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**CHARTER ORDINANCES**  
**SPRING HILL, KANSAS**

<b>NO.</b>	<b>DATE</b>	<b>EXEMPTION</b>
1	10/01/62	Exempting the City from Section 15-201 and 15-210 of the General Statutes of Kansas and providing substitute and additional provisions on the same subject, providing for the election of Mayor, Police Judge & five councilmen, tie vote, their terms of office qualifying, failure to qualify or accept office, filling vacancies and certificates of election. <b>(Repealed by Charter Ordinance 15)</b>
2	06/10/63	Exempting the City from Section 79-1953 of the General Statutes of Kansas 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.
3	10/10/66	Exempting the City from K.S.A. 15-709 and providing substitute and additional provision on the same subject. (Special Assessments).
4	06/24/68	Exempting the City from Section 44 of House Bill No. 1709, of the 1968 Session of the Kansas Legislature, which amended K.S.A. 1967 Supp. 5-201, providing substitute and additional provisions on the same subject, relating to the election of the Mayor and Councilmen, their terms of office and the filling of vacancies, and amending any ordinance and/or charter ordinance of said city to conform to the provisions hereof. <b>(Repealed by Charter Ordinance 15)</b>
5	01/09/78	Exempting the City from K.S.A. 15-209 as to the appointment of an Assistant City Clerk only, providing substitute and additional provisions on the same subject, relating to the appointment of an Assistant City Clerk, amending Section 1-402 of the Codified Ordinances of the City of Spring Hill, Kansas and amending any other ordinance and/or charter ordinance of said City to conform to the provisions hereof. <b>(Repealed by Charter Ordinance 29)</b>
6	08/27/79	Exempting the City from K.S.A. 79-5011 and any amendments thereto (Aggregate Tax Levy Limitations).

- 7      02/08/82      Exempting the City from K.S.A. 12-4112, and providing substitute and additional provisions on the same subject; authorizing the assessment of court costs in cases heard in the municipal court of the city of Spring Hill.

**(Repealed by Charter Ordinance 9)**

- 8      05/24/90      Exempting the City from K.S.A. 79-5021 through 79-5033, which establish limitations on aggregate tax which may be levied on tangible property by the City.

- 9\*      04/25/91      Exempting the City from K.S.A. 12-4112 and providing substitute and additional provisions on the same subject; authorizing the assessment of court costs in cases heard in municipal court.  
(Repeals Charter 7)

\*Ch. 9 – due to an error, Ch 9 was designated Ch 8 in May 1 & 8, 1991 publications.

**(Repealed by Charter Ordinance 13)**

- 10      06/27/91      Exempt the City from K.S.A. 79-5028, as amended by 1991 HB No. 2222, and providing substitute and additional provisions on the same subject (Kansas Property Tax Lid Law).

- 11      06/11/92      Exempt the City from K.S.A. 12-1420, 12-1422, 12-1423, and 12-1426, pertaining to cemeteries owned and controlled by cities.

- 12      07/09/92      Exempt the City from K.S.A. 15-209, pertaining to qualifications of officers and how vacancies are filled.

**(Repealed by Charter Ordinance 29)**

- 13      08/13/92      Exempt the City from K.S.A. 12-4112, pertaining to assessment of municipal court costs.  
(Repeals Charter 9).

- 14      01/14/93      Exempt the City from K.S.A. 15-204, pertaining to appointment of officers, duties, compensation & renewal.

- 15      03/11/93      Exempt the City from K.S.A. 15-201 pertaining to appointment of officers, duties, compensation, renewal, qualification of officers, and filling vacancies (establish term limits).  
(Repeals Charter 1 & Charter 4)

**(Repealed by Charter Ordinance 16)**

- 16      02/24/94      Repealing Charter Ordinance No. 15 which established term limits for the city council & mayor and exempting the City from K.S.A. 15-201, pertaining to appointment of officers, duties, compensation, renewal, qualification of officers, and filling vacancies.

**(Repealed by Charter Ordinance 20)**

- 17      04/11/96      Exempting the City from K.S.A. 15-106 and providing substitute provision in the same subject.  
(Quorum requirement for regular and special meetings)

**(Section Two Repealed by Charter Ordinance 23)**

- 18      04/27/2000      Exempting the City from K.S.A. 12-1696, relating to definitions pertaining to Transient Guest Tax; from K.S.A. 12-1697(a), relating to the Levy of Transient Guest Tax; from K.S.A. 12-1698(e), relating to City Transient Guest Tax Fund; from K.S.A. 12-16,101, relating to a committee to make recommendations for programs and expenditures; and from K.S.A. 12-16,113, relating to an annual accounting of expenditures; providing substitute and additional provisions on the same subject.
- 19      04/12/2001      Exempting the City from K.S.A. 12-194; relating to prohibition of certain excise taxes, and providing a substitute and additional provision authorizing the City to levy and excise tax on the act of platting real property in the City, to grant credits against excise taxes paid on the act of platting real property in the City for contributions previously made for certain street improvements, to grant exemptions, and to pledge the revenues therefrom for street improvements in the City.

- 20      12/18/2003      Repealing Charter Ordinance No. 16, which relates to the election of officers, terms, vacancies; and exempting the City from K.S.A. 15-201; adoption of an amendment to Chapter 1, Article 1, Section 1-102 of the Spring Hill Municipal Code relating to election of officers; terms; vacancies.

**(Repealed by Charter Ordinance 26)**

- 21      05/13/2004      Exempting the City from K.S.A. 41-712, which prohibits alcoholic liquor sales on Sunday & certain holidays.
- 22      03/09/2006      Exempting the City from the Water Pollution Control Act 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 sewer 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.
- 23      10/23/2008      Repealing Section Two of Charter Ordinance No. 17 pertaining to the number of council members necessary to constitute a quorum to conduct business.

- 24      04/23/2009      Exempting the City from K.S.A. 12-16,128 relating to mayoral appointment procedures.
- 25      02/09/2012      Exempting the City from certain terms and provisions of K.S.A. 14-101 including exemption from dividing the city into wards; providing substitute provisions relating to change in classification of city from city of third class to city of second class; governor's proclamation; and when change effective.
- 26      02/09/2012      Exempting the City from certain terms and provisions of K.S.A. 14-103 and 14-207 relating to division of city into wards; establishment of precincts; election of city council and mayor; terms of office and vacancies.  
(Repealed Charter 20)  
(Charter Ordinance 36 amended Section 2, 3 and 4 of Charter Ordinance 26 and repealed existing Section 5 of Charter Ordinance 26.)  
**(Repealed by Charter Ordinance 41)**
- 27      02/09/2012      Exempting the City from certain terms and provisions of K.S.A. 14-201; providing substitute provisions relating to the appointment of city officers and employees; and duties, compensation, and removal.  
**(Repealed by Charter Ordinance 35)**
- 28      02/09/2012      Exempting the City from certain terms and provisions of K.S.A. 14-204 relating to president of city council; and providing substitute provisions on the subject relating to the president of the city council.  
(Charter 36 reaffirms Charter 28 President of Council)  
**(Repealed by Charter Ordinance 41)**
- 29      02/09/2012      Exempting the City from certain terms and provisions of K.S.A. 14-205 and providing substitute provisions relating to the qualifications of officers and employees of the city.  
(Repealed Charter 12 and Charter 5)
- 30      02/09/2012      Exempting the City from K.S.A. 14-308 relating to the vacancy in office of the mayor or city council members.  
**(Repealed by Charter Ordinance 41)**
- 31      02/09/2012      Exempting the City from K.S.A. 14-423 and 14-423a relating to the vacating of streets and alleys.  
**(Sections 1 and 2 Amended by Charter Ordinance 40)**
- 32      02/09/2012      Exempting the City from K.S.A. 14-440 relating to contract estimates for improvement projects.



- 33      02/09/2012      Exempting the City from K.S.A. 14-1101 et seq.; miscellaneous, relating to the acquisition and regulation of cemeteries.

**(Section 1 Amended by Charter Ordinance 37)**

- 34      06/27/2013      Exempting the City from the provisions of K.S.A. 12-1608 relating to the filing of quarterly reports by the City Treasurer and adopting substitute provisions that require the filing of an annual report by the City Treasurer in lieu of quarterly reports

- 35      07/25/2013      Exempting the City from K.S.A. 14-201 relating to elective and appointive officers and employees, terms and compensation; further repealing Charter Ordinance No. 27.

- 36      10/13/2016      Election Transition and Terms of Office  
A Charter Ordinance relating to the elections for the offices of Mayor, Council Member, and Council President; exempting the City from KSA 12-104a; Amending Section 2, 3 and 4 of Charter Ordinance No. 26 and Repealing existing Section 5 of Charter Ordinance No. 26. President of Council. Charter No. 28, exempting the City from the provision of K.S.A. 14-204 is hereby affirmed.

**(Repealed by Charter Ordinance 41)**

- 37      09/26/2019      Amending Section One of Charter Ordinance No. 33 correcting citation of K.S.A. 14-1007 et seq.; relating to the acquisition and regulation of city second class cemeteries.

- 38      04/09/2020      Exempting the City from K.S.A. 16-706, 16-707, 16-708, 16-709, 16-710, 16-711, 16-712; 16-713, 16-714, 16-715, 16-716, 16-717, 16-718, 16-719, 16-720, and 16-721, and amendments thereto relating to Regulation of Pawnbrokers and Precious Metal Dealers

- 39      06/11/2020      Exempting the City from K.S.A. 79-41a04(d) pertaining to the Local Alcoholic Liquor Funds; distribution of moneys.

- 40      04/28/2022      Exempting the City from K.S.A. 14-423 and K.S.A. 14-423a relating to Improving and Vacating Streets and Alleys; Reversion of Land; and Amending Sections 1 and 2 of Charter Ordinance 31.

- 41      10/24/2024      A Charter Ordinance Relating to Vacancies in the Offices of Mayor and Council Members; Exempting the City of Spring Hill, Kansas from K.S.A. 12-104a, 14-103, 14-204, 14-205 and 14-207; repealing and replacing Charter Ordinance No. 26; repealing and replacing Charter Ordinance No. 28; repealing and replacing Charter Ordinance No. 30; repealing and replacing Charter Ordinance No. 36.

CHARTER ORDINANCE NO. 1

CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR THE ELECTION OF MAYOR, POLICE JUDGE AND FIVE COUNCILMEN, TIE VOTE, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, Kansas, a mayor-council city of the third 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 Section 15-201 of the 1961 Supplement to the General Statutes of Kansas, 1949 and Section 15-210, General Statutes of Kansas, 1949, both sections being part of Chapter 60, Laws of Kansas, 1871, as amended which apply only to mayor-council cities of the third class and applying to said city, and to provide substitute and additional provisions as hereinafter provided.

