

**APPENDIX A  
CHARTER ORDINANCES**

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the Governing Body but ordination and publication clauses, repealers and signatures have been omitted. Complete copies of charter ordinances as adopted are on file in the office of the City Clerk and the Secretary of State. Date of passage of each charter ordinance is shown in parentheses at the end of the text.

**CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE RELATING TO THE RECURBING, REGUTTERING, RESURFACING, REPAVING OR REPAIRING OF THE STREETS OR ALLEYS IN THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTION 13-1038, GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** That, pursuant to the provisions of Sec. 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 13-1038, General Statutes of Kansas, 1949, shall not apply to said City and provides the following substitute and additional provisions on the same subject:

"That whenever in the judgment of the Governing Body of the City of Lawrence, Kansas, it becomes expedient and a public necessity to recurb, regutter, resurface, repave, or repair any street or alley or any portion thereof in said City, the Governing Body of said City may so declare the necessity for such improvement and cause the same to be made regardless of protest as herein provided and as further provided by Sections 13-1039 and 13-1040, General Statutes of Kansas, 1949, and any amendments thereto. All proceedings relating to such improvement and to the assessment of benefits for the payment of the cost thereof, and for the issuance of bonds shall be the same as provided by law in case of payment regardless of protest in the first instance, except as otherwise provided herein and in said Sections 13-1039 and 13-1040 General Statutes of Kansas, 1949, and any amendments thereto." (6-25-61)

**CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM SECTION 79-1951 OF THE GENERAL STATUTES SUPPLEMENT OF 1961, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED TANGIBLE VALUATION AND PRESCRIBING AN AGGREGATE FOR ALL CITY-WIDE TAX LEVIES.

(Charter Ordinance No. 2 was repealed by Charter Ordinance No. 16.)

**CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT K.S.A. 13-1017 SHALL NOT APPLY TO THE CITY OF LAWRENCE AND EXEMPTING THE CITY OF LAWRENCE THEREFROM, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT: PROVIDING THAT PUBLIC IMPROVEMENTS WHICH ARE TO BE FINANCED BY THE ISSUANCE OF BONDS SHALL NOT BE

UNDERTAKEN UNTIL THE CITY ENGINEER SUBMITS A DETAILED ESTIMATE OF THE COST OF SUCH IMPROVEMENTS TO THE GOVERNING BODY AND IN CERTAIN SPECIFIED INSTANCES THE GOVERNING BODY SHALL DETERMINE WHETHER SAID PUBLIC IMPROVEMENTS SHALL BE ACCOMPLISHED BY CITY FORCES OR BY CONTRACT, ESTABLISHING PROCEDURES FOR THE TAKING OF BIDS, FOR COMPLETING THE WORK WITH CITY FORCES AND FOR FINANCING THE COST THEREOF.

(Charter Ordinance No. 3 was repealed by Charter Ordinance No. 19.)

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

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT KANSAS STATUTES ANNOTATED, SECTION 13-443 AND ANY AMENDMENTS THERETO, SHALL NOT APPLY TO THE CITY OF LAWRENCE, AND EXEMPTING THE CITY OF LAWRENCE THEREFROM, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT: PROVIDING FOR THE RIGHT TO LEASE CERTAIN REAL ESTATE ACQUIRED FOR STREET PURPOSES AND NO LONGER NEEDED FOR THE SAME; ESTABLISHING PROCEDURES FOR THE LEASING OF SUCH PROPERTY AND THE CONSIDERATION TO BE PAID THE CITY.

**Section 1.** The City of Lawrence, Kansas, a Commission-Manager City of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and exempts itself from, and makes inapplicable to it, K.S.A. 13-443 which applies only to cities of the first class and applying to said City, and to provide substitute and additional provisions as hereinafter provided.

**Section 2.** To open, widen, extend or otherwise improve any street, avenue, alley or lane, and also to vacate and close any street, avenue, alley or lane or portion thereof: provided, that before the Governing Body shall open, widen or extend any street, avenue, alley or lane it shall proceed to condemn or acquire by purchase or gift the necessary lands as provided by law.

When any street, avenue, alley or lane is vacated it shall revert to the owners of land thereto adjoining on each side, in proportion to the frontage of such land, except in cases where such street, avenue, alley or lane may have been taken for public use in a different proportion, in which case it shall revert to the adjoining land in the same proportion as it was taken from it: provided, that when in the opinion of the Governing Body it is necessary to reopen such street, avenue, alley or lane, it shall be reopened without expense to the City, except in cases where permanent improvements may have been erected thereon, and in such cases the City shall pay to the owner of such improvements, the value thereof, as shall be agreed upon by the City and such owner and, if they are unable to agree, the City may bring a proceeding to condemn such permanent improvements which condemnation shall be governed by the provisions of Section 1 to 16 (26-501 to 26-516), inclusive of K.S.A. and any amendments thereto. The City shall pay to the owner of such improvements the value thereof before such street, avenue, alley or land shall be reopened.

Immediately after an ordinance opening, widening, extending or vacating any street, avenue, alley or land shall become effective, the Clerk of the City shall file a copy thereof which has been certified by him as a true and correct copy in the office of the County Clerk and in the Office of the Register of Deeds and the County Clerk shall enter the same in the transfer records of his office and the Register of Deeds shall record the same in the deed records of the county and no fee shall be charged by the County Clerk or Register of Deeds for such entering or recording.

Whenever the City of Lawrence has acquired by purchase, gift, dedication, or condemnation, real estate for street purposes, which real estate is no longer needed for such purpose, the Governing Body shall have the right to lease all or a portion of said real estate upon such terms as are found to

be in the best interest of the City, and upon such conditions as the Governing Body may impose. Before executing any lease or agreement for the use of said real estate, the Governing Body of the City shall, by resolution, find and determine that such real estate is not needed at this time for the purpose originally acquired, and that it is in the best interest of the City that it be leased for valuable consideration with all monies going into the street fund of said City. The Governing Body may further find that the lease shall not exceed a period of one (1) year at a time, and that the same may be terminated upon sixty (60) days notice in writing by the City to lessee. The consideration for such lease shall be found to be fair and reasonable in relation to the lease rentals for similar property in the area. The lease agreement may further provide whether improvements of any kind may be placed on said real estate, and if so, the time permitted for removal of the same in the event the lease is terminated by action of the City. Upon acceptance of the terms of the lease by the lessee, the lease agreement together with the resolution will become a part of the public records of the City. Any improvements of any kind located on said property by a lessee shall be considered personal property and subject to taxation as such on the tax rolls of Douglas County, Kansas. (2-15-66)

## CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE RELATING TO THE POLICEMEN AND FIREMEN PENSIONS SYSTEM FOR THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTION 13-14a02 and 13-14a05 OF THE KANSAS STATUTES ANNOTATED, AND AMENDMENTS THERETO, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 13-14a02 of the Kansas Statutes Annotated and amendments thereto shall not apply to said City and provides the following substitute and additional provisions on the same subject:

"The Governing Body of all cities of the first class, maintaining an organized police department and a fire department shall establish and maintain a separate pension fund for each department, which shall be set aside and used exclusively for the payment of pensions and disability benefits as authorized herein. For the purpose of creating and maintaining such pension funds, the Governing Body of cities of the first class are hereby authorized and shall:

