquor license issued to and held by such person. Said person shall have an opportunity to be heard at such hearing, to be held not less than five days after notice is given of the time and place thereof, addressed to said person at the last known place of business. Any suspension or revocation resulting from such hearing shall not relieve or discharge any civil liability for nonpayment of the tax due.

Section 8. Interest and Penalties. In the event of failure by any amusement owner, manager, licensee, or operator to collect and pay to the City Clerk the tax required thereunder within 10 days after the same shall be due, a penalty of 10 percent of the tax due shall be assessed. In addition, interest shall accumulate and be due upon said tax and penalty amount at the rate of one (1) percent per month commencing as of the first day of the month following the month for which the tax was to have been collected until the tax, penalty and interest are paid by any amusement owner, manager, licensee, or operator who failed to collect and remit the tax imposed by this ordinance on a timely basis.

Section 9. Disposition of Proceeds of Tax. All proceeds resulting from the imposition of the tax, interest and penalties, under this ordinance shall be paid into the treasury of the City and shall be credited to and deposited in the City general fund.

Section 10. Penalty for Violation. In addition, any person found guilty in a court of competent jurisdiction of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or obstructing the enforcement of this ordinance, upon conviction thereof, shall be, subject to a fine of not less than \$50 nor more than \$500 for the first offense, and not less than \$100 nor more than \$1,000 for the second and each subsequent offense. Each day any violation of any provision of this ordinance shall continue to exist shall constitute a separate offense.

Section 11. Validity. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby. (3-15-99)

#### **CHARTER ORDINANCE NO. 20 — Ordinance No. 1896**

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 18 RELATING TO THE EXEMPTION OF THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-16,101, RELATING TO A CONVENTION AND TOURISM COMMITTEE, AND PROVIDING AMENDED PROVISIONS ON THE SAME SUBJECT. (Amended by Charter Ordinance No. 31)

#### **CHARTER ORDINANCE NO. 21 – Ordinance No. 1930**

A CHARTER ORDINANCE AMENDING THE PROVISIONS OF CHARTER ORDINANCE NO. 19A, SAID CHARTER ORDINANCE NO. 19A IMPOSING AN AMUSEMENT ATTENDANCE TAX AND REPEALING CHARTER ORDINANCE NO. 16 AND ORDINANCE NO. 1851.

Section 1. Charter Ordinance No. 16 is hereby repealed.

Section 2. Ordinance No. 1851 is hereby repealed.

Section 3. Charter Ordinance No. 19A is hereby amended as follows:

- (a) Section 3, entitled Exemptions, is hereby repealed.
- (b) Section 4, entitled Tax Imposed is hereby amended, in its entirety to read as follows:

Section 4. Tax Imposed

- (a) A tax is hereby levied and imposed upon all amusements within the City at the rate of \$.25 per ticket for admission of each person entering the premises of a place of amusement for the

purpose of witnessing, viewing, or participating in the amusement. The tax herein levied shall be in addition to any other taxes. Such tax rate shall be in effect until January 1, 2006, at which time the rate shall automatically be adjusted to \$.30 per ticket. The tax rate shall thereafter automatically adjust by the addition of \$.05 per ticket on each 5th anniversary thereafter.

- (b) The ultimate incidence of and liability for payment of said tax shall be borne by the ticket user or purchaser.
- (c) Any amusement subject to this tax shall be entitled to be exempt from said tax on the following tickets:
  - (1) All complimentary tickets, defined as those tickets given away by the amusement for which no compensation is received by the amusement.
  - (2) Exempt tickets shall also include any ticket sold at a price of less than \$10, and any group sales, advance sales, minor child or senior citizen (being a person over 65 years of age) ticket allowing such person admission to the amusement at a discounted price (less than a full price adult admission ticket), said ticket price not exceeding \$13. The \$10 and \$13 maximum ticket prices set forth herein shall automatically increase at the rate of \$.50 annually, commencing January 1, 2002.
- (d) Season tickets costing less than \$65 per season shall be deemed subject to one (1) admission tax per season. Season tickets costing more than \$65 per season, shall be subject to an amusement tax for each event, concert or program to which the ticket purchaser is entitled to admission and actually attends. (5-21-01)