SECTION TWO: A regular city election shall be held on the first Tuesday in April of each odd-numbered year. On the first Tuesday in April, 1963, an election shall be held for mayor, a police judge and five councilmen. The mayor first elected shall hold office for two years and until his successor is elected and qualified. At the election in 1965 and each four years thereafter, the mayor shall be elected to hold office for four years and until his successor is elected and qualified. At the election in 1963, two councilmen shall be elected to hold office for two years and the police judge and three councilmen shall be elected to hold office for four years. At the election of 1963, the candidates for councilmen receiving the highest, second highest and third highest number of votes shall be elected for four years and the candidates receiving the fourth and fifth highest number of votes shall be elected for two years. Whenever a tie shall occur in the vote on any of the aforesaid officers, the result shall be decided by lot by the board of canvassers. The city clerk shall, within three days after the canvass of the returns and determination by the board of canvassers of the persons elected, deliver to each such person a certificate of election, signed by him with the seal of the city and such certificate shall constitute notice of election. The term of the office shall begin at the first regular meeting of the council in May following their election in April and they shall qualify at any time before or at the beginning of said meeting. If any person elected to the office of police judge or councilman does not qualify within the required time he shall be deemed to have refused to accept the office and a vacancy shall exist and thereupon the mayor shall, with the consent of a majority of the remaining councilmen, appoint a suitable elector of the city to fill the vacancy for the term to which the refusing person was elected. (In case of a vacancy in the office of councilman occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the consent of a majority of the remaining councilmen, shall appoint some suitable elector of the city to fill the vacancy until the next election for that office.) In case of a

vacancy in the office of mayor occurring by reason of resignation, death, removal from office or from the city, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

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

SECTION FOUR: 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, Subdivision (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.

PASSED and APPROVED this 1st day of October, 1962 by the Governing Body, not less than two-thirds of the members elect voting in favor thereof.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

(Publish 2 times; 1 proof to Hubbard, 1 to City Clerk)



(First published in The Spring Hill New Era, Oct. 4, 1962)

#### CHARTER ORDINANCE NO. 1

Charter Ordinance Exempting the City of Spring Hill, Kansas from Section 15-201 of the 1961 Supplement to the General Statutes of Kansas, 1949, and Section 15-210 of the General Statutes of Kansas, 1949, and Providing Substitute and Additional Provisions on the Same Subject, Providing for the Election of Mayor, Police Judge and Five Councilmen, Tie Vote, Their Terms of Office, Qualifying, Failure to Qualify or Accept Office, Filling Vacancies and Certificates of Election.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, Kansas, a mayor-council city of the third 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 Section 15-201 of the 1961 Supplement to the General Statutes of Kansas, 1949 and Section 15-210, General Statutes of Kansas, 1949 both sections being part of Chapter 60, Laws of Kansas, 1871, as amended which apply only to mayor-council cities of the third class and applying to said city, and to provide substitute and additional provisions as hereinafter provided.

SECTION TWO: A regular city election shall be held on the first Tuesday in April of each odd-numbered year. On the first Tuesday in April, 1963, an election shall be held for mayor, a police judge and five councilmen. The mayor first elected shall hold office for two years and until his successor is elected and qualified. At the election in 1965 and each four years thereafter, the mayor shall be elected to hold office for four years and until his successor is elected and qualified. At the election in 1963, two councilmen shall be elected to hold office for two years and the police judge and three councilmen shall be elected to hold office for four years. At the election of 1963, the candidates for councilmen receiving the highest, second highest and third highest number of votes shall be elected for four years and the candidates receiving the fourth and fifth highest number of votes shall be elected for two years. Whenever a tie shall occur in the vote on any of the aforesaid officers, the result shall be decided by lot by the board of canvassers. The city clerk shall, within three days after the canvass of the returns and determination by the board of canvassers of the persons elected, deliver to each such person a certificate of election.

signed by him with the seal of the city and such certificate shall constitute notice of election. The term of the office shall begin at the first regular meeting of the council in May, following their election in April and they shall qualify at any time before or at the beginning of said meeting. If any person elected to the office of police judge or councilman does not qualify within the required time he shall be deemed to have refused to accept the office and a vacancy shall exist and thereupon the mayor shall, with the consent of a majority of the remaining councilmen, appoint a suitable elector of the city to fill the vacancy for the term to which the refusing person was elected. In case of a vacancy in the office of councilman occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the consent of a majority of the remaining councilmen, shall appoint some suitable elector of the city to fill the vacancy until the next election for that office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office or from the city, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

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

SECTION FOUR: 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, Subdivision (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.

PASSED and APPROVED this 1st day of October, 1962 by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof.

WILLIAM J. PLUMMER  
Mayor

Attest: (SEAL)  
L. I. DAWSON  
City Clerk

APPENDIX B -- CHARTER ORDINANCES

CHARTER ORDINANCE NO. 1

CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR THE ELECTION OF MAYOR, POLICE JUDGE AND FIVE COUNCILMEN, TIE VOTE, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION.

(Abrogated by the repeal of K. S. A. 15-210, L. of 1968, Ch. 274, Sec. 50)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM SECTION 79-1953 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.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, Kansas, a city of the third class by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to except and exempts itself from, and makes inapplicable to it, Section 79-1953 of the General Statutes Supplement of 1961 which is not uniformly applicable to all cities of the third class and the legislature not having established classes of cities for the purpose of imposing tax limitations and prohibitions, and provides substitute and additional provisions as hereinafter provided.

SECTION TWO: The Governing Body of the City of Spring Hill, Kansas, is hereby authorized and empowered to levy taxes in each year for the following city purposes, and that said Governing Body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of the city in excess of the following rates:

General Operating Fund, which shall include the following activities: general government; police department; fire department; health and sanitation; streets and all public-traveled ways, including bridges and culverts; sewer maintenance, sewage treatment and disposal; parks; street lighting; city hall maintenance; fire hydrants; civil defense; street repair and maintenance: . . . . . Not to exceed 25 mills;  
Provided, That any revenue derived from the motor vehicle and motor fuel taxes shall be

budgeted to the credit of the street department of said general operating fund and shall be used exclusively for the purpose for which received: Provided further, That the aggregate of all city-wide tax levies of such city except levies for the payment of bonds and interest thereon, levies for the control and eradication of noxious weeds, and levies authorized by other statutes to be outside the aggregate, is hereby limited to 25 mills on each dollar of assessed valuation of the city.

SECTION THREE: This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one 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, Subdivision (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.

PASSED and APPROVED by the Governing Body, more than two-thirds of the members-elect voting in favor thereof, the 10th day of June, 1963.

/s/ Billy Hendrickson, Mayor

ATTEST:

/s/ L. I. Dawson, City Clerk

(SEAL)

#### CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K. S. A. 15-709 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: That the City of Spring Hill, Kansas, is a city of the third class and by the power vested 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. 15-709 as the same applies only to cities of the third class, and to provide substitute and additional provisions as hereinafter set out.

SECTION TWO: K. S. A. 15-709 is now applicable to cities of the third class and is as follows:

"That whenever the Governing Body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the Governing Body may include in the special assessments and in the bonds sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services; the actual cost of supervision and inspection; the cost and damages incurred in the condemnation of land; the expenses of legal publications, advertising and printing of bonds; the interest accrued on borrowed money during the period of construction, and the amount of any liability incurred as damages, unless covered by insurance: Provided, That in no case shall the costs and expenses so added exceed fifteen percent of the contract price of the work."

SECTION THREE: The City of Spring Hill, Kansas, does hereby substitute the following section in lieu of K. S. A. 15-709:

"That whenever the Governing Body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the Governing Body shall include in the special assessments and the bonds to be sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services, the actual cost of supervision and inspection, the cost of damages incurred in condemnation of land, the expenses of legal publications, advertising and printing of bonds, the interest accrued on borrowed money during the period of construction, cost of issuing temporary notes, the amount of any liability incurred as damages, unless covered by insurance, appraisers' fees, cost of spreading assessments, court costs, certificates of title and abstracts: Provided, That in no case shall any costs for said work and improvement be chargeable to the General Fund of said city, and the total cost shall be chargeable to the cost of the project and improvement and assessed as provided by law."

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

SECTION FIVE: This is a charter ordinance and shall take effect sixty-one 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, Subdivision (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.

PASSED AND APPROVED this tenth day of October, 1966, by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof.

/s/ Dwight E. Lloyd, Mayor

ATTEST:

/s/ L. I. Dawson, City Clerk

(SEAL)

## CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 44 OF HOUSE BILL NO. 1709, OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K. S. A. 1967 SUPP. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF THE MAYOR AND COUNCILMEN, THEIR TERMS OF OFFICE AND THE FILLING OF VACANCIES, AND AMENDING ANY ORDINANCE AND/OR CHARTER ORDINANCE OF SAID CITY TO CONFORM TO THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION 1. The City of Spring Hill, 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 Section 44 of House Bill No. 1709, of the 1968 session of the Kansas Legislature, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city but is not applicable uniformly to all cities.

SECTION 2. The mayor and five councilmen shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. Those members of the governing body elected in the year 1965 shall have a term expiring in 1969. Those members of the governing body elected in the year 1967 shall have a term expiring in 1971.

SECTION 3. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmen, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilman neglects or refuses to qualify within thirty (30) days after his election, he shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining councilmen appoint some suitable elector to fill said vacancy.

SECTION 4. This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION 5. This is a charter ordinance and shall take effect sixty-one 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, Subdivision (c) (3) of the Constitution



C.O. No. 4

APPENDIX B

C.O. No. 4

of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 24th day of June, 1968.

/s/ Dwight E. Lloyd, Mayor

ATTEST:

/s/ L. I. Dawson, City Clerk

(SEAL)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM KANSAS STATUTES ANNOTATED 15-209 AS TO THE APPOINTMENT OF AN ASSISTANT CITY CLERK ONLY, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE APPOINTMENT OF AN ASSISTANT CITY CLERK, AMENDING SECTION 1-402 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRING HILL, KANSAS AND AMENDING ANY OTHER ORDINANCE AND/OR CHARTER ORDINANCE OF SAID CITY TO CONFORM TO THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, 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 Kansas Statutes Annotated 15-209 as to the appointment of an assistant city clerk only, amending Section 1-402 of the Codified Ordinances of the City of Spring Hill, Kansas, as to an appointment of an assistant city clerk only, and amending any other ordinance and/or charter ordinance of said City to conform to the provisions hereof.

SECTION TWO: The mayor, with the consent of the council, under the provisions of Kansas Statutes Annotated 15-204 and Section 1-401 of the Codified Ordinances of the City of Spring Hill, Kansas, may appoint an assistant city clerk who is a qualified elector of either Johnson County, Kansas, or Miami County, Kansas, and said individual shall not be required to be a qualified elector of the City of Spring Hill, Kansas.

SECTION THREE: All other provisions of Kansas Statutes Annotated 15-209 and Section 1-401 of the Codified Ordinances of the City of Spring Hill, Kansas shall remain in full force and effect and the City of Spring Hill, Kansas has not exempted itself from the other provisions thereof by this Charter Ordinance.

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

SECTION FIVE: 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, subdivision (c)(3) of the Constitution of Kansas, in which case this ordinance shall become effective if approved by the majority of the electors voting thereon.

PASSED and APPROVED by the Governing Body, not less than two-thirds (2/3) of the members-elect voting in favor thereof, the 9th day of January, 1978.

ATTEST:

Alice Youngman  
City Clerk  
(SEAL)

C. B. Heaton  
Mayor

Approved as to Form:

James R. Hubbard  
Attorney for the City

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, FROM K.S.A. 79-5011 AND ANY AMENDMENTS THERETO.

WHEREAS, it is desirable to pass a Charter Ordinance exempting the City of Spring Hill, Kansas from the provisions of Section 79-5011, Kansas Statutes Annotated, and any amendments thereto, known as the "Aggregate Tax Levy Limitation" law; and

WHEREAS, said sections of law do apply in said City of Spring Hill, but do not apply uniformly to said cities.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS:

SECTION ONE: The City of Spring Hill, 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. K.S.A. 79-5011 is a part of an enactment of the legislature establishing an aggregate tax levy limitation applicable to this City but not applicable uniformly to all cities, and the legislature has not established classes of cities for the purpose of imposing aggregate limitations under said constitutional provision.