1. Accept gifts, grants, bequests, gratuities or any other money and credit the same to the pension fund designated by the donor;
2. Levy an assessment against each officer and member of each department equal to 7% of his monthly salary or compensation, same to be deducted from the regular payroll and transferred into said pension fund: provided further, that if an officer is participating in the Federal Social Security Program as a City employee, the employee's payroll deduction for social security shall be deducted from the 7% payroll deduction referred to here before: provided further, that the payroll deduction made for the police and fire pension system shall not be less than 3%;
3. Place into said funds the proceeds of all lost or stolen securities, money, or personal property which shall remain unclaimed in possession of any department of the City for six (6) months, together with the proceeds of all unclaimed or confiscated property of any nature which shall have been in custody of the police department for a period of six (6) months, and the City is hereby authorized to sell at public auction such property and place it into said pension funds in equal shares;

4. Transfer into said pension funds the unencumbered balance, including investments, in any existing pension fund or funds: provided, that if there is more than one pension fund existing in said City then each of said existing funds, except the firemen's and policemen's relief funds, shall be transferred into the new pension fund of a like classification;
5. Carry forward the balance in said funds at the close of each budget year as revenue for the next ensuing year;
6. Levy annually at the time for the levying of taxes for City purposes, and in addition to other taxes authorized or limited, a tax upon all of the taxable tangible property in said City of not to exceed two (2) mills, for each fund to maintain the same pension funds at a level to continue, maintain, and pay all pension and disability requirements actual or anticipated for the ensuing year, and to maintain a reserve in said pension funds as is hereinafter provided.

**Section 2.** That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 13-14a05 of the Kansas Statutes Annotated and amendments thereto shall not apply to said City and provides the following provision on the same subject:

"Designation of funds; investment. The amount of money derived from taxes herein levied and all money received from assessments, dues, donations for the benefit of such funds shall constitute funds to be known and designated, respectively, as the Policemen's Pension Fund and Firemen's Pension Fund, which funds shall be devoted exclusively to and for the purposes hereinafter enumerated. All money derived from the taxes so levied and money received from other sources as above enumerated shall be paid into the Policemen's Pension Fund or the Firemen's Pension Fund, as the case may be, and shall be cumulative in a reserve fund.

All money accumulated under the provisions of this Act shall be deposited by the Treasurer in the same manner as other City funds: provided however, the Board of Trustees may at their option, invest any of said reserve funds in direct obligation bonds of the United States of America maturing, or redeemable, at par and accrued interest, within three (3) years from date of purchase, or in bonds of any municipality in the State of Kansas, the total bonded indebtedness of which is less than fifteen percent (15%) of the total assessed tangible valuation of such municipality, which bonds shall mature within five (5) years from the date of purchase." (11-29-66)

#### **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE RELATING TO THE HOSPITAL BOARD OF TRUSTEES FOR THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF SECTIONS 13-14b04 AND 13-14b12 OF KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 13-14b04, Section 13-14b12 and Section 13-414a, of the Kansas Statutes Annotated and amended thereto, shall not apply to said City and provides the following substitute and additional provisions on the same subject:

"The Board of Trustees of the Lawrence Memorial Hospital, Lawrence, Kansas, may recommend and the Governing Body of the City may, in lieu of the tax authorized by Sections 13-14b04 and 13-14b12 of the Kansas Statutes Annotated, levy annually, in addition to other

taxes provided by law, a tax in such sum as the Governing Body shall determine not to exceed three (3) mills on each dollar of taxable property in said City, for the purpose of equipping, operating, maintaining, and improving such hospital. Said levy shall not be subject to the aggregate tax levy limit prescribed by Section 79-1951 of the Kansas Statutes Annotated and any amendments thereto.

The Board may transfer annually such amounts as it deems advisable to a special improvement fund to be used for the purpose of purchasing major items of equipment and making capital improvements to the hospital. The fund (exclusive of gifts and bequests) shall at all times be subject to review of the City Commission, and such fund shall not be subject to the provisions of Sections 79-2925 and 79-2937 of the Kansas Statutes Annotated or acts amendatory thereof or supplemental thereto except that in making the budget of the City the amounts credited to, and the amount on hand in such special fund and the amount expended therefrom shall be shown for the information of the taxpayers of the City." (2-7-67)

#### **CHARTER ORDINANCE NO. 7**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 2 OF THE CITY OF LAWRENCE, KANSAS, PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT, AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED VALUATION AND PRESCRIBING AN AGGREGATE FOR ALL CITY-WIDE TAX LEVIES.

(Charter Ordinance No. 7 was repealed by Charter Ordinance No. 16)

#### **CHARTER ORDINANCE NO. 8**

A CHARTER ORDINANCE RELATING TO THE BOARD OF DIRECTORS OF THE FREE PUBLIC LIBRARY OF THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 12-1215 and 12-1216 AS AMENDED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT.

(Charter Ordinance No. 8 was repealed by Charter Ordinance No. 16)

#### **CHARTER ORDINANCE NO. 9**

A CHARTER ORDINANCE RELATING TO SALARIES OF MEMBERS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 12-1008, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. (2-11-75)

(Charter Ordinance No. 9 was repealed by Charter Ordinance No. 15)

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

A CHARTER ORDINANCE RELATING TO THE BOARD OF DIRECTORS OF THE FREE PUBLIC LIBRARY OF THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 1975 SUPP. 12-1215 AND 12-1216 AS AMENDED PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 8 OF THE CITY OF LAWRENCE, KANSAS. (11-30-76)

(Charter Ordinance No. 10 was repealed by Charter Ordinance No. 16)

**CHARTER ORDINANCE NO. 11**

A CHARTER ORDINANCE RELATING TO CEREAL MALT BEVERAGES IN THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTION 41-2702 OF THE KANSAS STATUTES ANNOTATED, AND AMENDING CHAPTER 4, ARTICLE 202 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 1978, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance No. 11 was repealed by Charter Ordinance No. 20)

**CHARTER ORDINANCE NO. 12**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM K.S.A. 79-5011: PROVIDING SUBSTITUTE AND ADDITIONAL PROVISION ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES FOR EMPLOYEE BENEFITS AND TO CREATE A SPECIAL FUND FOR THE PURPOSE OF PAYING STREET LIGHTING COSTS. (7-10-79)

(Charter Ordinance No. 12 was repealed by Charter Ordinance No. 13.)

**CHARTER ORDINANCE NO. 13**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM K.S.A. 79-5011, AND REPEALING CHARTER ORDINANCE NO. 12, OF THE CITY OF LAWRENCE, KANSAS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE SPECIAL FUNDS FOR THE PURPOSE OF PAYING STREET MAINTENANCE AND RECONSTRUCTION COSTS, PAYING STREET LIGHTING COSTS AND PAYING EMPLOYEE BENEFITS INCLUDING HEALTH AND LIFE INSURANCE.