#### **CHARTER ORDINANCE NO. 22 – Ordinance No. 1965**

A CHARTER ORDINANCE OF THE CITY OF BONNER SPRINGS, KANSAS, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-187 AND PORTIONS OF K.S.A. 12-189 AND K.S.A. 12-189e RELATING TO THE LEVYING AND COLLECTION OF LOCAL RETAILERS' SALES TAXES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO. (Repealed by Charter Ordinance No. 32)

#### **CHARTER ORDINANCE NO. 23 - Ordinance No. 2004**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 41-712; PROHIBITING ALCOHOLIC LIQUOR SALE ON SUNDAY; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS AUTHORIZING THE CITY OF BONNER SPRINGS, KANSAS, TO ALLOW ALCOHOLIC LIQUOR SALES ON SUNDAY

WHEREAS, the City of Bonner Springs, Kansas, is authorized to exercise the powers, functions, and duties of a City of the first class, including home-rule powers in the manner and subject to the limitations provided by Article 12, Section 5 of the Constitution of the State of Kansas; and

WHEREAS, K.S.A. 41-712 was adopted in 1949 as part of an enactment in Chapter 242 of the Session Laws that contained statutes that were non-uniform.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS:

SECTION 1: the City of Bonner Springs, 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 from and make inapplicable to it the provisions of 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 City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section I, above:

Sale at retail; forbidden on certain days; hours of sale, exception. No person shall sell at retail any alcoholic liquor: (1) on Thanksgiving Day or Christmas Day; or (2) before 9:00 a.m. or after 11:00 p.m. Monday through Saturday or (3) before 11:00 a.m. or after 11:00 p.m. on Sunday.

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 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

SECTION 5: Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

#### **CHARTER ORDINANCE NO. 24 - Ordinance No. 2045**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS FROM THE PROVISIONS OF KSA 12-1697 RELATING TO THE LEVY OF A TRANSIENT GUEST TAX WITHIN THE CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT

SECTION 1: the City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it, and exempt itself from the provisions of KSA 12-1697 which applies to said City but not uniformly to all cities and to provide substitute provisions on the same subject as hereinafter provided.

SECTION 2: in order to provide revenue to promote tourism and conventions, there is hereby levied a transient guest tax of four (4%) percent upon the gross receipts derived from or paid directly or through an accommodations broker by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court location within the City of Bonner Springs, Kansas. The terms used in this ordinance shall be applied as defined in KSA 12-1696 the provisions of which are hereby incorporated herein by reference.

SECTION 3: Any transient guest tax levied pursuant to this Section shall be based upon the gross rental receipts collected by any business or accommodations broker. The taxes levied pursuant to this Section shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly as possible

or practicable to the average equivalent thereto. Each business collecting any of the taxes levied hereunder shall be responsible to paying over the sums to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698 and the State Department of Revenue shall administer and enforce the collection of such taxes.

SECTION 4: This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 5: This is a Charter Ordinance and it shall take effect sixty-one (61) days after its final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Bonner Springs equal to not less than ten (10) percent of the number of electors who voted at the last preceding regular City Election shall be filed in the office of the City Clerk of Bonner Springs demanding an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a majority of the electors voting thereon.

SECTION 6: Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

SECTION 7: Ordinance No. 1809 is hereby repealed.

#### **CHARTER ORDINANCE NO. 25 – Ordinance No. 2130**

AN ORDINANCE AMENDING CHAPTER V, BUSINESS REGULATIONS, ARTICLE 1, LICENSES AND BUSINESS REGULATIONS, SECTIONS 5-102 AND 5-107 OF THE CODES OF ORDINANCES OF THE CITY OF BONNER SPRINGS, KANSAS.

(Repealed by Charter Ordinance No. 28.)