SECTION TWO; The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Spring Hill, Kansas, 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 Spring Hill, Kansas.

SECTION THREE: This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION FOUR: This charter ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed; and a referendum held on the ordinance, as provided in Article 12, Section 5, Subdivision (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.

PASSED by the Governing Body, not less than two-thirds (2/3) of the members-elect voting in favor thereof, the 27<sup>th</sup> day of August, 1979.

C. B. Masterson  
Mayor

ATTEST:

Phyllis Youngman  
City Clerk  
(SEAL)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM SECTION 12-4112, KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF SPRING HILL, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION 1. Exemption Election. The City of Spring Hill, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 12-4112, which is not uniformly applicable to all cities, the legislature having made special provisions applying to certain classes of the cities in said enactment.

SECTION 2. Court Costs. In lieu of the provisions of K.S.A. 12-4112, the Governing Body of the City of Spring Hill hereby adopts the following:

In all Municipal Court cases where the accused person pleads guilty or nolo contendere, or is found guilty, such person shall be assessed costs in the amount of Ten Dollars (\$10.00) for the administration of justice in the Municipal Court of Spring Hill, Kansas, and in addition thereto the Municipal Judge is authorized and empowered to assess witness fees and mileage permitted pursuant to K.S.A. 12-4112.

SECTION 3. Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION 4. Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance

shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 8<sup>th</sup> day of Feb., 1982.

Maion Clark  
Mayor

ATTEST:

Mrs. Alice Youngman  
City Clerk

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, FROM K.S.A., SECTIONS 79-5021 THROUGH 79-5033, WHICH ESTABLISH LIMITATIONS ON AGGREGATE TAX WHICH MAY BE LEVIED ON TANGIBLE PROPERTY BY THE CITY.

WHEREAS, it is desirable to pass a Charter Ordinance exempting the City of Spring Hill, Kansas from the provisions of Section 79-5021 through 79-5033 Kansas Statutes Annotated, and any amendments thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS:

**SECTION ONE:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, and by the power vested in it by K.S.A. Section 79-5036(a), hereby elects to exempt itself from and make inapplicable to it K.S.A. Section 79-5021 through 79-5033, as amended by 1990 House Bill 2700 (House Bill 2700 was amended by Section 1 of 1990 Senate Bill No. 520 and Section 2 of 1990 Senate Bill No. 607), passed by the Kansas Legislature in May, 1990. These sections of the Kansas statutes are an enactment of the legislature establishing an aggregate tax levy limitation applicable to this city. However, the legislature has provided a method in K.S.A. 79-5036(a) for the governing body of any city to elect out of or modify the provisions of these sections, in the manner prescribed by and subject to the limitations of Section 5 of Article 12 of the Kansas Constitution.

**SECTION TWO:** This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

**SECTION THREE:** This is a charter ordinance and shall take effect sixty-one (61) days after its 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, subdivision (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.

Passed by the Governing Body, not less than two-thirds (2/3) of the members-elect voting in favor thereof, the 24<sup>th</sup> day of May, 1990.



Mayor  
Mayor

Office of the Mayor

#### 4. Property Taxation

**SB 332. Property Tax Appeals; County Appraisers.** Requires persons appointed as county or district appraisers to have at least one year of appraisal experience. Permits taxpayers to appeal property valuations within 21 days of the mailing of the valuation notice or when no valuation notice is mailed by May 5, 1990. No informal meeting can be scheduled to take place after May 15, 1990 (May 1 of following years) and a final determination of value cannot be made by the appraiser after May 20, 1990 (May 5 of following years). Requires change of value notices for tax year 1990 be sent only when there is an increase in appraised valuation or when requested by the taxpayer. Counties are prohibited from increasing valuations for tax year 1990 unless there is a specific review made of the property including an individual physical inspection, except that physical inspection is not required to change the valuation of ag land. Extends deadlines for appeals to hearing panels to be heard and decisions recorded on or before May 25 (now May 15) and appeals heard by the county board of equalization must be heard and the decision recorded before June 8 (now May 30). Hearing panels or officers can meet until June 8 (now May 15) and county boards of equalization can meet until June 8 (now the last day of May). The board will reconvene on June 11 (now June 5) to hear appeals from hearing officers or panels and board will adjourn sine die by June 21 (now June 15). KR.

**SB 480. Property Tax Exemptions.** Amends K.S.A. 79-210 to exempt from annual review by the county appraiser any tax exemption for lands contiguous to or donated in connection with the erection or maintenance of a dam or reservoir and certain tax-exempt farm equipment. SB.

**SB 520. Tax Protests.** Amends K.S.A. 79-2005, as amended by 1989 special session HB 2001, to extend the amount of time the state board of tax appeals has to review appeals of property valuations from 30 to 45 days. KR.

**SB 572. Property Tax; Ag Lands.** Amends K.S.A. 79-1476 to classify all agricultural land under the federal conservation reserve program as cultivated dryland, rather than its usage prior to entering the program, for the purpose of property valuation. KR.

**SB 729. Escaped Taxes and Fair Market Value.** Amends K.S.A. 79-1427a to require immediate issuance of a property tax bill, payable within 45 days, when personal or real property is added to tax rolls following November 1 or is discovered to have escaped taxation. Amends K.S.A. 79-503a to add to list of factors considered for determining fair market value local land use restrictions, e.g. zoning. To GOV.

**SB 783. State Building Levy.** Amends K.S.A. 76-6b04 and 6b09 to temporarily reduce (tax year 1990 only) from .5 mill to .25 mill the state property tax levy for mental health institutions, continuing the .25 mill for correctional institutions. The 1.0 mill levy for the regents institutions buildings is unchanged. Thus, the 1.5 mill total state property tax levy is unchanged. To GOV.

**SB 802. Director of Property Valuation; Appointment.** To make the appointment of the director of property valuation subject to senate confirmation. To GOV.

**HB 2700. New Tax Lid Law.** In brief, HB 2700 (1) amends K.S.A. 79-5021 et seq. to substantially revise the existing tax lid law, (2) suspends the application of all statutory tax fund levy rate limits, (3) amends 50 other statutory sections to eliminate tax lid exemptions for various special purpose levies, and (4) authorizes the issuance of no-fund warrants to provide replacement revenue for reduced tax collections resulting from lowered assessed valuations. The act imposes a tax lid limit (aggregate dollar amount) only on cities, counties, townships, Washburn university and community colleges (not school districts). Other taxing units and political subdivisions are subject to adjusted levy rate limits--see "Political Subdivisions," below. The basic provisions of the act expire July 1, 1991.

**The Tax Lid Provisions.** The tax lid provisions of HB 2700 limit the total amount of property taxes a local unit may levy, in the aggregate for all purposes and funds not legally exempt, to the same dollar amount of taxes levied in the base year of either 1988 or 1989, with provisions for increased taxes for purposes under the lid only from increased valuations resulting from (a) new improvements on real estate, (b) added personal property, and (c) additions in territory, such as by city annexation. As in the past, it is a 100% tax lid, with no growth permitted in taxes for purposes under the lid except for these additions. However,



increased taxes are also authorized (a) by approval of the state board of tax appeals (b) by approval of the voters, or (c) by home rule option, as later explained.

**Statutory Exemptions.** Only taxes levied for the following purposes are exempt from the statutory tax lid amount: (a) "Principal and interest upon state infrastructure loans, bonds, temporary notes, no-fund warrants" (all no-fund warrants) "and payments made to a public building commission"; (b) "judgments, settlements and expenses for protection against liability to the extent such expenses are authorized by article 61 of chapter 75 of the Kansas Statutes Annotated" (this covers the tort claims act and statutory provisions as to federal civil rights liability); (c) "employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pensions programs"; (d) "expenses incurred by counties for district court operations..." and "for the detention of juveniles"; or (e) expenses incurred by counties and townships for payment of out-district tuition to community colleges or Washburn municipal university. (f) In addition to the above, the aggregate lid on community colleges may be adjusted to increase the amount in the proportion that enrollment increased above the 1989-1990 school year. (g) Further, the aggregate lid total may be increased to replace revenue lost as a result of decreased special motor vehicle property taxes, which may occur when the average countywide tax rate is reduced as result of higher valuations under reappraisal.

**Other Exemptions; Home Rule.** Only the above statutory exemptions will apply as to 1990 tax levies. Fifty different statutes were amended to eliminate lid exemptions not found in the above list. Examples of repealed exemptions are levies for noxious weeds, economic development, emergency medical service, programs for the elderly, etc. Further, all existing city home rule charter ordinances and county home rule resolutions affecting any tax lid law are effectively invalidated unless they apply directly to the 1990 tax lid law (not prior laws). Local units under the lid may use a home rule option to either exempt themselves from the tax lid law or to modify its provisions, under K.S.A. 79-5036 as amended, using the existing city or county home rule procedure. Thus, a local unit under the tax lid could elect not to be governed by the lid, or modify its provisions by exempting a certain amount or purpose, subject to a petition for a referendum.

**No-Fund Warrants.** K.S.A. 79-2005, as amended by SB 520, is amended by HB 2700 to authorize all taxing subdivisions to issue no-fund warrants to replace revenue lost from reductions in assessed valuations, such as under the current appeals process. At present, this statute permits such no-fund warrants, issued without the approval of the state board of tax appeals, only for the refund of taxes.

**Political Subdivisions.** All statutory tax levy rate limits are **suspended** under HB 2700. For cities, counties, townships, Washburn and community colleges, any statutory fund levy or aggregate rate limits become irrelevant. For all other taxing or political subdivisions, levy rate limits are adjusted to neutralize the effect of 1989 reappraisal figures. For example, a fire district with a 4 mill rate limit in 1988, which had its valuation doubled in 1989, would have a 2 mill limit for its 1990 tax levies based on 1990 valuation. **To GOV.**

**HB 2847. Personal Property Tax; Dormant Judgments.** To allow certain county boards to declare personal property judgments as dormant, and therefore eliminated, if the original amount of the judgment was less than \$50. **To GOV.**

## **5. Nonproperty Taxation; State and Local**

**SB 488. Sales and Compensating Use Tax; Catalog Sales.** Amends K.S.A. 79-3702 to expand the definition of retailer doing business in the state so as to include the sale of goods through catalogs and over cable television. Tax would be voluntary unless and until federal law is passed allowing imposition of tax. **SB.**

**SB 602. Local Sales Tax--Rossville, Riley County.** Amends K.S.A. 12-187, 12-189, Supp. 12-191 and repeals K.S.A. 12-193 to give city of Rossville authority to levy an additional 1% sales tax subject to a referendum for flood control project and to give Riley county authority to hold a referendum on a countywide sales tax to finance a law enforcement facility. Amends Supp. 10-307 to exclude bonds issued for financing



Mark Humble

## LEGAL NOTICE

(First published in Tri-County Newspapers on Thursday, May 31, 1990)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, FROM K.S.A. SECTIONS 79-5021 THROUGH 79-5033, WHICH ESTABLISH LIMITATIONS ON AGGREGATE TAX WHICH MAY BE LEVIED ON TANGIBLE PROPERTY BY THE CITY.