**WHEREAS**, The City of Lawrence, Kansas, has previously exempted itself by Charter Ordinance No. 12, from the provisions of K.S.A. 79-5011, for the purposes of paying employee health and life benefits and street lighting costs.

**WHEREAS**, the City of Lawrence, Kansas, desires to further exempt itself from the provisions of K.S.A. 79-5011 for the purpose of paying street maintenance and reconstruction costs.

**Section 1.** The City of Lawrence, 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. 79-5011 and to provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. K.S.A. 79-5011 is a part of an enactment of the legislature applicable to this City, but not applicable uniformly to all cities.

**Section 2.** The provisions of K.S.A. 79-5001 to 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Lawrence for the payment of:

- a. Principal and interest upon bonds and temporary notes;
- b. No-fund warrants issued with the approval of the State Board of Tax Appeals;
- c. Legal judgments rendered against the City;
- d. Rent due under any lease with a Public Building Commission;
- e. Special assessments charged against the City-at-large;

- f. Employee benefits including health and life insurance premiums;
- g. Street lighting costs, whether paid from a separate property tax levy fund of the City or from any other supported fund;
- h. Street reconstruction and maintenance costs, whether paid from a separate property tax levy fund of the City or from any other tax supported fund.

**Section 3.** The provisions of Article 50 of Chapter 79, of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Lawrence, levied under the provisions of K.S.A. 40-2305, 74-4920, (74-4967), (12-11a03), (13-1441 or 12-1617h) or (13-14,100), and K.S.A. 1979 Supp. (13-14a02), (14-10a02), or to any tax levies required for the payment of employer contributions to any pension and retirement program or to any other taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Lawrence.

Amounts produced from any levy specified or authorized in this Charter Ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated, as amended.

**Section 4.** The City of Lawrence, Kansas, is hereby authorized to levy a tax for the following purposes:

- a. Employee benefits including health and life insurance premiums;
- b. Street lighting costs, whether paid from a separate property tax levy fund of the City or from any other tax supported fund;
- c. Paying street maintenance and reconstruction costs which shall include the costs of improvements to recurb, regutter, resurface or repave, including necessary drainage facilities any street or alley or any portion thereof when said street or alley has by reason of public travel thereon or by reason of the elements become in need of surface restoration or other construction and improvement. (6-3-80)

#### **CHARTER ORDINANCE NO. 14**

A CHARTER ORDINANCE RELATING TO CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC PROPERTY IN THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTION 41-719, OF THE KANSAS STATUTES ANNOTATED, AND AMENDING CHAPTER 4, ARTICLE 103, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 1979, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT. (12-16-80)

(Charter Ordinance No. 14 was repealed by Charter Ordinance No. 23.)

#### **CHARTER ORDINANCE NO. 15**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 9 OF THE CITY OF LAWRENCE, KANSAS, RELATING TO SALARIES AND BOND OF MEMBERS OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF K.S.A. 12-1008, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12, of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that K.S.A. 12-1008, shall not apply to said City and provides the following substitute and additional provisions on the same subject.

Effective on January 1, 1982, each Commission of the City of Lawrence, Kansas, shall receive a salary of \$990 per annum, payable in monthly installments and the City shall give the necessary bond required by K.S.A. 13-1805 and any amendments thereto.

**Section 2.** That any future modification to the salary provisions of Section 1 of this Ordinance can be made by simple ordinance.

**Section 3.** That Charter Ordinance No. 9 of the City of Lawrence, Kansas, shall be repealed and of no further force and effect after December 31, 1981. (9-22-81)

NOTE: See Lawrence City Code 1-201.

#### **CHARTER ORDINANCE NO. 16**

A CHARTER ORDINANCE RELATING TO THE BOARD OF DIRECTORS OF THE FREE PUBLIC LIBRARY OF THE CITY OF LAWRENCE, KANSAS, BY REPEALING CHARTER ORDINANCE NOS. 2, 7, 8, AND CHARTER ORDINANCE NO. 10, OF THE CITY OF LAWRENCE, KANSAS, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12, of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects the following provisions shall establish the maximum allowable mill levy limit of the Lawrence Free Public Library:

"The Governing Body of the City of Lawrence, shall annually levy a tax for the equipping, operating and maintaining of the Free Public Library of the City of Lawrence, Kansas, in such sum as the Library Board shall determine not to exceed 4.0 mills on each dollar of the assessed tangible valuation of the City and an additional sum not to exceed .5 mills on each dollar of the assessed tangible valuation of the City for the purpose of paying both the Library's social security tax and contributions to the Kansas Public Employees Retirement System (KPERs). Any future increase or decrease to the tax levy provisions of this Section may be made by ordinary ordinance passed by the Governing Body of the City of Lawrence."

**Section 2.** That Charter Ordinance No. 2, Charter Ordinance No. 7, Charter Ordinance No. 8, and Charter Ordinance No. 10, of the City of Lawrence, Kansas, are hereby repealed and of no further force and effect. (11-3-81)

#### **CHARTER ORDINANCE NO. 17**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT KANSAS STATUTES ANNOTATED, SECTION 12-4112 AND ANY AMENDMENTS THERETO, SHALL NOT APPLY TO THE CITY OF LAWRENCE, AND EXEMPTING THE CITY OF LAWRENCE THEREFROM, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISION ON THE SAME SUBJECT; PROVIDING THE AUTHORIZATION FOR THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF LAWRENCE, KANSAS.

**Section 1.** The City of Lawrence, Kansas, a Commission/Manager City of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and exempts itself from, and makes inapplicable to it, K.S.A. 12-4112; which is not uniformly applicable to all cities, and to provide substitute and additional provisions as hereinafter provided.

**Section 2.** In lieu of K.S.A. 12-4112 the Governing Body of the City of Lawrence, Kansas, hereby adopts the following provisions: Each person found guilty of a violation of the ordinance of the City of Lawrence shall be assessed costs for the administration of justice in the municipal court of the City of

Lawrence, Kansas, and such costs shall be determined by ordinance. (10-5-82)

#### **CHARTER ORDINANCE NO. 18**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT KANSAS STATUTES ANNOTATED, SECTION 13-628I, AND ANY AMENDMENTS THERETO, RELATING TO THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT, SHALL NOT APPLY TO THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING THE CITY OF LAWRENCE, KANSAS, THEREFROM, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** The City of Lawrence, Kansas, a City of the first class, duly organized, created and existing under and by virtue of the laws of the State of Kansas, pursuant to the authority of Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does exempt itself from, the provisions of K.S.A. 13-628I, which said statute is not uniformly applicable to all cities, and to provide substitute and additional provisions therefor, as hereinafter provided.