#### **CHARTER ORDINANCE NO. 26 - Ordinance NO. 2175**

#### **CHARTER ORDINANCE NO. 27 - Ordinance No. 2204**

A CHARTER ORDINANCE EXEMPTING THE CITY OF BONNER SPRINGS, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-3101 THROUGH K.S.A. 12-3107, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE ESTABLISHMENT, OPERATION, MAINTENANCE, IMPROVEMENT, AND REGULATION OF STORM WATER SYSTEMS, INCLUDING BUT NOT LIMITED TO, STORM AND SURFACE WATER DRAINAGE SYSTEMS AND FLOOD PROTECTION WORKS, AND TO THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR THE PROPERTY AND IMPROVEMENTS NECESSARY FOR ALL ASPECTS OF THE MANAGEMENT OF THESE SYSTEMS

Section I. The City of Bonner Springs, Kansas, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself and hereby makes inapplicable to it Section 12-3101, 12-3102, 12-3103, 12-3104, 12-3105, 12-3106 and 12-3107, Kansas Statutes Annotated, which apply to the City of Bonner Springs, Kansas, but do not apply uniformly to all Kansas cities.

Section II. The City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section I above:

Section 1. Definitions. for the purpose of this Charter Ordinance, the words and phrases:

- (a) "Improve" shall mean to plan, map, engineer, design, alter, enlarge, extend, construct, reconstruct, develop, and redevelop a storm water system, and all things appurtenant thereto.
- (b) "Person" shall mean any person, firm, corporation, association, partnership, political unit, or organization.
- (c) "Storm Water" or "Storm Water System" shall mean storm sewers that exist at the time this Charter Ordinance is adopted or that are hereafter established and all appurtenances necessary in the maintenance and operation of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, outfall sewers, street, curb, and alley improvements associated with storm water improvements, surface drains, channels, drainage ways or easements, levees, detention and retention facilities, streams and other flood control facilities and works for the collection, transportation, quality treatment, pumping, treating, and disposing of storm water or surface waters.
- (d) "Storm Water Management Program" shall mean all aspects of work necessary to perform and provide storm and surface water services in the City, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvement of systems and facilities, plus such non-operating expenses as reserves and bond debt service coverage associated with provision of the Stormwater Management Program.

Section 2. Storm Water Systems; Powers of City. The City of Bonner Springs, Kansas shall have all the powers necessary or convenient to Improve and operate a Storm Water System, including such powers as the City of Bonner Springs may, from time to time, establish by way of ordinances adopted by the Governing Body of the City and including, but not by way of limitation, the following powers:

- (a) To impose service charges on property served by the City's Storm Water System. The method of calculating and fixing such service charges, and the method of billing and collecting such charges, shall be established by rules and regulations heretofore or hereafter adopted. In the event any person, firm, corporation, political unit or organization living or operating on property served by the City's storm water system shall neglect, fail or refuse to pay the service charges fixed by the Governing Body of the City, the City may, as authorized by rules and regulations adopted under the authority of this Section, refuse the delivery of water through the pipes and mains of its publicly owned waterworks until such time as such charges are fully paid.
- (b) To provide that Storm Water service charges authorized in subparagraph (A) above shall, when delinquent, be certified by the Clerk of the City to the County Clerk of either Wyandotte, Johnson, or Leavenworth County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate served by the Storm Water System and against which such charges are made; provided however, that any action by the City under this subparagraph shall be subject to approval by the respective County.
- (c) To use the proceeds of Storm Water service charges authorized in subparagraph (A) and such other lawful available revenue sources, to improve, operate and maintain a Storm Water System pursuant to an adopted comprehensive storm water management plan and

adopted policies implementing such plan, including policies regarding the financing of Storm Water improvements;