WHEREAS, it is desirable to pass a Charter Ordinance exempting the City of Spring Hill, Kansas from the provisions of section 79-5021 through 79-5033 Kansas Statutes Annotated, and any amendments thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS:

SECTION ONE: The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, and by the power vested in it by K.S.A. Section 79-5036(a), hereby elects to exempt itself from and make inapplicable to it K.S.A. Section 79-5021 through 79-5033, as amended by 1990 House Bill 2700 (House Bill 2700 was amended by Section 1 of 1990 Senate Bill No. 520 and Section 2 of 1990 Senate Bill No. 607), passed by the Kansas Legislature in May, 1990. These sections of the Kansas statutes are an enactment of the legislature establishing an aggregate tax levy limitation applicable to this city. However, the legislature has provided a method in K.S.A. 79-5036(a) for the governing body of any city to elect out of or modify the provisions of these sections, in the manner prescribed by and subject to the limitations of Section 5 of Article 12 of the Kansas Constitution.

SECTION TWO: This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and shall take effect sixty-one (61) days after its 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, subdivision (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.

Passed by the Governing Body, not less than two-thirds (2/3) of the members-elect voting in favor thereof, the 24th day of May, 1990.

-s- Mayor - Marion Teeter

Attest:

-s- Alice Youngman

City Clerk

(SEAL)

(2-6-6)

being first duly sworn, deposes and says: That he is publisher of Tri-County Newspapers, a (name of newspaper)

weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas, with a general paid circulation on a yearly basis in Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Gardner, KS in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2

consecutive weeks, the first publication thereof being made as

aforesaid on the 31 day of May, 1990.

with subsequent publications being made on the following dates:

June 6, 1990, 19  

19  , 19  

19  , 19  

Mark Humble

Subscribed and sworn to before me this 8 day of

June

1990  
Shirley K. Humble  
PUBLIC Notary Public

My Commission Expires: 5/11/93

Printer's fee \$   

Additional copies \$   

IN THE ..... COURT OF  
JOHNSON COUNTY, KANSAS

....., 19.....  
The within Proof of Publication approved.

Judge.

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM SECTION 12-4112, KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF SPRING HILL, KANSAS; REPEALING CHARTER ORDINANCE NO. 7.

BE IT OBTAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION 1. Exemption Election. The City of Spring Hill, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 12-4112, which is not uniformly applicable to all cities, the legislature having made special provisions applying to certain classes of the cities in said enactment.

SECTION 2. Court Costs. In lieu of the provisions of K.S.A. 12-4112, the Governing Body of the City of Spring Hill hereby adopts the following:

A. In all Municipal Court cases where the accused person pleads guilty or nolo contendere, or is found guilty, such person shall be assessed court costs in the amount of Eleven Dollars (\$11.00) for the administration of justice in the Municipal Court of Spring Hill, Kansas. The foregoing court costs shall be construed to include the assessment fee of Fifty Cents (\$.50) for judicial education provided for by K.S.A. 12-4116. In addition to the foregoing court costs, the Municipal Judge is authorized and empowered to assess witness

fees and mileage permitted pursuant to K.S.A. 12-4411.

SECTION 3. Repeal. Charter Ordinance No. 7, adopted on February 8, 1982 is hereby repealed.

SECTION 4. Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION 5. Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 25<sup>th</sup> day of April, 1991.

  
Mayor

ATTEST:

  
City Clerk

Approved as to Form:

  
City Attorney

EXPLANATORY NOTE: Due to an error, Charter Ordinance No. 9 was designated Charter Ordinance No. 8 in the publications dated May 1 and May 8, 1991.

CHARTER ORDINANCE NO. 10

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-5028, AS AMENDED BY 1991 HOUSE BILL NO. 2222, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. The City of Spring Hill, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas and as provided by K.S.A. 79-5036(a), as amended by 1991 House Bill No. 2222, hereby elects to exempt itself from the provisions of K.S.A. 79-5028, as amended. K.S.A. 79-5028, as amended, is part of an enactment commonly known as the Kansas property tax lid law, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The following is hereby substituted for the provisions of K.S.A. 79-5028, as amended. The provisions of K.S.A. 79-5021 to 79-5035, inclusive, and amendments thereto, shall not limit the levy of taxes by the Governing Body of the City of Spring Hill.

Section 3. This Charter Ordinance shall be published once each week for two 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 subdivision (c) (3) 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.

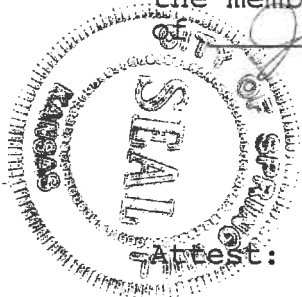
PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elected voting in favor thereof, this 27<sup>th</sup> day of June, 1991.

Signed: \_\_\_\_\_

Mayor

Signed: \_\_\_\_\_

City Clerk



CHARTER ORDINANCE NO. 11

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTIONS 12-1420, 12-1422, 12-1423, AND 12-1426, KANSAS STATUTES ANNOTATED, PERTAINING TO CEMETERIES OWNED AND CONTROLLED BY CITIES.**

**WHEREAS,** the Governing Body of the City of Spring Hill, Kansas, finds and determines that K.S.A. 12-1420, K.S.A. 12-1422, K.S.A. 12-1423, and K.S.A. 12-1426 are not uniformly applicable to all cities because the legislature has adopted other statutes pertaining to the operation of cemeteries which apply to certain classes of cities;

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE: Exemption Election.** The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 12-1420, K.S.A. 12-1422, K.S.A. 12-1423, and K.S.A. 12-1426, which are not uniformly applicable to all cities.

**SECTION TWO: Publication.** This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

**SECTION THREE: Effective Date.** This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 11<sup>th</sup> day of June, 1992.



Mary T. Lawrence  
MAYOR

Alice Youngman  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank H. Jenkins, Jr.,  
City Attorney



CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 15-209, KANSAS STATUTES ANNOTATED, PERTAINING TO QUALIFICATIONS OF OFFICERS AND HOW VACANCIES ARE FILLED.

WHEREAS, the Governing Body of the City of Spring Hill, Kansas, finds and determines that K.S.A. 15-209 is not uniformly applicable to all cities.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

**SECTION ONE: Exemption Election.** The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-209, which is not uniformly applicable to all cities.

**SECTION TWO: Publication.** This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

**SECTION THREE: Effective Date.** This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 9<sup>th</sup> day of July, 1992.

Mary P. Lanning  
MAYOR



Alice Youngman  
CITY CLERK

**APPROVED AS TO FORM:**

**Frank H. Jenkins, Jr.,**  
**City Attorney**



CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 12-4112, KANSAS STATUTES ANNOTATED PERTAINING TO ASSESSMENT OF MUNICIPAL COURT COST; AND REPEALING CHARTER ORDINANCE NO. 9.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE. Exemption Election. The City of Spring Hill, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 12-4112, which is not uniformly applicable to all cities pertaining to assessment of municipal court cost.

SECTION TWO. Repeal. Charter Ordinance No.9, adopted on April 25, 1991, is hereby repealed.

SECTION THREE. Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION FOUR. Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 13<sup>th</sup> day of August, 1992.

  
Mary T. Lavery,  
MAYOR



*Alice Youngman*  
\_\_\_\_\_  
Alice Youngman,  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank H. Jenkins, Jr.,  
CITY ATTORNEY

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 15-204, KANSAS STATUTES ANNOTATED, PERTAINING TO APPOINTMENT OF OFFICERS, DUTIES, COMPENSATION, AND RENEWAL.

WHEREAS, the Governing Body of the City of Spring Hill, Kansas, finds and determines that K.S.A. 15-204 is not uniformly applicable to all cities.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: Exemption Election. The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-204, which is not uniformly applicable to all cities.

SECTION TWO: Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

SECTION THREE: Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 1993.



Mary D. Lavery  
MAYOR

Julie G. O'Leary  
CITY CLERK

APPROVED AS TO FORM:

  
Frank H. Jenkins, Jr.,  
City Attorney

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 15-201 KANSAS STATUTES ANNOTATED, PERTAINING TO APPOINTMENT OF OFFICERS, DUTIES, COMPENSATION, RENEWAL, QUALIFICATION OF OFFICERS, FILLING VACANCIES, AND REPEALING CHARTER ORDINANCES NO. 1 AND 4.

WHEREAS, the Governing Body of the City of Spring Hill, Kansas, finds and determines that K.S.A. 15-201 is not uniformly applicable to all cities.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: Exemption Election. The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-201, which is not uniformly applicable to all cities.

SECTION TWO: That in lieu of the provisions of K.S.A. 15-201, the Governing Body of the City of Spring Hill, Kansas, hereby adopts the following amendment to Section 1-102 of the Spring Hill Municipal Code:

"1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE, LIMITATION OF TERMS OF OFFICE, AND VACANCIES.

A. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.

B. No person shall be elected a member of the council who has been elected to the council in each of the last two (2) regular municipal elections. No person shall be elected mayor who has been elected mayor in each of the last two (2) regular municipal elections.

C. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council member, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within thirty (30) days after his election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council members, appoint some suitable elector to fill said vacancy."

**SECTION THREE:** Charter Ordinances No. 1 and 4 are hereby repealed.

**SECTION FOUR: Publication.** This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

(FIVE)

**SECTION FIVE: Effective Date.** This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

**PASSED AND APPROVED** this 11th day of March, 1993.

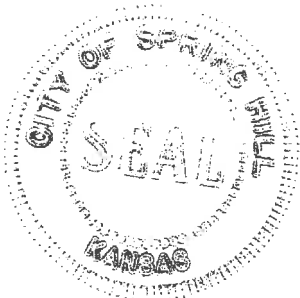
Mary P. Lavery  
MAYOR

**ATTEST:**

Julie D. O'Leary  
CITY CLERK

**APPROVED AS TO FORM:**

Frank H. Jenkins, Jr.  
FRANK H. JENKINS, JR.,  
City Attorney



**CHARTER ORDINANCE NO. 16**

**A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 15 WHICH ESTABLISHED TERM LIMITS FOR THE CITY COUNCIL AND MAYOR AND EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM SECTION 15-201 KANSAS STATUTES ANNOTATED, PERTAINING TO APPOINTMENT OF OFFICERS, DUTIES, COMPENSATION, RENEWAL, QUALIFICATION OF OFFICERS AND FILLING VACANCIES.**

**WHEREAS,** the Governing Body of the City of Spring Hill, Kansas, adopted Charter Ordinance No. 15 on March 11, 1993, which established term limits for members of the City Council and the Mayor; and

**WHEREAS,** the Governing Body of the City of Spring Hill, Kansas, finds and determines that the ordinance requiring limitation of terms of office is not in the best interest of the City; and

**WHEREAS,** the Governing Body of the City of Spring Hill, Kansas, finds and determines that K.S.A. 15-201, is not uniformly applicable to all cities.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE: Exemption Election.** The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-201, which is not uniformly applicable to all cities.

**SECTION TWO:** That in lieu of the provisions of K.S.A. 15-201, the Governing Body of the City of Spring Hill, Kansas, hereby adopts the following amendment to Section 1-102 of the Spring Hill Municipal Code which reads as follows:

**"1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE, LIMITATION OF TERMS OF OFFICE, AND VACANCIES.**

**A.** The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.

**B.** No person shall be elected a member of the council who has been elected to the council in each of the last two (2) regular municipal elections. No person shall be elected mayor who has been



elected mayor in each of the last two (2) regular municipal elections.

C. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council member, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within thirty (30) days after his election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council members, appoint some suitable elector to fill said vacancy."

is hereby amended to read as follows:

"1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.

A. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.

B. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council member, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within thirty (30) days after his election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council members, appoint some suitable elector to fill said vacancy."

**SECTION THREE:** Charter Ordinance No. 15 is hereby repealed.

**SECTION FOUR:** Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

**SECTION FIVE:** Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless

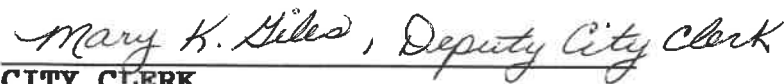


a sufficient petition for referendum is held on this Ordinance, as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

**PASSED AND APPROVED** this 24th day of February, 1994.

  
**DEDE SMYTH, MAYOR**

**ATTEST:**

  
**CITY CLERK**

**APPROVED AS TO FORM:**

  
**FRANK H. JENKINS, JR.,**  
**CITY ATTORNEY**

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISION OF K.S.A. 15-106, AND PROVIDING SUBSTITUTE PROVISIONS IN THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

**SECTION ONE: Exemption Election.** The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-106, which applies to this City, but does not apply uniformly to all cities.

**SECTION TWO: Regular and Special Meetings.** Regular meetings of the council shall be held at such times as shall be prescribed by ordinance, but not less than once each month. Special meetings may be called by the mayor or acting mayor, on written request of any three members of the council, specifying the object and purpose of such meeting, which shall be read at the meeting and recorded in the journal of minutes of the meetings of the council. In all cases it shall require four of the five councilmembers elect to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council, by ordinance, may have previously prescribed.

**SECTION THREE Publication.** This Ordinance shall be published once each week for two consecutive weeks in the official city paper.

**SECTION FOUR: Effective Date.** This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become

effective if approved by a majority of the electorate voting thereon.

PASSED AND APPROVED this 11 day of April, 1996.

Charles D. Smyth  
MAYOR

ATTEST:

Deana M. Boydston  
CITY CLERK

APPROVED AS TO FORM:

Frank H. Jenkins, Jr.  
Frank H. Jenkins, Jr.,  
City Attorney

# LEGAL NOTICE

(First published in The Spring Hill New Era April 17, 1996)

CHAPTER ORDINANCE NO. 17  
A CHARTER ORDINANCE EXEMPT-  
ING THE CITY OF SPRING HILL, KAN-  
SAS, FROM THE PROVISION OF K.S.A.  
15-108, AND PROVIDING SUBSTITUTE  
PROVISIONS IN THE SAME SUBJECT.  
BE IT ORDAINED BY THE GOVERN-  
ING BODY OF THE CITY OF SPRING  
HILL, KANSAS:

SECTION ONE: Exemption Election.  
The City of Spring Hill, Kansas, a city of  
the third class, 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  
from and make inapplicable to it the  
provisions of K.S.A. 15-108, which ap-  
plies to this City, but does not apply  
uniformly to all cities.

SECTION TWO: Regular and Special  
Meetings. Regular meetings of the coun-  
cil shall be held at such times as shall be  
prescribed may be called by the mayor  
or acting mayor, on written request of any  
three members of the Council, specifying  
the object and purpose of such meeting,  
which shall be read at the meeting and  
recorded in the journal of minutes of the  
meetings of the council. In all cases it  
shall require four of the five councilmen-  
bers elect to constitute a quorum to do  
business; but a smaller number may ad-  
journ from day to day and may compel  
the attendance of absent members in  
such manner and under such penalties  
as the council, by ordinance, may have  
previously prescribed.

SECTION THREE: Publication. This  
Ordinance shall be published once each  
week for two consecutive weeks in the  
official city paper.

SECTION FOUR: Effective Date.  
This Charter Ordinance shall become ef-  
fective a sixty-one (61) days after final  
publication unless a sufficient petition for  
referendum is held on this Ordinance as  
provided in Article 12, Section 5, Sub-  
division (c) (3) of the Constitution of Kan-  
sas, in which case the Ordinance shall  
become effective if approved by a  
majority of the electorate voting thereon.

PASSED AND APPROVED this 11 day  
of April, 1996.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Frank H. Jenkins, Jr.,

City Attorney

STATE OF KANSAS,  
JOHNSON COUNTY, ss:

Mark J. Humble

being first duly sworn, deposes and says: That he is

publisher of Spring Hill New Era, a  
(name of newspaper)

weekly newspaper printed in the State of Kansas, and published  
in and of general circulation in Johnson County, Kansas, with a  
general paid circulation on a yearly basis in Johnson County,  
Kansas, and that said newspaper is not a trade, religious or  
fraternal publication.

Said newspaper is a weekly published at least weekly 50 times  
a year; has been so published continuously and uninterruptedly  
in said county and state for a period of more than five years  
prior to the first publication of said notice; and has been admitted  
at the post office of Gardner, Kan. in said County  
as second class matter.

That the attached notice is a true copy thereof and was published  
in the regular and entire issue of said newspaper for \_\_\_\_\_

consecutive weeks, the first publication thereof being made as

aforsaid on the 17th day of April, 1996,

with subsequent publications being made on the following dates:

April 24, 1996, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_

Mark J. Humble

Subscribed and sworn to before me this 25th day of

April, 1996.

Charles K. Humble  
Notary Public

My Commission Expires: 5/11/97

Printer's fee \$ \_\_\_\_\_

Additional copies \$ \_\_\_\_\_

IN THE ..... COURT OF  
JOHNSON COUNTY, KANSAS

....., 19.....

The within Proof of Publication approved.

.....  
Judge.

**CHARTER ORDINANCE NO. 18**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1696, RELATING TO DEFINITIONS PERTAINING TO TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1697 (a), RELATING TO THE LEVY OF TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K. S.A. 12 -1698(e), RELATING TO CITY TRANSIENT GUEST TAX FUND; FROM ALL OF THE PROVISIONS OF K.S.A. 12-16,101, RELATING TO A COMMITTEE TO MAKE RECOMMENDATIONS FOR PROGRAMS AND EXPENDITURES; AND FROM ALL THE PROVISIONS OF K.S.A. 12-16,113. RELATING TO AN ANNUAL ACCOUNTING OF EXPENDITURES; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.**

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

**SECTION ONE:** The City of Spring Hill, Kansas, a city of the third class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from all the provisions of K.S.A. 12-1696, which reads as follows:

"As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) 'Person' means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) 'Hotel, motel or tourist court' means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for the accommodation of such guests;

(c) 'Transient guest' means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) 'Business' means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court; and

(e) 'Convention and tourism promotion' means: (1) activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and



travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy; and

(f) 'Accommodations broker' means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.

**SECTION TWO:** The City of Spring Hill, 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 for those provisions exempted from in SECTION ONE above:

"As used in this act, the following words and phrases have the meaning respectively ascribed to them herein,"

(a) 'Person' means an individual, firm, partnerships, corporation, joint venture or other association of persons;

(b) 'Hotel, motel, or tourist court' means any structure or building which contains rooms furnished for the purposes of providing lodging. Which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or hold out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for the accommodation of such guests;

(c) 'Transient guests' means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) 'Business' means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court;

(e) 'Economic development promotion' means (1) activities to attract the location or relocation of business into the community through marketing efforts, including advertising; (2) activities designed to encourage retention and expansion of existing businesses in the community; and (3) convention and tourism promotion activities designed to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel and support of those activities and organizations which encourage increased lodging facility occupancy."

(f) Accommodations broker' means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.



**SECTION THREE:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-1697 (a), which reads as follows:

"(a) In order to provide revenues to promote tourism and conventions, the governing body of any county or the governing body of any city is hereby authorized to levy a transient guest tax at not to exceed the rate of 2% upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities in any hotel, motel or tourist court. The percentage of such tax shall be determined by the board of county commissioners or by the governing body and shall be specified in the resolution or ordinance authorizing the same."

**SECTION FOUR:** The City of Spring Hill, 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 for those provisions exempted from in SECTION THREE, above;

(a) In order to provide revenues to promote economic development, the Governing Body is hereby authorized to levy a transient guest tax at not to exceed the rate of four percent (4%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel, or tourists court."

**SECTION FIVE:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section b, 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. 12-1698 (e), which reads as follows:

"(e) Except as otherwise provided in K.S.A. 12-1774, and amendments thereto, all such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion."

**SECTION SIX:** The City of Spring Hill, 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 for those provisions exempted from in SECTION FIVE, above;

"(e) All such moneys received by the city treasurer from disbursements from the city transient guest tax shall be credited to the 'Economic Development Promotion Fund' and shall only be expended for economic development promotion, including convention and tourism promotion, pursuant to the terms of an agreement or agreements approved by the Governing Body for economic development promotion services."

**SECTION SEVEN:** The City of Spring Hill, 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 and does

exempt itself from, and makes inapplicable to it the provisions of K.S.A. 12-16,101, which reads as follows:

"The governing body of any city or county which levies a transient guest tax pursuant to this act shall establish a convention and tourism committee to make recommendation concerning the programs and expenditures for promotion of conventions and tourism. Such board of county commissioners or city governing body shall appoint ten (10) members to such committee, a majority of which shall be representatives of businesses coming within the terms of this act. In appointing such members, the board of county commissioners or city governing body shall attempt to create a representative of large and small businesses and businesses from the various geographic areas of such county. The board of county commissioners or city governing body shall provide, by resolution for the appointments and terms of service not to exceed four (4) years for such members. The board of county commissioners or city governing body adopting such tax shall have the authority to contract for convention and tourism programs to be implemented."

**SECTION EIGHT:** The City of Spring Hill, 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 for those provisions exempted from in SECTION SEVEN, above:

(a) The Governing Body hereby establishes an Economic Development Council to make recommendations concerning the programs and expenditures for economic development promotion. Such council shall be composed of the Mayor of Spring Hill, or a duly authorized representative; President of the City Council; City Administrator; Spring Hill Recreation Commission's Recreation Director, or a duly authorized representative; a representative of the Spring Hill Chamber of Commerce; and a representative from the Spring Hill lodging industry. Members shall be appointed by the Mayor by and with the consent of the governing body.

**SECTION NINE:** The City of Spring Hill, 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. 12-16, 113, which reads as follows:

"Any entity to which funds which in the aggregate in any year exceed \$25,000, are provided for convention and tourism promotion purposes from moneys received pursuant to K.S.A. 12-1693 or K.S.A. 12-1697, and amendments thereto, or pursuant to any charter ordinance or resolution which imposes a transient guest tax, shall provide for the separate accounting of the receipt and disbursement of such funds and shall provide to the city or county, as the case requires, an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles within 120 days after the end of the fiscal year of such entity in the event no such accounting is provided within such time period, funds shall not be provided to the entity unless and until the accounting is provided."

**SECTION TEN:** The City of Spring Hill, 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 for those provisions exempted from in SECTION NINE, above:

"The City of Spring Hill shall provide the separate accounting of the receipt and disbursement of all funds from the Economic Development Promotion Fund, and shall provide to the City an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles within 180 days after the end of its fiscal year. In the event no such accounting is provided within such time period, funds shall not be provided to the City of Spring Hill from the Economic Development Promotion Fund unless and until the accounting is provided."