**Section 2.** In substitution of K.S.A. 13-628I, the Governing Body of the City of Lawrence, Kansas, hereby adopts the following provisions: The Judge of the Municipal Court of the City of Lawrence, Kansas, shall be appointed by the City Manager of and for said City in accordance with K.S.A. 12-1014. (12-14-82)

#### **CHARTER ORDINANCE NO. 19**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 3 OF THE CITY OF LAWRENCE, KANSAS, RELATING TO CITY PURCHASING PRACTICES FOR CERTAIN CITY IMPROVEMENTS; AND EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM SECTION 13-1017 OF THE KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance No. 19 was repealed by Charter Ordinance No. 45)

#### **CHARTER ORDINANCE NO. 20**

A CHARTER ORDINANCE RELATING TO CEREAL MALT BEVERAGES IN THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTION 41-2702 OF THE KANSAS STATUTES ANNOTATED, AND AMENDING CHAPTER 4, ARTICLE 202, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 1983, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 11.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 41-2702 of the Kansas Statutes Annotated shall not apply to said City and provides that the following substitute provisions on the same subject:

"No person shall sell any cereal malt beverages at retail without having first secured a license for each place of business as herein provided. In case such place of business is located within the corporate limits of said City, then the application for a license shall be made to said City. The application shall be verified and upon a form prepared by the Attorney General of the State and shall contain:

- (a) The name and residence of the applicant and how long he has resided within the State of Kansas; County of Douglas and the City of Lawrence.

- (b) The particular place for which a license is desired.
- (c) The name of the owner of the premises upon which the place of business is located.
- (d) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (e) All applications shall indicate whether the applicant will sell or offer for sale cereal malt beverages in original and unopened containers and not for consumption on the premises, or primarily for sale, use and consumption on the licensed premises. All applications shall be verified and shall be accompanied by a fee of \$250.00 to allow consumption on the premises or by a fee of \$125.00 for the sale of cereal malt beverages in original and unopened containers and not for consumption on the licensed premises. The full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued. No license issued under this article shall be transferable. The license shall be kept posted in a conspicuous place in the place of business.
- (f) All applications for renewal of licenses shall be submitted to the City Clerk on or before November 15, preceding the calendar year for which the renewal of license is sought. All new or change of ownership applications must be submitted to the City Clerk fifteen (15) days in advance of the date sought for such issuance.

**Section 2.** The licensing provisions herein shall apply to all license applications received on and after May 1, 1984.

**Section 3.** Charter Ordinance No. 11 is hereby repealed and of no further force and effect, it being the intent of this Ordinance that its provisions be substituted in place thereof. (2-14-84)

### **CHARTER ORDINANCE NO. 21**

A CHARTER ORDINANCE RELATING TO THE LAWRENCE MEMORIAL HOSPITAL BOARD OF TRUSTEES FOR THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING SAID CITY FROM THE PROVISIONS OF SECTION 13-14b09(c) OF THE KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas, hereby elects that Section 13-14b09(c) of the Kansas Statutes Annotated and amendments thereto shall not apply to said City and provides the following substitute and additional provisions on the same subject:

- (1) The terms of the two trustees which presently expire June 30, 1987, are each extended to expire September 30, 1987.

- (2) Upon expiration of the terms for the four (4) trustees whose terms expire September 30, 1987, the Governing Body shall appoint successor trustees, one of whom shall have a term of one (1) year, one of whom shall have a term of two (2) years, and two of whom shall have terms of four (4) years.
- (3) Except as above provided, all successor trustees shall be appointed for terms of four (4) years.
- (4) In case of a vacancy prior to the expiration of any of said terms of office as trustee, a successor shall be appointed for the remainder of the unexpired term. (4-10-84)

**CHARTER ORDINANCE NO. 22**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS PROVIDING THAT KANSAS STATUTES ANNOTATED, SECTION 12-1697(a) and 12-1697(d), AND ANY AMENDMENTS THERETO, RELATING TO A TRANSIENT GUEST TAX LEVY, SHALL NOT APPLY TO THE CITY OF LAWRENCE, KANSAS, AND EXEMPTING THE CITY OF LAWRENCE, KANSAS, THEREFROM, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance No. 22 was repealed by Charter Ordinance No. 36.)

**CHARTER ORDINANCE NO. 23**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 14 OF THE CITY OF LAWRENCE, KANSAS, RELATING TO THE CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES.

**Section 1.** That Charter Ordinance No. 14 is hereby repealed and shall no longer be of any force or effect. (2-27-90)

**CHARTER ORDINANCE NO. 24**

A CHARTER ORDINANCE RELATING TO GENERAL IMPROVEMENTS AND BOND ISSUANCES, AND EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 13-1024a PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance No. 24 was repealed by Charter Ordinance No. 27)

**CHARTER ORDINANCE NO. 25**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM THE PROVISION OF K.S.A. 13-1810 RELATING TO THE QUORUM OF THE GOVERNING BODY, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance No. 25 was repealed by Charter Ordinance No. 38)

**CHARTER ORDINANCE NO. 26**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-3425C(C) RELATING TO THE ALLOCATION OF STATE FUNDS FROM THE SPECIAL CITY AND COUNTY HIGHWAY FUNDS, PROVIDING

SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, ALLOWING  
THE CITY OF LAWRENCE TO USE NOT TO EXCEED 10% OF SUCH FUNDS FOR THE  
PURPOSE OF CONSTRUCTING, REPAIRING AND MAINTAINING FOOTPATHS AND  
BICYCLE TRAILS

**Section 1.** The City of Lawrence, 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 and does exempt itself and make inapplicable to it K.S.A. 79-3425c(c) which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

**Section 2.** The City of Lawrence hereby provides the following substitute provisions for K.S.A. 79-3425c(c):

The allocation and payment of moneys to the several cities of the state from the special city and county highway fund shall be in the proportion that the population of each city bears to the total population of all cities in the state except that the population of any military reservation which has been annexed to city after the date of December 31, 1981, shall not be included in the population of such city for the purpose of this allocation. All such payments shall be to city treasurers of the respective cities.

Upon receipt of same unless a consolidated street and highway fund is established pursuant to K.S.A. 12-1,119, and amendments thereto, the city treasurer of each city shall credit the same to a separate fund to be used for the construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city and for the payment of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and amendments thereto. In order to reduce vehicular traffic and congestion on its streets and highway, any city located within Johnson county and the City of Lawrence may use not to exceed 10% of the moneys credited to such fund for the purpose of constructing, repairing and maintaining footpaths and bicycle trails within such city or within three (3) miles of the boundary limits of such city. (9-29-92)

**CHARTER ORDINANCE NO. 27**

A CHARTER ORDINANCE RELATING TO PUBLIC IMPROVEMENTS AND BOND  
ISSUANCES, CONTINUING THE EXEMPTION OF THE CITY OF LAWRENCE, KANSAS,  
FROM THE PROVISIONS OF K.S.A. 13-1024a, PROVIDING SUBSTITUTE AND  
ADDITIONAL PROVISIONS ON THE SAME SUBJECT, REPEALING CHARTER  
ORDINANCE NO. 24.

**Section 1.** The City of Lawrence, 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 continue to exempt itself and make inapplicable to it K.S.A. 13-1024a which applies to this City, but is part of an enactment which does not apply uniformly to all cities.