- (d) To use and to pledge the proceeds of the service fees authorized in subparagraph (A) above, and any available taxes, to pay the principal and interest on general obligation or revenue bonds heretofore or hereafter issued; and pending the issuance of the general obligation bonds or revenue bonds to issue temporary financing for these purposes;
- (e) To improve a Storm Water System pursuant to K.S.A. 12-6a01 et seq., the General Improvement and Assessment Law or other applicable statutes;
- (f) To contract with agencies of the federal government, the State of Kansas, the County, the drainage district, other public bodies of this State, or with any private person or body for jointly improving, operating and maintaining a Storm Water System, provided that such agreements may include commitments regarding the financing of such improvements;
- (g) To borrow money and to apply for and accept advances, loans, grants, contributions or any other form of financial assistance from the federal government, the State of Kansas, the County, the drainage district, other public bodies of this State, or with any private person or body for improving, operating and maintaining a Storm Water System;
- (h) To acquire property, right-of-way, or easements, within or outside the City limits of the City; by purchase, gift, transfer, or eminent domain for the purposes set forth in this Charter Ordinance;
- (i) To improve, maintain and operate a Storm Water System outside the City limits of the City pursuant to approval of the County;
- (j) To establish a Storm Water utility, a Storm Water utility fund, Storm Water Management Program, and such other administrative conveniences as may be deemed necessary;
- (k) To prohibit or regulate the discharge into the Storm Water System of matter deleterious to the proper operation of the Storm Water System and the general health, safety and welfare of the community, and to establish such other regulations regarding the use of the Storm Water System as are beneficial.
- (l) To, under the authority granted herein, establish a Storm Water Utility to be accounted for as a separate enterprise fund or special revenue fund of the City as deemed reasonable or appropriate by the Governing Body of the City.

Section 3. Powers herein supplemental and additional. The powers herein granted to improve, operate and maintain a storm water system and to issue bonds shall be supplemental to and not amendatory of the provisions of all other laws and shall not be construed to limit the City's authority under the provisions of other laws.”

### Section III. Issuance of Storm Water System revenue bonds; requirements.

(a) The Governing Body of the City shall have the power to issue revenue bonds from time to time in its discretion, without an election, to finance the planning, altering, enlarging, extending, improving, constructing, and reconstructing of a Storm Water System or Storm Water Systems under this Charter Ordinance. Such bonds shall be made payable, as to both principal and interest, solely from the income,

proceeds, revenues, and funds of the City derived from or held in connection with its Storm Water Systems: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any unencumbered municipal revenues including sales tax and impact fee/system development charges and any loan, grant or contribution from the federal government, the State of Kansas, other public bodies of the State or other persons or entities.

(b) Pending the issuance of revenue bonds authorized by this Charter Ordinance, the Governing Body of the City may issue revenue anticipation bonds of the City for the purpose of providing interim financing for a project. Revenue anticipation bonds shall be payable from revenue bonds issued to provide permanent financing for activities authorized by this Charter Ordinance and from the income, proceeds, revenue and funds derived by the City from, or held in connection with, its Storm Water Systems.

(c) Bonds issued under this Section shall be authorized by ordinance or resolution of the Governing Body and may be issued in one or more series and shall bear such date or dates, be payable on demand or mature at such time or times, bear interest at such rate or rates, not exceeding the maximum rate of interest prescribed by K.S.A. 10-1009, be in such denomination or denominations, be in such form, have such rank or priority, be executed in such manner, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such ordinance or resolution issued pursuant thereto.

Section IV. In the event that any portion of this Charter Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decisions shall not in any manner affect the remaining portions which shall remain in full force and effect.”

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

Section VI. THIS CHARTER ORDINANCE SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS A SUFFICIENT PETITION FOR A REFERENDUM IS FILED, REQUIRING A REFERENDUM TO BE HELD ON THE ORDINANCE AS PROVIDED IN ARTICLE 12, SECTION 5 OF THE CONSTITUTION OF THE STATE OF KANSAS, IN WHICH CASE THIS CHARTER ORDINANCE SHALL BECOME EFFECTIVE UPON APPROVAL BY A MAJORITY OF THE ELECTORS VOTING THEREON.