**SECTION ELEVEN:** This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**SECTION TWELVE:** 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 the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

**PASSED AND APPROVED** by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 27 day of April, 2000.

  
\_\_\_\_\_  
**MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**CITY ATTORNEY**

STATE OF KANSAS  
JOHNSON COUNTY, ss

Mark Taylor being first duly sworn, deposes and says: That he is editor of The Spring Hill New Era, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas, with a general paid circulation on a yearly basis in Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication. Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Gardner, Kan. in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2 consecutive weeks, the first publication thereof being made as aforesaid on the 10th day of May, 2000, with subsequent publications being made on the following dates

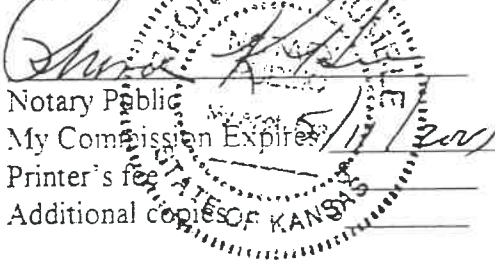
May 17, 2000

\_\_\_\_\_

\_\_\_\_\_



Subscribed and sworn to before me this 20th day of May, 2000.

  
Notary Public  
My Commission Expires 5/17/2001  
Printer's fee \_\_\_\_\_  
Additional copies \_\_\_\_\_

RECEIVED

MAY 24 2000

CITY OF SPRING HILL, KS

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

.....  
The within Proof of Publication approved.

.....  
Judge.



## LEGAL NOTICE

First published in *The Spring Hill News Era*, Wednesday, May 10, 2000.

**CHARTER ORDINANCE NO. 18**  
A CHARTER ORDINANCE EXEMPT-  
ING THE CITY OF SPRING HILL, KAN-  
SAS, FROM ALL THE PROVISIONS OF  
K.S.A. 12-1696, RELATING TO DEFER-  
RED TAXES; FROM THE PROVISIONS  
OF K.S.A. 12-1697 (a), RELATING TO  
THE LEVY OF TRANSIENT GUEST TAX;  
FROM THE PROVISIONS OF K.S.A. 12-  
1698 (a), RELATING TO CITY TRANS-  
IENT GUEST TAX FUND; FROM ALL  
THE PROVISIONS OF K.S.A. 12-  
1699, RELATING TO A COMMITTEE  
TO MAKE RECOMMENDATIONS FOR  
PROGRAMS AND EXPENDITURES;  
FROM ALL THE PROVISIONS OF  
K.S.A. 12-1610, RELATING TO AN AN-  
NUAL ACCOUNTING OF EXPENDITURES;  
PROVIDING: SUBSTITUTED  
ADDITIONAL PROVISIONS ON  
THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVER-  
NING BODY OF THE CITY OF SPRING  
HILL, KANSAS:

**SECTION ONE:** The City of Spring Hill, Kansas, a city of the third class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from all the provisions of K.S.A. 12-1696, which reads as follows:

"As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Person" means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) "Hotel, motel or tourist court" means a structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for accommodation of such guests;

(c) "Transient guest" means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) "Business" means any person engaged in the business of renting, leasing, selling, or otherwise disposing of sleeping accommodations, rooms or a part thereof in connection with any hotel, motel or tourist court; and

(e) "Convention and tourism promotion" means (1) activities to attract visitors into a community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group travel, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy; and

(f) "Accommodations broker" means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.

**SECTION TWO:** The City of Spring Hill, 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 for those provisions exempted from in SECTION ONE, above:

"As used in this act, the following words and phrases have the meaning respectively ascribed to them herein:

(a) "Person" means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) "Hotel, motel or tourist court" means a structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, main-

tened, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for accommodation of such guests;

(c) "Transient guest" means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) "Business" means any person engaged in the business of renting, leasing, selling, or otherwise disposing of sleeping accommodations, rooms or a part thereof in connection with any hotel, motel or tourist court; and

(e) "Convention and tourism promotion" means (1) activities to attract visitors into a community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group travel, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy.

(f) "Accommodations broker" means any business which maintains an inventory of two or more rooms in one or more locations which are offered for pay to a person or persons for not more than 28 consecutive days.

**SECTION THREE:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-1697 (a), which reads as follows:

"(a) In order to provide revenues to promote tourism and conventions, the governing body of any county or the governing body of any city is hereby authorized to levy a transient guest tax at not to exceed the rate of 2% upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities in any hotel, motel or tourist court. The percentage of such tax shall be determined by the board of county commissioners or by the governing body and shall be specified in the resolution or ordinance authorizing the same."

**SECTION FOUR:** The City of Spring Hill, 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 for the provisions exempted from in SECTION THREE, above:

"(a) In order to provide revenues to promote economic development, the governing body is hereby authorized to levy a transient guest tax at not to exceed the rate of four percent (4%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities in any hotel, motel or tourist court."

**SECTION FIVE:** The City of Spring Hill, 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. 12-1698 (a), which reads as follows:

"(a) Except as otherwise provided in K.S.A. 12-1774, and amendments thereto, all such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion."

**SECTION SIX:** The City of Spring Hill, 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 for those provisions exempted from in SECTION FIVE, above:

"(a) All such moneys received by the city treasurer from disbursements from the city transient guest tax shall be credited to the Economic Development Promotion Fund and shall only be expended for economic development, promotion, including convention and tourism promotion, pursuant to the terms of an agreement or agreements approved by the Governing Body for economic development promotion services."

**SECTION SEVEN:** The City of Spring Hill, Kansas, by the power vested in it by

such members; the board of county commissioners or city governing body shall attempt to create a representative of large and small businesses and businesses from the various geographic areas of such county. The board of county commissioners or city governing body shall provide, by resolution for the appointments and terms of service not to exceed four (4) years for such members. The board of county commissioners or city governing body adopting such act shall have the authority to contract for convention and tourism programs to be implemented."

**SECTION EIGHT:** The City of Spring Hill, 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 for those provisions exempted from in SECTION SEVEN, above:

"(a) The Governing Body hereby establishes an Economic Development Council to make recommendations concerning the programs and expenditures for economic development promotion. Such council shall be composed of the Mayor of Spring Hill, or a duly authorized representative; President of the City Council; City Administrator; Spring Hill Recreation Commission's Recreation Director or a duly authorized representative; a representative of the Spring Hill Chamber of Commerce; and a representative from the Spring Hill lodging industry. Members shall be appointed by the Mayor, by and with the consent of the governing body."

**SECTION NINE:** The City of Spring Hill, 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. 12-1611, which reads as follows:

"Any entity to which funds which in the aggregate in any year exceed \$25,000, are provided for convention and tourism promotion purposes from moneys received pursuant to K.S.A. 12-1693 or K.S.A. 12-1697, and amendments thereto, or pursuant to any charter ordinance or resolution which imposes a transient guest tax, shall provide for the separate accounting of the receipt and disbursement of such funds and shall provide to the city or county, as the case requires, an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles within 120 days after the end of the fiscal year of such entity in the event no such accounting is provided within such time period, funds shall not be provided to the entity unless and until the accounting is provided."

**SECTION TEN:** The City of Spring Hill, 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 for those provisions exempted from in SECTION NINE, above:

"The City of Spring Hill shall provide the separate accounting of the receipt and disbursement of all funds from the Economic Development Promotion Fund, and shall provide to the City an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles within 160 days after the end of its fiscal year. In the event no such accounting is provided within such time period, funds shall not be provided to the City of Spring Hill from the Economic Development Promotion Fund unless and until the accounting is provided."

**SECTION ELEVEN:** This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**SECTION TWELVE:** 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 the State of Kansas, in which case the

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194; RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES; AND PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISION AUTHORIZING THE CITY OF SPRING HILL, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATTING REAL PROPERTY IN THE CITY, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATTING REAL PROPERTY IN THE CITY FOR CONTRIBUTIONS PREVIOUSLY MADE FOR CERTAIN STREET IMPROVEMENTS, TO GRANT EXEMPTIONS, AND TO PLEDGE THE REVENUES THEREFROM FOR STREET IMPROVEMENTS IN THE CITY.

WHEREAS, new development in the City requires street improvements to be made to serve such developments and surrounding area; and

WHEREAS, the Governing Body has determined that new development should help pay its fair share of the cost of providing these improvements; and

WHEREAS, an excise tax on the act of platting real property in the City will raise general revenues; and

WHEREAS, an increase in general revenues will assist the City to construct the necessary street improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, 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 applicable to it the provisions of K.S.A. 12-194, which provision reads as follows:

No city or country shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and a compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for



the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act. No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

Such referenced provisions are either enactments or a part thereof which are applicable to this city, but are not uniformly applicable to all cities.

**SECTION TWO:** The City of Spring Hill, 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 1 above:

No city shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, of the rendering of a service, but the provisions of this section shall not be construed as prohibiting any City from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; (c) levying any occupation tax or license fee imposed by such City prior to the effective date of this Act; or (d) levying an excise tax on the act of platting real property in the city, granting credits against excise taxes paid on the act of platting real property in the City for contributions previously made for street improvements, granting exemptions, and pledging revenues therefrom for street improvements in the City. No license fee described in subsection (b) of this section shall be imposed upon a utility contracting with and subject to a change, described in subsection (a) of this section, by such City.

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


**SECTION FOUR:** THIS IS A CHARTER ORDINANCE AND IT SHALL TAKE EFFECT 61 DAYS AFTER ITS FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF SPRING HILL EQUAL TO NOT LESS THAN TEN 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 SPRING HILL 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.

**PASSED** by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 12<sup>th</sup> day of April, 2001.


**APPROVED** by the Mayor this 12<sup>th</sup> day of April, 2001.

  
MAYOR

**ATTEST:**

  
CITY CLERK

**APPROVED AS TO FORM:**

  
CITY ATTORNEY

LEGAL NOTICE

RECEIVED

MAY 16 2001


STATE OF KANSAS  
JOHNSON COUNTY, SS

CITY OF SPRING HILL, KS

Mark Taylor being first duly sworn, deposes and says: That he is the editor of THE SPRINGHILL NEW ERA , a weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of GARDNER, Kan., in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2

consecutive week(s), the first publication thereof being made as aforesaid on MAY 2, 2001 with subsequent publications being made on the following dates: MAY 9, 2001

  
Subscribed and sworn to before me this 10:00 AM 5/14/01  
Notary Public

My Commission Expires: 3/24/02

Printer's fee \$

Additional copies \$

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

The within Proof of Publication approved

Judge.

# LEGAL NOTICE

(First published in The Spring Hill New Era, Wednesday, May 2, 2001)

CHARTER ORDINANCE NO. 19  
A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194, RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES, AND PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISION AUTHORIZING THE CITY OF SPRING HILL, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATING REAL PROPERTY IN THE CITY, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATING REAL PROPERTY IN THE CITY FOR CONTRIBUTIONS PREVIOUSLY MADE FOR CERTAIN STREET IMPROVEMENTS, TO GRANT EXEMPTIONS, AND TO PLEDGE THE REVENUES THEREFROM FOR STREET IMPROVEMENTS IN THE CITY.