**Section 2.** For the purpose of paying for any bridge, viaduct, public building, including the land necessary therefor, for lands for public parks, public parking, public recreational areas, open space, and developing and improving the same, within or without the City, or for the improvement, repair or extension of any waterworks or wastewater treatment facility, or other public utility facility, and for the purpose of rebuilding, adding to or extending to the same improvement purposes from time to time, as the necessities of the City of Lawrence may require, the City of Lawrence may borrow money and issue bonds for the same. Provided, that the City of Lawrence may issue bonds for the purpose of paying for any of the improvements mentioned in this Charter Ordinance and the land necessary therefor without such bonds having been authorized by a vote of the people, but that the total amount of bonds issued for such purposes shall not exceed an amount established annually by the City Commission. Such amount shall be established by Resolution. No bonds shall be issued for the purposes mentioned in this Charter Ordinance if the amount exceeds that established by Resolution, without the authorization by a majority of the votes cast at an election held for that purpose.

**Section 3.** Charter Ordinance No. 24 is hereby repealed it being the intent that the provisions of this Charter Ordinance, including the continued exemption from K.S.A. 13-1024a, supersede the provisions of Charter Ordinance No. 24. (11-24-92)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-3101 THROUGH K.S.A. 12-3107, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO STORM SEWER SYSTEMS, THE ISSUANCE OF BONDS FOR NECESSARY IMPROVEMENTS, AND THE ESTABLISHMENT OF A STORM SEWER SYSTEM UTILITY.

WHEREAS, K.S.A. 12-856 et seq. provides for the combined operation of the City waterworks and sewage disposal system, including the issuance of bonds for improvements to such system; and

WHEREAS, the improvement, operation, and maintenance of a storm sewer system require a comprehensive effort separate and distinct from a water and sanitary sewer system and facilities, including all necessary and appropriate legal authority to improve, operate and maintain a storm sewer system;

**Section 1.** The City of Lawrence, 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 Lawrence, Kansas, but do not apply uniformly to all Kansas cities, and the City provides further substitute and additional provisions as set forth herein.

**Section 2.** 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 sewer system, and all things appurtenant thereto.

(b) "Storm Sewer" or "Storm Sewer 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 sewer 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.

**Section 3.** Storm Sewer Systems; Powers of City. The City of Lawrence, Kansas shall have all the powers necessary or convenient to improve and operate a storm sewer system, including such powers as the City of Lawrence 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 sewer 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 sewer 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 sewer service charges authorized in subparagraph (a) above shall, when

delinquent, be certified by the Clerk of the City to the County Clerk of Douglas 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 sewer system and against which such charges are made;

(c) To use the proceeds of storm sewer service charges authorized in subparagraph (a) and such other lawful available revenue sources, to improve, operate and maintain a storm sewer system pursuant to an adopted comprehensive storm water management plan and adopted policies implementing such plan, including policies regarding the financing of storm sewer improvements;

(d) To use the proceeds of the storm sewer service charges authorized in subparagraph (a) and such other lawful available revenue sources to pay the principal and interest on bonds heretofore or hereafter issued for the improvement of a storm sewer system and to pay principal of and interest on bonds issued under the authority of this ordinance;

(e) To issue general obligation bonds of the City or revenue bonds payable from the revenues of a storm sewer system, and to use the proceeds of such bonds to improve a storm sewer system;

(f) To improve a storm sewer system pursuant to K.S.A. 12-6a01 et seq., the General Improvement and Assessment Law or other applicable statutes;

(g) 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 sewer system, provided that such agreements may include commitments regarding the financing of such improvements;

(h) 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 sewer system;

(i) 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;

(j) To improve, maintain and operate a storm sewer system outside the city limits of the City pursuant to approval of the county;

(k) To establish a storm sewer utility, a storm sewer utility fund, and such other administrative conveniences as may be deemed necessary;

(l) To prohibit or regulate the discharge into the storm sewer system of matter deleterious to the proper operation of the storm sewer system and the general health, safety and welfare of the community, and to establish such other regulations regarding the use of the storm sewer system as are beneficial.

**Section 4.** Powers herein supplemental and additional. The powers herein granted to improve, operate and maintain a sewer 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. (9-7-93)

## CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-16,101, AND PROVIDING SUBSTITUTE LANGUAGE, REGARDING THE CONVENTION AND TOURISM COMMITTEE.

**Section 1.** The City of Lawrence, 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 and does exempt itself and make inapplicable to it K.S.A. 12-16,101 which applies to the City of Lawrence, but is part of an enactment which does not apply uniformly to all cities.

**Section 2.** The governing body of the City of Lawrence, Kansas may levy a transient guest tax pursuant to Kansas statutes and charter ordinances, and amendments thereto, and shall establish a convention and visitors bureau advisory board to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. The city governing body shall appoint (13) members of the advisory board, a minimum of six (6) shall be representatives of businesses coming within the terms of the transient guest tax act. The city governing body shall appoint members to the advisory board with four (4) year terms of service. The city governing body shall have the authority to contract for convention and tourism programs to be implemented.  
(8-24-93)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 1992 SUPP. 12-1698 (e), AS AMENDED BY 1993 SESSION LAWS CHAPTER 213; PROVIDING SUBSTITUTE PROVISIONS AND ESTABLISHING A TRANSIENT GUEST TAX RESERVE FUND.

**Section 1.** The City of Lawrence, 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 and does exempt itself and make inapplicable to it K.S.A. 1992 Supp. 12-1698 (e) as amended by 1993 Session Laws Chapter 213, which applies to the City of Lawrence, but is part of an enactment which does not apply uniformly to all cities.

**Section 2.** All monies received by the city treasurer from disbursements from the county or city transient guest tax fund shall be credited as budgeted by the City Commission to either:

- (1) the tourism and convention promotion fund of the city; or
- (2) the transient guest tax reserve fund created in Section 3.

Moneys in either fund shall be expended for such purposes as the City Commission determines promotes, enhances, maintains, or improves the tourism, visitor, or convention business of the city. The Convention and Visitors Bureau Advisory Board may make recommendations concerning the expenditure of moneys in both funds.

**Section 3.** There is hereby created the transient guest tax reserve fund. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes. Moneys in the transient guest tax reserve fund may be expended without annual budgeting. (2-1-94)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM K.S.A. 12-4207 AND PROVIDING SUBSTITUTE LANGUAGE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT; RELATING TO SERVICE OF NOTICES TO APPEAR FILED WITH THE MUNICIPAL COURT.

**Section 1.** The City of Lawrence, 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 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 Lawrence 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, chief building inspector or duly appointed representative, zoning inspector or official, or such other employee or agent of the City of Lawrence 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, chief building inspector, zoning inspector, 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 delivering a copy to him or her personally, or by leaving it at the dwelling house of the accused person or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the last know address of said person.

(c) The notice to appear may be served by a City of Lawrence officer or employee, within the state and, if mailed, shall be mailed by such City of Lawrence officer or employee. Upon service by mail, the City of Lawrence officer or employee shall execute a verification to be filed with a copy of the notice to appear. Said verification shall be deemed sufficient if in substantially the following form:

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a copy of the notice to appear was mailed to \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Signature of City of Lawrence officer or employee

**Section 3.** The authority to issue a notice to appear by an employee 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 making reference to this Charter Ordinance and establishing such restrictions and procedures as the City Commission shall deem appropriate. (11-26-94)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM K.S.A. 12-1736-1738 AND PROVIDING SUBSTITUTE LANGUAGE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT; RELATING TO PUBLIC BUILDINGS AND FACILITIES AND METHODS OF FINANCING THE SAME.

