

CHARTER ORDINANCE NO. 46

A CHARTER ORDINANCE EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-1024a RELATING TO THE PAYMENT OF COSTS OF GENERAL IMPROVEMENTS IN THE CITY; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 45.

WHEREAS, the City of Hutchinson, Kansas (the "City"), is a city of the first class duly organized and existing under the laws of the State of Kansas; and

WHEREAS, pursuant to Article 12, Section 5, of the Constitution of the State of Kansas, cities are empowered to determine their local affairs and government except for legislative enactments applicable uniformly to all cities; and

WHEREAS, K.S.A. 13-1024a is applicable to the City but not uniformly applicable to all cities; and

WHEREAS, the Governing Body of the City hereby determines that it is in the best interests of the City to exempt the City from K.S.A. 13-1024a and to provide substitute and additional provisions on the same subject; and

WHEREAS, the Governing Body of the City hereby determines it is necessary to repeal Charter Ordinance No. 45 of the City, passed on March 4, 2008 ("Charter Ordinance No. 45"), which previously exempted the City from K.S.A. 13-1024a and provided substitute provisions on the same subject;

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

Section 1. The City, 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. 13-1024a and provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to the City but are not applicable uniformly to all cities. Such substitute and additional provisions for K.S.A. 13-1024a shall be as set forth in Section 2 of this Charter Ordinance.

Section 2. For the purposes of paying for any bridge, viaduct, street, public building, including the land necessary therefor, for land for public parks and public recreational facilities and for developing the same, within or without the City, for the establishment and construction of crematories, desiccating or reduction works, including the land necessary therefor, within or without the City, or for a public railroad, railroad spur or other associated and necessary infrastructure, or for the improvement, repair or extension of any waterworks, sewage disposal plant, electric light plant, crematory, desiccating or reduction works or other public utility owned by the City, for the purpose of rebuilding, adding to or extending the same from time to time, including related

appurtenances to such improvements, as the necessities of the City may require, the City may borrow money and issue its bonds for the same purpose.

Such bonds shall be authorized by an ordinance of the City which shall describe the improvements for which the bonds are issued, the estimated cost of the improvements and shall specify the principal amount of the bonds to be issued therefor.

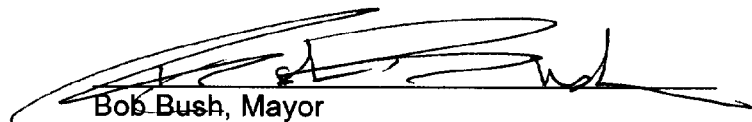
Section 3. Charter Ordinance No. 45 is hereby repealed.

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


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

Passed by the Governing Body of the City by not less than two-thirds of the members-elect voting in favor thereof and approved by the Mayor this 7th day of July, 2009.

CITY OF HUTCHINSON, KANSAS


Bob Bush, Mayor

Attest:


Karen Weltmer, City Clerk