WHEREAS, new development in the City requires street improvements to be made to serve such developments and surrounding area and;

WHEREAS, the Governing Body has determined that new development should help pay its fair share of the cost of providing these improvements; and

WHEREAS, an excise tax on the act of plating real property in the City will raise general revenues; and

WHEREAS, an increase in general revenues will assist the City to construct the necessary street improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: The City of Spring Hill, 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 applicable to it the provisions of K.S.A. 12-194, which provisions reads as follows:

No city or county shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and a compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering of furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupational tax or license fee imposed by such city prior to the effective date of this act. No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

Such referenced provisions are either enactments or a part thereof which are applicable to the city, but are not uniformly applicable to all cities.

SECTION TWO: The City of Spring Hill, 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 1 above:

No city shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any City from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering of furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; (c) levying any occupational tax or license fee imposed by such City prior to the effective date of this Act; or (d) levying an excise tax on the act of plating real property in the city, granting credits against excise taxes paid on the act of plating real property in the City for contributions previously made for street improvements, granting exemptions, and pledging revenues therefrom for street improvements in the City. No license fee described in subsection (b) of this section shall be imposed upon a utility contracting with and subject to a charge, described in subsection (a) of this section, by such City.

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

SECTION FOUR: THIS IS A CHARTER ORDINANCE AND IT SHALL TAKE EFFECT 61 DAYS AFTER ITS FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF SPRING HILL EQUAL TO NOT LESS THAN TEN 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 SPRING HILL DEMANDING AN ELECTION ON THE CHARTER OR-

**CHARTER ORDINANCE NO. 20**

**AN ORDINANCE REPEALING CHARTER ORDINANCE NO. 16 WHICH RELATES TO THE ELECTION OF OFFICERS, TERMS, VACANCIES; AND EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM K.S.A. 15-201; ADOPTION OF AN AMENDMENT TO CHAPTER 1, ARTICLE 1, SECTION 1-102 OF THE SPRING HILL MUNICIPAL CODE RELATING TO ELECTION OF OFFICERS; TERMS; VACANCIES.**

WHEREAS, the governing body of the City of Spring Hill, Kansas has adopted Charter Ordinance 16 and exempted itself from and made inapplicable to it the provisions of K.S.A. 15-201, relating to Election of Officers, Terms, and Vacancies, which is not uniformly applicable to all cities.

WHEREAS, the governing body of the City of Spring Hill, Kansas, finds and determines that the ordinance establishing the appointment process for filling a vacancy in a city council office should be amended; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

**SECTION ONE:** Exemption Election. The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-201, which is not uniformly applicable to all cities.

**SECTION TWO:** That in lieu of the provision of K.S.A. 15-201, the governing body of the City of Spring Hill, Kansas, hereby adopts the following amendment to Section 1-102 of the Spring Hill Municipal Code, which reads as follows:

“ 1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.

- A. The mayor and five council members shall constitute the governing body of the city and shall be elected for four years or until their successors are qualified.
- B. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advise and consent of the remain council members, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify with thirty (30) days after his



election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council members, appoint some suitable elector to fill said vacancy.”

is hereby amended to read as follows:

“1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.

A. Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.

B. Vacancies.

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office.

3. Vacancy in City Council Due to Active Military Service.

If a resignation of a council member is due to active military duty, the Mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy (“successor councilmember”) until the first to occur of the following two events:

- a. Until the next election of that office, or
- b. Until the effective date of the return of the councilmember from the active military duty (“returning councilmember”). The effective date of the return of the councilmember shall be the date of filing of a written notice with the City Clerk signed and acknowledged by the returning councilmember, that he or she has returned from active military duty.

Effective upon the filing of the aforesaid written notice with the City Clerk, by operation of law, the following shall be deemed to have occurred:



- a. The successor councilmember's term of office shall terminate.
- b. The returning councilmember shall be deemed to have been reappointed to the office he or she held prior to his or her resignation for the remaining unexpired term office vacated by the returning councilmember at the time of his or her's original resignation.

The City Clerk shall issue a certificate that the aforesaid written notice has been filed with the City Clerk and the City Clerk shall deliver a copy of the certificate to the Governing Body.

The returning council member shall be required to be a qualified elector and be required to take the oath of office, provide the required bond, and otherwise meet all other qualifications to hold such office.

C. Forfeiture of Office. In case any person elected or appointed as a council member neglects or refuses to qualify within thirty (30) days after his or her election or appointment, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council member, appoint some suitable elector to fill said vacancy."

**SECTION THREE.** Repeal. Charter Ordinance No. 16 is hereby repealed.

**SECTION FOUR.** Publication. This ordinance shall published once each week for two consecutive weeks in the official newspaper.

**SECTION FIVE.** Effective Date. This Charter Ordinance shall be effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this 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 electorate voting thereon.

PASSED AND APPROVED this 18<sup>th</sup> day of December, 2003.

  
MARK SQUIRE, MAYOR

ATTEST:  
  
BEVERLY HAYDEN, CITY CLERK

APPROVED AS TO FORM:

FRANK JENKINS JR., CITY ATTORNEY



STATE OF KANSAS  
JOHNSON COUNTY, SS

CHUCK KURTZ being first duly sworn, deposes and says: That he is the editor of THE SPRINGHILL NEW ERA a weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of GARDNER, Kan., in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2

consecutive week(s), the first publication thereof being made as aforesaid on DECEMBER 24, 2003 with subsequent publications being made on the following dates: december 31, 2003

Subscribed and sworn to before me this 8:25 AM 12/31/03

Notary Public

My Commission Expires

Printer's fee \$

Additional copies \$

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

The within Proof of Publication approved

Judge.



WHEREAS, the governing body of the City of Spring Hill, Kansas, finds and determines that the ordinance establishing the appointment process for filling a vacancy in a city council office should be amended; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: Exemption Election. The City of Spring Hill, Kansas, a city of the third class, 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 from and make inapplicable to it the provisions of K.S.A. 15-201, which is not uniformly applicable to all cities.

SECTION TWO: That in lieu of the provision of K.S.A. 15-201, the governing body of the City of Spring Hill, Kansas, hereby adopts the following amendment to Section 1-102 of the Spring Hill Municipal Code, which reads as follows:

1-102 ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.

A. The mayor and five council members shall constitute the governing body of the city and shall be elected for four years or until their successors are qualified.  
B. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify with thirty (30) days after his election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council members, appoint some suitable elector to fill said vacancy."

is hereby amended to read as follows:

"1-102 ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.

A. Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.

B. Vacancies.

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office.

3. Vacancy in City Council Due to Active Military Service.

If a resignation of a council member is due to active military duty, the Mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy ("successor councilmember") until the first to occur of the following two events:

- Until the next election of that office; or
- Until the effective date of the return of the councilmember from the active military duty ("returning councilmember"). The effective date of the return of the councilmember shall be the date of filing of a written notice with the City Clerk signed and acknowledged by the returning councilmember, that he or she has returned from active military duty.

Effective upon the filing of the aforesaid written notice with the City Clerk, by operation of law, the following shall be deemed to have occurred:

- The successor councilmember's term of office shall terminate.
- The returning councilmember shall be deemed to have been reappointed to the office he or she held prior to his or her resignation for the remaining unexpired term of office vacated by the returning councilmember at the time of his or her original resignation.

The City Clerk shall issue a certificate that the aforesaid written notice has been filed with the City Clerk and the City Clerk shall deliver a copy of the certificate to the Governing Body.

The returning council member shall be required to be a qualified elector and be required to take the oath of office, provide the required bond, and otherwise meet all other qualifications to hold such office.

C. Forfeiture of Office. In case any person elected or appointed as a council member neglects or refuses to qualify within thirty (30) days after his or her election or appointment, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council member, appoint some suitable elector to fill said vacancy."

SECTION THREE. Repeal: Charter Ordinance No. 16 is hereby repealed.

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

SECTION FIVE. Effective Date. This Charter Ordinance shall be effective sixty-one (61) days after final publication, unless a sufficient petition for referendum is filed on this 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 electorate voting thereon.

PASSED AND APPROVED this 18TH day of December, 2003.

Squire/s/

MARKSQUIRE, MAYOR

ATTEST:

Mark



**CHARTER ORDINANCE NO. 21**

**CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS  
FROM ALL THE PROVISIONS OF K.S.A. 41-712 WHICH PROHIBITS  
ALCOHOLIC LIQUOR SALES ON SUNDAY AND CERTAIN HOLIDAYS.**

**WHEREAS**, the City of Spring Hill, Kansas is authorized to exercise the powers, functions, and duties of a city of the third 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, commonly known as the Kansas Liquor Control Act, which enactment does not apply uniformly to all cities:

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Exemption Election. The City of Spring Hill, Kansas by the powers vested in it by Article 12, Section 5(c) 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. K.S.A. 41-712 is part of a legislative enactment commonly known as the Kansas Liquor Control Act enacted in Chapter 242 of the Session Laws of 1949. Such enactment is applicable to the City of Spring Hill but is not uniformly applicable to all cities in the State of Kansas.

**SECTION TWO:** The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

**SECTION THREE:** Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**SECTION FOUR:** Effective Date. Pursuant to Article 12, Section 5 (c)(3), the Governing Body intends to submit this charter ordinance to a referendum without petition by the same publication of this charter ordinance and the same publication of a regular ordinance calling the election as for ordinances upon petition and this charter ordinance shall then become effective when approved by a majority of the electors voting thereon.

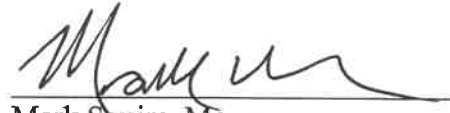
**SECTION FIVE:** Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas.

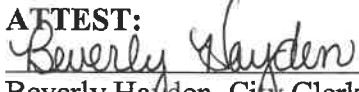
**PASSED** by the Governing Body of City of Spring Hill, Kansas, by not less than two-thirds of the members-elect voting in favor thereof, this 13<sup>th</sup> day of May 2004.

**APPROVED** by the Mayor this 13<sup>th</sup> day of May 2004.



(SEAL)

  
Mark Squire, Mayor

**ATTEST:**  
  
Beverly Hayden, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank H. Jenkins Jr., City Attorney

Legal

STATE OF KANSAS  
JOHNSON COUNTY, SS

CHUCK KURTZ being first duly sworn, deposes and says: That he is the editor of THESPRINGHILL NEW ERA a weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of GARDNER, Kan., in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2 consecutive week(s), the first publication thereof being made as aforesaid on MAY 19, 2004 with subsequent publications being made on the following dates: MAY 26, 2004

  
Subscribed and sworn to before me this 4:22 PM 6/3/04

Notary Public 

My Commission Expires 

Printer's fee

Additional copies

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

\_\_\_\_\_  
The within Proof of Publication approved

\_\_\_\_\_  
Judge.



# Public Notice

First published in The Spring Hill New Era Wednesday, May 19, 2004

## CHARTER ORDINANCE NO. 21

CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM ALL THE PROVISIONS OF K.S.A. 41-712 WHICH PROHIBITS ALCOHOLIC LIQUOR SALES ON SUNDAY AND CERTAIN HOLIDAYS.

WHEREAS, the City of Spring Hill, Kansas is authorized to exercise the powers, functions, and duties of a city of the third 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, commonly known as the Kansas Liquor Control Act, which enactment does not apply uniformly to all cities;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: Exemption Election. The City of Spring Hill, Kansas by the powers vested in it by Article 12, Section 5(c) 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. K.S.A. 41-712 is part of a legislative enactment commonly known as the Kansas Liquor Control Act, enacted in Chapter 242 of the Session Laws of 1949. Such enactment is applicable to the City of Spring Hill but is not uniformly applicable to all cities in the State of Kansas.