(Charter Ordinance No. 32 was repealed by Charter Ordinance No. 40)

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

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 79-41a04(d), AND PROVIDING SUBSTITUTE PROVISIONS CONCERNING THE EXPENDITURE AND USE OF LOCAL ALCOHOLIC LIQUOR FUNDS.

WHEREAS, the City of Lawrence, Kansas receives funds from the State of Kansas local alcoholic liquor fund pursuant to K.S.A. 79-41a04; and

WHEREAS, the use and expenditure of the funds deposited in the City's special alcohol and drug program fund is governed by the provisions of K.S.A. 79-41a04(d); and

WHEREAS, the provisions of K.S.A. 79-41a04(d) governing alcohol and drug program funds has been the subject of differing interpretations, including interpretations limiting the appropriate use of such funds; and

WHEREAS, the governing body desires to clarify and amend the possible uses for funds in the special alcohol and drug program fund to better reflect the priorities and needs of the community as the governing body determines;

**Section 1.** The City of Lawrence, 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 and make inapplicable to it K.S.A. 79-41a04(d) concerning the expenditure and use of local alcoholic liquor funds. K.S.A. 79-41a04(d) applies to the City of Lawrence, Kansas but does not apply uniformly to all cities in the State of Kansas.

**Section 2.** Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 79-41a04(d):

Except as otherwise provided, the City Treasurer, upon receipt of any moneys distributed by the State of Kansas pursuant to K.S.A. 79-41a04, and amendments thereto, shall deposit the full amount in the city treasury and shall credit 1/3 of the deposit to the general fund of the city, 1/3 to a special parks and recreation fund in the city treasury and 1/3 to a special alcohol and drug programs fund in the city treasury. Moneys in such special funds shall be under the direction and control of the governing body of the city. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drugs programs fund shall be expended on such programs, services, equipment, personnel, and capital expenditures as the governing body may from time to time determine is in the best interest of the public to address one or more of the following:

- (a) Prevention of alcoholism and drug abuse, including but not limited to education, counseling, public informational efforts and related activities; or
- (b) Alcohol and drug detoxification efforts and related activities; or
- (c) Intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers; or
- (d) Law enforcement, prosecution, court activities and programs, or portions thereof, related to apprehending, prosecuting, adjudicating or monitoring individuals who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers, including individuals who are or may be charged with violating laws related to alcohol or drug use; or
- (e) Education, counseling, public information efforts, and related and associated activities related to preventing drug abuse and alcohol abuse, including but not limited to efforts to encourage healthy youth and family development and related efforts which include as a partial element drug abuse and alcohol abuse education, counseling, or public information efforts; or
- (f) Programs, activities, or efforts related to preventing or intervening in drug abuse and alcohol abuse, including programs, activities, or efforts for which drug abuse and alcohol abuse prevention or intervention comprises a partial element of the complete program, activity or effort; or
- (g) Any program, activity, or effort, or a portion thereof, that the governing body determines seeks to discourage, prevent, intervene, or address issues related to

alcohol or drug abuse. The appropriation of funds by the governing body for such a program, activity, or effort shall be conclusive of compliance with provisions of this ordinance, and separate findings shall not be required.

In determining compliance with the provisions of this ordinance, the appropriation of funds by the governing body for personnel, services, programs, facilities or capital expenditures shall be conclusive of compliance with provisions of this ordinance and separate findings shall not be required.

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

A CHARTER ORDINANCE RELATING TO LAWRENCE MEMORIAL HOSPITAL FOR THE CITY OF LAWRENCE, KANSAS AND EXEMPTING SAID CITY FROM THE PROVISIONS OF SECTIONS 13-14b01, 13-14b08 AND 13-14b15 OF KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** The City of Lawrence, 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 and make inapplicable to it Section 13-14b01 of the Kansas Statutes Annotated and amendments thereto. K.S.A. 13-14b01 applies to the City of Lawrence, Kansas but does not apply uniformly to all cities in the State of Kansas.

**Section 2.** Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 13-14b01:

The Board of Trustees of the Lawrence Memorial Hospital, Lawrence, Kansas, may purchase, acquire, lease, sublease and/or operate one or more hospitals within or without the corporate limits of the city of Lawrence.

In support of this authority, the governing body of the City of Lawrence, Kansas is hereby authorized and empowered to issue bonds for the purpose of (a) purchasing sites for one or more hospitals within or without the corporate limits of Lawrence, building and equipping the same; or, (b) purchasing buildings for one or more hospitals, within or without the corporate limits of Lawrence, and equipping the same.

The term "operate" includes, but is not limited to, the power to operate one or more hospitals as a joint venture or partnership with one or more outside entities.

The term "hospital" means any medical care facility and includes, but is not limited to, any clinic, long-term care facility, ambulatory surgical center, recuperation center and/or child-care facility operated in connection with the operation of the medical care facility.

**Section 3.** The City of Lawrence, 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 and make inapplicable to it Section 13-14b08 of the Kansas Statutes Annotated and amendments thereto. K.S.A. 13-14b08 applies to the City of Lawrence, Kansas but does not apply uniformly to all cities in the State of Kansas.

**Section 4.** Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 13-14b08:

The governing body of the City of Lawrence, Kansas is hereby authorized and empowered to issue bonds for the purpose of acquiring a site, building and

constructing an addition to one or more hospitals, within or without the corporate limits of Lawrence, and equipping the same.

The term "hospital" means any medical care facility and includes, but is not limited to, any clinic, long-term care facility, ambulatory surgical center, recuperation center and/or child-care facility operated in connection with the operation of the medical care facility.

**Section 5.** The City of Lawrence, 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 and make inapplicable to it Section 13-14b15 of the Kansas Statutes Annotated and amendments thereto. K.S.A. 13-14b15 applies to the City of Lawrence, Kansas but does not apply uniformly to all cities in the State of Kansas.

#### **CHARTER ORDINANCE NO. 35**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE FROM THE PROVISIONS OF K.S.A. 41-712 PROHIBITING ALCOHOLIC LIQUOR SALES ON SUNDAY AND CERTAIN HOLIDAYS.

(Charter Ordinance 35 was superseded by State legislative action in 2005 – SB 298)

#### **CHARTER ORDINANCE NO. 36**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS RELATING TO A TRANSIENT GUEST TAX LEVY FOR THE CITY OF LAWRENCE, KANSAS AND CONTINUING THE EXEMPTION OF SAID CITY FROM THE PROVISIONS OF SECTIONS 12-1697(a) and 12-1697(d), OF KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance 36 was repealed by Charter Ordinance 39)

#### **CHARTER ORDINANCE NO. 37**

A CHARTER ORDINANCE RELATING TO TRIAL PROCEEDINGS IN MUNICIPAL COURT FOR THE CITY OF LAWRENCE, KANSAS AND EXEMPTING SAID CITY FROM THE PROVISIONS OF SECTIONS 12-4501 OF KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Section 1.** The City of Lawrence, 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 and make inapplicable to it Section 12-4501 of the Kansas Statutes Annotated and amendments thereto. K.S.A. 12-4501 applies to the City of Lawrence, Kansas but does not apply uniformly to all cities in the State of Kansas.