Section VII. Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

### **CHARTER ORDINANCE NO. 28**

An Ordinance to Repeal Chapter V, Business Regulations, Article 1, Licenses & Business Regulations of the Code of Ordinances of the City of Bonner Springs, Kansas

SECTION 1: Article 1, Licenses and Business Regulations, Chapter V, Business Regulations and Charter Ordinances Nos. 6, 7, 15, 19 and 25 also identified as Regular Ordinance Nos. 1063, 1078, 1619, 1840, 1892 and 2130 are hereby repealed.

SECTION 2: This Charter Ordinance shall be published for two consecutive weeks and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed that requires a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in

which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

SECTION 3: Upon its effective date, this Charter Ordinance shall be recorded by the City Clerk in a file maintained for charter ordinances of the City and shall be filed with the Secretary of the State of Kansas.

### **CHARTER ORDINANCE NO. 29**

A Charter Ordinance to Exempt the City of Bonner Springs, Kansas, from K.S.A. 12-4207 and to Provide Substitute Language and Additional Provisions on the Same Subject that Relates to Service of Notices to Appear Filed with the Municipal Court

Section 1. The City of Bonner Springs by virtue of 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. 12-4207 which applies to this City, but is part of an enactment which does not apply uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

Section 2.

- (a) For purposes of this Charter Ordinance the term "City of Bonner Springs officer or employee" shall mean: a Law Enforcement Officer, Clerk of the Municipal Court or duly appointed representative, Fire Chief or duly appointed representative, Animal Control Officer, Building Official or duly appointed representative, Planning Director or duly appointed representative, City Clerk or duly appointed representative, Environmental Codes Enforcement Officer or such other employee or agent of the City of Bonner Springs as may be designated by ordinary ordinance. No provision of this Charter Ordinance shall be construed to empower the Clerk of the Municipal Court, Fire Chief, Animal Control Officer, Building Official, Planning Director, City Clerk, or representatives of such officers or employees with the powers of arrest, search, detention or other powers of Law Enforcement Officers, except as provided by law.
- (b) The notice to appear shall be served upon the accused person by delivery of a copy to him or her personally, or placement of it at the residence of the accused person or usual place of abode with some person of suitable age and discretion who then resides therein or by mail to the last known address of said person.
- (c) The notice to appear may be served by a City of Bonner Springs officer or employee, within the state; and if mailed, shall be mailed by such City of Bonner Springs officer or employee. Upon service by mail, the City of Bonner Springs officer or employee shall execute a verification to be filed with a copy of the notice to appear which shall be deemed sufficient if in the following form:

“the undersigned hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I mailed a copy of the Notice to Appear to \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. (Name) at (Address), (City), (State).

\_\_\_\_\_  
Signature of City of Bonner Springs Officer or Employee

Section 3. The authority to issue a Notice to Appear by an employee, officer or agent of the City who is not a sworn Law Enforcement Officer as established by this Charter Ordinance shall only be authorized by

an ordinary ordinance that makes reference to this Charter Ordinance and establishes such restrictions and procedures as the Governing Body shall deem appropriate.

Section 4: This charter ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

Section 5. This charter ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

### **CHARTER ORDINANCE NO. 30**

A Charter Ordinance to Amend Section 2 of Charter Ordinance No. 13 that Exempted the City of Bonner Springs, Kansas, from K.S.A. 14-201 that provided Substitute & Additional Provisions on the Same Subject of and related to the Election & Appointment of City Officers and the Terms of such Officers & Repeal Section 2 of Charter Ordinance No. 13.

Section 1. Section 2 of Charter Ordinance No. 13 is hereby repealed.