**Section 2.** Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 12-4501:

**Plea of not guilty; trial; time; continuance.** An accused person entering a plea of not guilty, or for whom the court entered a plea of not guilty, shall be tried on the earliest practical day set by the court, unless trial is continued for good cause: *Provided*, That an accused person in custody shall be tried on the earliest day that the municipal court convenes, unless trial is continued upon motion of either party, or at the discretion of the court, and for good cause.

(6/29/04)

**CHARTER ORDINANCE NO. 38**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NUMBER 25 OF THE CITY OF LAWRENCE, KANSAS RELATING TO THE QUORUM OF THE GOVERNING BODY.

**WHEREAS**, by the adoption of Charter Ordinance No. 25, the City of Lawrence exempted itself from the provisions of K.S.A. 13-1810 relating to the quorum requirements of the Governing Body, and provided for substitute and additional provisions; and

**WHEREAS**, K.S.A. 13-1810 has since been repealed by the Kansas Legislature.

**Section 1.** That Charter Ordinance No. 25 is hereby repealed and shall no longer be of any force or effect.

(4/7/09)

**CHARTER ORDINANCE NO. 39**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS RELATING TO A TRANSIENT GUEST TAX LEVY FOR THE CITY OF LAWRENCE, KANSAS AND CONTINUING THE EXEMPTION OF SAID CITY FROM THE PROVISIONS OF SECTIONS 12-1697 OF KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

**Whereas**, Charter Ordinance No. 36 exempts the City of Lawrence from the provisions of Section 12-1697 (a) and Section 12-1697 (d) of the Kansas Statutes Annotated and amendments thereto; and

**Whereas**, the City desires to increase the transient guest tax established pursuant to Charter Ordinance No. 36 from five percent (5%) to six percent (6%);

**SECTION I.** The City of Lawrence, Kansas, a City of the first class, duly organized, created and existing under and by virtue of the laws of the State of Kansas, pursuant to the authority of 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 Section 12-1697 (a) and Section 12-1697 (d) of the Kansas Statutes Annotated and amendments thereto. K.S.A. 12-1697 is part of an enactment which does not apply uniformly to all cities.

**SECTION II.** In substitution of the provisions of Section 12-1697 (a) and Section 12-1697 (d) of the Kansas Statutes Annotated and amendments thereto, the Governing Body of the City of Lawrence, Kansas, hereby adopts the following provisions:

A transient guest tax shall be levied in the City of Lawrence, Kansas, of six percent (6%) 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.

**SECTION III.** Upon the effective date of this Charter Ordinance, Charter Ordinance No. 36 is hereby repealed. It being the intent of this Charter Ordinance to supersede the repealed ordinance.

(8/18/09)

**CHARTER ORDINANCE NO. 40**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS THEREFOR, INCLUDING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 OF GENERAL OBLIGATION BONDS FOR CONSTRUCTING, FURNISHING AND EQUIPPING OF AN EXPANSION AND RENOVATION OF THE EXISTING LIBRARY AND CONSTRUCTION OF PARKING FACILITIES; AND FURTHER REPEALING CHARTER ORDINANCE 32.

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

**WHEREAS**, the City of Lawrence, Kansas (the "City") is a City, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

**WHEREAS**, K.S.A. 12-1736, 12-1737 and 12-1738 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq.*) relating to public buildings and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

**WHEREAS**, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and to provide substitute and additional provisions therefor.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AS FOLLOWS:**

**SECTION 1.** The City of Lawrence, Kansas (the "City") by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and does hereby provide the following substitute and additional provisions in place thereof.

**SECTION 2.** "Public building and facility" shall mean any structure, building or facility owned, or to be owned by the City of Lawrence, Kansas, including, but not limited to off-street parking facilities, city offices, city maintenance facilities, public libraries, auditoriums, airport facilities and related improvements, public safety, fire, and police facilities, health care facilities, community buildings, recreational buildings or public meeting facilities.

**SECTION 3.** The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facility and procure any necessary site therefor by gift, purchase or condemnation and may design, alter, repair, reconstruct, remodel, renovate, replace or make additions to, furnish and equip a public building or facility. The authority herein conferred may also be exercised jointly or in cooperation with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the City of Lawrence, Kansas and the governing body of such cooperating governmental unit or units. The City may lease any public building or facility to another party, upon such terms and conditions as the governing body may deem to be in the best interest of the City.

**SECTION 4.** The governing body of the City of Lawrence, Kansas may, for the purposes hereinbefore authorized and provided: (a) Receive and expend gifts; (b) receive and expend grants-in-aid of state or federal funds; (c) issue general obligation bonds of the City; (d) levy ad valorem property taxes pursuant to applicable limits; (e) issue no-fund warrants; (f) use moneys from the general operating fund or other appropriate budgeted funds when available; (g) use moneys received

from the sale of public buildings or facilities or portions thereof; (h) use moneys provided to the City for off-street parking purposes; (i) combine any two or more such methods of financing for the purposes herein authorized.

**SECTION 5.** Notwithstanding the foregoing, the City is hereby expressly authorized to construct, furnish and equip an expansion and renovation of the existing public library at 7<sup>th</sup> Street and Vermont and to construct adjacent parking facilities at a total cost of not to exceed \$18,000,000. The City is further authorized to issue general obligation bonds and/or temporary notes in an amount not to exceed \$18,000,000 to pay the costs of such improvements.

**SECTION 6.** If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 7.** Charter Ordinance No. 32 is hereby repealed.

**SECTION 8.** This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper. The effectiveness of this Charter Ordinance is hereby made subject to a vote of the electors of the City. It shall take effect only if approved by a majority of the electors voting thereon.

(7/13/10)

#### **CHARTER ORDINANCE NO. 41**

A CHARTER ORDINANCE EXEMPTING THE CITY OF LAWRENCE, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2108a RELATING TO PRIMARY ELECTIONS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(Charter Ordinance 41 was repealed by Charter Ordinance 42)

#### **CHARTER ORDINANCE NO. 42**

**A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING CHARTER ORDINANCE NO. 15 AND CHARTER ORDINANCE NO. 41.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Pursuant to Section 5(c)(4) of Article 12 of the Constitution of the State of Kansas, the City hereby repeals Charter Ordinance No. 15 and Charter Ordinance No. 41, and after the effective date of this Charter Ordinance, Charter Ordinance No. 15 and Charter Ordinance No. 41 shall be of no further force and effect.

**SECTION 2.** This Charter Ordinance shall be published once each week for two consecutive weeks as provided by law.

**SECTION 3.** This Charter Ordinance shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held as provided in Section 5(c)(3) of Article 12 of the Constitution of the State of Kansas, in which case the Charter Ordinance shall only be effective if approved by a majority of the qualified electors voting thereon.

**SECTION 4.** Upon this Charter Ordinance becoming effective, the City Clerk shall record the Charter

Ordinance, with a statement describing the manner of passage, in the City Ordinance book and shall forward to the Kansas Secretary of State a certified copy of this Charter Ordinance.

(7/27/16)

#### **CHARTER ORDINANCE NO. 43**

**A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A 2015 SUPP. 12-104a, AND AMENDMENTS THERETO, PERTAINING TO VACANCIES ON THE GOVERNING BODY, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Pursuant to Section 5(c)(2) of Article 12 of the Constitution of the State of Kansas, the City hereby elects to exempt itself from, and to make inapplicable to it, K.S.A. 2015 Supp. 12-104a, and amendments thereto, pertaining to vacancies on the governing body, which applies to the City, but is part of an enactment that does not apply uniformly to all cities.

**SECTION 2.** When an office of Commissioner becomes vacant, the Governing Body shall appoint -- as soon as practicable -- by a majority vote of the remaining Commissioners, a person, who shall meet all qualifications for Commissioner established at Chapter 1, Article 2 of the City Code, as amended, to fill the vacant office. The Governing Body shall have the discretion to choose the method for selecting a person to fill the vacant office. The person appointed to fill a vacant office shall, upon taking the oath of office, assume the term of office of the Commissioner that vacated the office.

**SECTION 3.** This Charter Ordinance shall be published once each week for two consecutive weeks as provided by law.

**SECTION 4.** This Charter Ordinance shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held as provided in Section 5(c)(3) of Article 12 of the Constitution of the State of Kansas, in which case the Charter Ordinance shall only be effective if approved by a majority of the qualified electors voting thereon.

**SECTION 5.** Upon this Charter Ordinance becoming effective, the City Clerk shall record the Charter Ordinance, with a statement describing the manner of passage, in the City Ordinance book and shall forward to the Kansas Secretary of State a certified copy of this Charter Ordinance.

(7/27/16)

#### **CHARTER ORDINANCE NO. 44**

**A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A 2015 SUPP. 25-2108a, AND AMENDMENTS THERETO, PERTAINING TO PRIMARY ELECTIONS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Pursuant to Section 5(c)(2) of Article 12 of the Constitution of the State of Kansas, the City of Lawrence, Kansas ("the City") hereby elects to exempt itself from, and to make inapplicable to

it, K.S.A. 2015 Supp. 25-2108a, and amendments thereto, pertaining to primary elections, which applies to the City, but is part of an enactment that does not apply uniformly to all cities.

**SECTION 2.** There shall be a primary election of city officers on the first Tuesday in August of each odd-numbered year of every year that the City has a city election, except as otherwise provided in Section 3.

**SECTION 3.** No primary election of city officers shall be held unless by holding such primary election one (1) or more persons will be eliminated as candidates for office. In the event there are not more than two (2) candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

**SECTION 4.** In the event of a primary election, the persons who receive the most votes, equal in number to twice the number of offices open for election, shall have their names placed on the ballot of the general election.

**SECTION 5.** On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. No lines for write-in candidates shall appear on primary city election ballots.

**SECTION 6.** This Charter Ordinance shall be published once each week for two consecutive weeks as provided by law.

**SECTION 7.** This Charter Ordinance shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held as provided in Section 5(c)(3) of Article 12 of the Constitution of the State of Kansas, in which case the Charter Ordinance shall only be effective if approved by a majority of the qualified electors voting thereon.

**SECTION 8.** Upon this Charter Ordinance becoming effective, the City Clerk shall record the Charter Ordinance, with a statement describing the manner of passage, in the City Ordinance book and shall forward to the Kansas Secretary of State a certified copy of this Charter Ordinance.

(7/27/16)

#### **CHARTER ORDINANCE NO. 45**

A CHARTER ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT K.S.A. 13-1017, AND ANY AMENDMENTS THERETO, PERTAINING TO CONSTRUCTION OR RECONSTRUCTION OF PUBLIC IMPROVEMENTS, SHALL NOT APPLY TO THE CITY OF LAWRENCE, KANSAS, PROVIDING THAT THE CITY SHALL BE EXEMPT THEREFROM, PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT, AND REPEALING EXISTING CHARTER ORDINANCE NO. 19

#### **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**Section 1.** The City of Lawrence, Kansas, a Commission-Manager City of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and to make inapplicable to it, Section 13-1017 of the Kansas Statutes Annotated, and amendments thereto, said section applying only to cities of the first class, and provides substitute and additional provisions as hereinafter indicated.

**Section 2.** Unless the Governing Body elects to act in accordance with Section 3 below, the following shall apply: Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds, or

public building or facility, or any other kind of public improvement in the City of Lawrence is commenced or ordered by the Governing Body, or under its authority, a detailed estimate of the cost of the improvements shall be made under oath by the City Engineer (or some other competent person, appointed for such purposes by the City Manager). In cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$50,000, such cost estimate shall be submitted to the Governing Body for its action thereon and sealed proposals for the improvement, unless waived by the Governing Body, shall be invited by advertisement. Said advertisement will be published by the City Clerk once in the official City paper. The Governing Body shall let all such work by contract to the lowest responsible bidder who submits a responsive bid, if there is any whose bid does not exceed the estimate.

If no responsible person proposes to enter into the contract at a price not exceeding the estimated costs, all bids received pursuant to Section 2 of this Charter Ordinance shall be rejected and the same proceedings as before repeated, unless waived by the Governing Body, until some responsible person by sealed proposal offers to contract for the work at a price not exceeding the estimated cost.

If no responsible bid is received within the estimate, the Governing Body shall have power to make the improvement within the estimated costs thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus, and materials; employ the necessary labor; and construct the necessary plant or plants for the purpose of carrying into effect the provisions of this Charter Ordinance. In no case shall the City be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

**Section 3.** Notwithstanding Section 2 of this Charter Ordinance, the Governing Body may authorize the City Manager to cause the City of Lawrence to undertake the construction or reconstruction of any public improvement by or through an alternative project delivery method upon a finding by the Governing Body that such alternative project delivery method is in the public interest. The City Manager shall adopt procedures for selecting the delivery method and for the conduct of the alternative project delivery process.

**Section 4.** Before any type of public improvement is commenced, the money to pay for the same must be available in the City treasury as provided by law, or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law. This Section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility. "Public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in the City by employees of the City or the making of any expenditures from the City budget for such purposes.

**Section 5.** Any future modification to the \$50,000.00 cost provision stated in Section 2 of this Charter Ordinance can be made by simple ordinance.

**Section 6.** If any section, sentence, clause, or phrase of this Charter Ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Charter Ordinance.

**Section 7.** Charter Ordinance No. 19 of the City of Lawrence, Kansas, shall be repealed and of no further force and effect upon the effective date of this Charter Ordinance.

**Section 8.** This Charter Ordinance shall be published once each week for two consecutive weeks in the Official City Newspaper.

**Section 9.** This is a Charter Ordinance and shall take effect sixty-one (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 a majority of the electors voting thereon. In the event there is no referendum, this Ordinance will be effective sixty-one (61) days after final publication or

after the Governing Body has approved the required procedures referenced in Section 3, supra, whichever shall occur later.

**Passed** by the Governing Body of the City of Lawrence, Kansas, not less than two-thirds of the members-elect voting in favor thereof, the 20th day of February, 2018.

(5/1/18)