Section 2. Section 2 of Charter Ordinance No. 13 is hereby amended to read as follows:

A general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. One council member from each ward shall be elected at one election, and the other council member from that ward shall be elected at the succeeding election. The council members shall have four year terms. The Mayor shall have a four year term. (07-11-2016)

### **CHARTER ORDINANCE NO. 31**

A Charter Ordinance to Amend Charter Ordinance No. 20 that Amended Section 2 of Charter Ordinance No. 18 that Exempted the City of Bonner Springs, Kansas, from Provisions of KSA 12-16,101 that Relates to a Convention & Tourism Committee and Provided Substitute Provisions for the Same

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

**Section 1.** The City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, did pass Charter Ordinance No. 18 on the March 16, 1998 and did pass Charter Ordinance No. 20 on July 5, 2000 that amended Charter Ordinance No. 18, Section 2, such ordinance making inapplicable to the City of Bonner Springs, Kansas, and exempting the City of Bonner Springs from the provisions of K.S.A. 12-16,101, which applied to said City but not uniformly to all cities and which ordinance established a convention and tourism committee to make recommendations concerning the programs and expenditures for the promotion of tourism, changed the number of members to be appointed to that committee to five members and required that the majority of such members shall be representatives of businesses subject to the transient guest tax.

**Section 2.** The Governing Body hereby amends Section 2 of Charter Ordinance No. 20 to read as follows:

“Section 2. The Governing Body establishes the Bonner Springs Tourism Committee to make recommendations that concern the programs and expenditures for promotion of tourism. The Governing Body shall appoint seven (7) members to such committee. The appointment of such members by the Governing Body shall attempt to create a balance of representatives from the media, recreation, entertainment and community groups and representatives of the businesses subject to the transient guest tax. The Governing Body shall provide, by ordinance, for the appointment and terms of appointment not to exceed four years for such members. The Governing Body shall have the authority to contract for tourism programs to be implemented.”

**Section 3:** This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 4:** This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Bonner Springs equal to not less than ten (10) percent of the number of electors who voted at the last regular City Election shall be filed in the office of the City Clerk of Bonner Springs to demand an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a majority of the electors that vote thereon. (03/24/2014)

### **CHARTER ORDINANCE NO. 32**

An Ordinance to Repeal Charter Ordinance No. 22 (Regular Ordinance No. 1965) that Exempted the City of Bonner Springs from the Provisions of KSA 12-187, Portions of KSA 12-189 & KSA 12-189e that Relate to the Levy & Collection of Local Retailers' Sales Tax & Provided for Substitute & Additional Provisions

SECTION I: Charter Ordinance No. 22 (Regular Ordinance No. 1965) is hereby repealed.

SECTION II: This Charter Ordinance shall be published for two consecutive weeks and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed that requires a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon. (03/24/2014)

### **CHARTER ORDINANCE NO. 33**

An Ordinance to Repeal Charter Ordinance No. 10 that Exempted the City of Bonner Springs from the Provisions of KSA 12-1915 & Provided for the Membership, Appointment & Terms of the Park & Recreation Advisory Commission

SECTION I: Charter Ordinance No. 10 is hereby repealed.

SECTION II: This Charter Ordinance shall be published for two consecutive weeks and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed that requires a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon. (03/24/2014)

### **CHARTER ORDINANCE NO. 34**

A Charter Ordinance Exempting the City of Bonner Springs, Kansas, from the Provisions of K.S.A. 14-103 and K.S.A. 14-201, Relating to the Election of Officers, their Terms of Office, and Transition to November Elections; and Repealing Section 2 of Charter Ordinance No. 30.

**Section 1.** The City of Bonner Springs, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 14-103 and K.S.A. 14-201, that apply to this city, but are parts of enactments which do not apply uniformly to all cities.

**Section 2.** (a) The governing body shall consist of a mayor and eight council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Bonner Springs, Kansas.

(b) The governing body of the city may, by ordinance, divide the city into wards and precincts, establish the boundaries thereof, and number the same. No ordinance redefining wards and precincts shall become effective less than 30 days prior to the next regular city election.

**Section 3.** Section 2 of Charter Ordinance 30 shall be Amended to Read as Follows:

A general election of city officers shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. One council member from each ward shall be elected at one election, and the other council member from that ward shall be elected at the succeeding election. The council members shall have four year terms. The Mayor shall have a four year term.

**Section 4.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 5.** This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

(07-11-2016)