SECTION TWO: The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

SECTION THREE: Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: Effective Date. Pursuant to Article 12, Section 5(c)(3), the Governing Body intends to submit this charter ordinance to a referendum without petition by the same publication of this charter ordinance and the same publication of a regular ordinance calling the election as for ordinances upon petition and this charter ordinance shall then become effective when approved by a majority of the electors voting thereon.

SECTION FIVE: Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas.

PASSED by the Governing Body of City of Spring Hill, Kansas, by not less than two-thirds of the members-elect voting in favor thereof, this 13TH day of May, 2004.

APPROVED by the Mayor this 13th day of May, 2004.

S/Mark Squire, Mayor

(SEAL)

ATTEST:

S/Beverly Hayden, City Clerk

APPROVED AS TO FORM:

S/Frank H. Jenkins Jr., City Attorney

NOTE TO PUBLISHER:

PLEASE PUBLISH ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS COMMENCING ON THE 19TH DAY OF MAY, 2004. THANK YOU.

FRANK H. JENKINS, JR.  
CITY ATTORNEY  
P.O. BOX 580  
OLATHE, KANSAS 66061  
913-782-0422

ORDINANCE NO. 2004-22

**ORDINANCE CALLING FOR THE SUBMISSION TO A VOTE OF THE ELECTORS OF THE CITY OF SPRING HILL, KANSAS ON THE APPROVAL OF CHARTER ORDINANCE NO. 21 EXEMPTING THE CITY FROM ALL THE PROVISIONS OF K.S.A. 41-712 WHICH PROHIBITS ALCOHOLIC LIQUOR SALES ON SUNDAY AND CERTAIN HOLIDAYS.**

**WHEREAS**, the Governing Body adopted Charter Ordinance No. 21 on the 13<sup>th</sup> day of May 2004 exempting the City from all of the provisions of K.S.A. 41-712 which prohibits alcoholic liquor sales on Sunday and certain holidays, and

**WHEREAS**, Article 12, Section 5(c)(3) of the Constitution of the State of Kansas provides that a governing body may submit any charter ordinance to a referendum, without petition, by the same publication of the charter ordinance and the same publication of the regular ordinance calling the election as for ordinances upon petition and such charter ordinance shall then become effective upon the approval by a majority of the electors voting thereon, and

**WHEREAS**, the Governing Body desires to submit to a vote of the electors the approval of Charter Ordinance No. 21.

**BE IT, THEREFORE, ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** The following proposition shall be submitted for approval of the voters of the City of Spring Hill, Kansas:

**“SHALL THE FOLLOWING CHARTER ORDINANCE  
BECOME EFFECTIVE?**

**CITY OF SPRING HILL**

**CHARTER ORDINANCE NO. 21**

**CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM ALL THE PROVISIONS OF K.S.A. 41-712 WHICH PROHIBITS ALCOHOLIC LIQUOR SALES ON SUNDAY AND CERTAIN HOLIDAYS.**

**WHEREAS**, the City of Spring Hill, Kansas is authorized to exercise the powers, functions, and duties of a city of the third 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, commonly known as the Kansas Liquor Control Act, which enactment does not apply uniformly to all cities:

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Exemption Election. The City of Spring Hill, Kansas by the powers vested in it by Article 12, Section 5(c) 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. K.S.A. 41-712 is part of a legislative enactment commonly known as the Kansas Liquor Control Act enacted in Chapter 242 of the Session Laws of 1949. Such enactment is applicable to the City of Spring Hill but is not uniformly applicable to all cities in the State of Kansas.

**SECTION TWO:** The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

**SECTION THREE:** Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

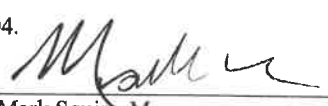
**SECTION FOUR:** Effective Date. Pursuant to Article 12, Section 5 (c)(3), the Governing Body intends to submit this charter ordinance to a referendum without petition by the same publication of this charter ordinance and the same publication of a regular ordinance calling the election as for ordinances upon petition and this charter ordinance shall then become effective when approved by a majority of the electors voting thereon.

**SECTION FIVE:** Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas.

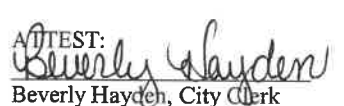
PASSED by the Governing Body of City of Spring Hill, Kansas, by not less than two-thirds of the members-elect voting in favor thereof, this 13<sup>th</sup> day of May 2004.

APPROVED by the Mayor this 13<sup>th</sup> day of May 2004.

(SEAL)

  
Mark Squire, Mayor

ATTEST:

  
Beverly Hayden, City Clerk

APPROVED AS TO FORM:

Frank H. Jenkins Jr., City Attorney

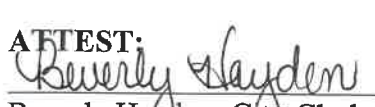
**SECTION TWO:** This proposition shall be submitted to the voters of the City of Spring Hill, Kansas at the primary election on the 3<sup>rd</sup> day of August, 2004, called and held in the manner provided by law. The election shall be conducted as elections for officers and by the officers handling such elections.

**SECTION THREE:** This ordinance shall be published once each week for three consecutive weeks in the official city newspaper.

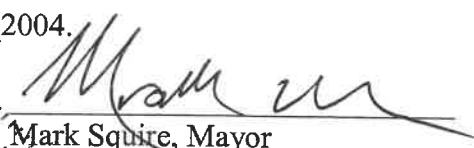
**ADOPTED** by the Governing Body the 13<sup>th</sup> day of May 2004.

**SIGNED** by the Mayor this 13<sup>th</sup> day of May 2004.

ATTEST:

  
Beverly Hayden, City Clerk



  
Mark Squire, Mayor

## **CHARTER ORDINANCE NO. 22**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF THE WATER POLLUTION CONTROL ACT, 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 SEWER 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.**

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

**SECTION 1.** The City of Spring Hill, Kansas (the "City"), 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 make inapplicable to it Sections 12-3101, 12-3102, 12-3103, 12-3104, 12-3105, 12-3106, and 12-3107 of the Kansas Statutes Annotated, which apply to the City, and which are not uniformly applicable to all cities, and the City hereby provides further substitute and additional provisions as set forth herein.

### **SECTION 2.** Definitions.

For the purpose of this Charter Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

A. "Person" shall mean any person, firm, corporation, association, partnership, political unit, or organization.

B. "Sewer," "Sewer System," and "Sewer Systems" shall mean surface water and storm sewers that exist at the time this Charter Ordinance is adopted or that are hereafter established and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

C. "Storm Water Customer" shall mean the owner of any real property served, whether voluntarily or involuntarily, by the function of any Sewer, Sewer System, or Sewer Systems, which captures, controls, conveys, discharges, manages, or regulates the flow or water quality of storm and surface waters within and from the City, or is served by the administration, activities and operation of the Storm Water Management Program of the City. This service shall include, but not be limited to, capturing, controlling, conveying, discharging, improving, managing, and regulating the flow and water quality of storm and surface water from a property or from other properties situated at higher or lower elevations that might otherwise be subservient in right, and the administrative, planning, technical, regulatory and enforcement actions necessary to provide these services.

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 Storm Water Management Program.



### **SECTION 3. Sewer Systems; Powers of the City.**

The City shall have all powers necessary or convenient to plan, study, design, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, manage, and regulate and enforce the proper use of a Sewer System or Sewer Systems, including the powers that the City may, from time to time, establish by way of ordinances and/or resolutions adopted by the Governing Body of the City and including, but not by way of limitation, the following powers:

A. To impose service fees on Storm Water Customers. The method of calculating and fixing these service fees shall be as established by ordinary ordinances or by rules and regulations heretofore or hereafter adopted;

B. To provide that service fees authorized in subparagraph (A) above may be certified by the City Clerk to the County Clerk of Johnson County, Kansas, or County Clerk of Miami County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as taxes;

C. To use the proceeds of the service fees authorized in subparagraph (A) above, together with any other available revenues, to pay the costs of the Storm Water Management Program, including but not limited to the costs to plan, study, design, engineer and operate the Storm Water Management Program and to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, manage, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for, and regulate and enforce the use of a Sewer System or Sewer Systems;

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 contract with agencies of the federal government, the State of Kansas, other states, counties, cities, drainage districts, public bodies of the state, or other states, or with any person to jointly plan, study, design, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for a Sewer System or Sewer Systems; regulate the use of a Sewer System or Sewer Systems; and to plan, study, design, engineer, operate, administer, maintain, and manage the Storm Water Management Program;

F. To contract with agencies of the federal government, State of Kansas, other states, counties, cities, drainage districts, public bodies of the state, or other states, or with any person for receiving and treating storm or surface water from outside the limits of the City;

G. To carry out the Storm Water Management Program, including but not limited to the power to plan, study, engineer, design, administer, manage, maintain, and operate the Storm Water Management Program and to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for and regulate the use of a Sewer System or Sewer Systems within or outside the City;

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, other states, counties, cities, drainage districts, or any other public body for the purposes of this act, and the City may, when contracting with the federal government for financial assistance, include in any contract the conditions imposed pursuant to federal law as the City may deem reasonable and appropriate;



I. To, under the authority granted herein, establish a storm and surface water utility to be accounted for as a separate enterprise fund or special revenue fund of the City, as deemed reasonable and appropriate by the Governing Body of the City; and

J. To utilize any mechanism deemed reasonable and appropriate by the Governing Body of the City to deliver billings to Storm Water Customers for services.

#### **SECTION 4.** Rules and Regulations Authorized; Billing and Collection of Service Fees.

The City shall have the power by ordinance or resolution to adopt rules and regulations that shall relate to the management and operation of its Storm Water Management Program and Sewer System or Sewer Systems; the method of calculating and fixing the service fees applicable to properties served by the Sewer System or Sewer Systems or activities associated therewith; security for the payment thereof, and methods and rules of collection; and the disposition of the revenue therefrom.

In the event any person served by the City's Sewer System or Sewer Systems shall neglect, fail or refuse to pay service fees fixed by the Governing Body of the City, as authorized by rules and regulations adopted under the authority of this section and if a billing system has been established for the delivery and collection of service fees, the City may take any action authorized by law to collect any fees that are due and owing.

#### **SECTION 5.** Issuance of Sewer 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 Sewer System or Sewer 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 Sewer System or Sewer Systems: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government.

B. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Charter Ordinance are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

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 6.** Powers supplemental and additional.

The power granted herein with respect to the Storm Water Management Program, including but not limited to the power to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, manage, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for and regulate the use of a Sewer System or Sewer Systems and to issue bonds shall be supplemental to and not amendatory of the provisions of all other laws heretofore or hereafter in force and shall not be construed to limit the City's authority under the provisions of any other laws.

**SECTION 7.** This ordinance shall be published once each week for two consecutive weeks in the Spring Hill New Era, an official City newspaper.

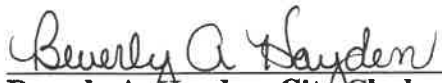
**SECTION 8. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF SPRING HILL EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF SPRING HILL 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.**

**PASSED** by the Governing Body not less than two-thirds of the members elect voting in favor thereof the 9th day of March, 2006.

**APPROVED** by the Mayor this 9th day of March, 2006.


  
\_\_\_\_\_  
Mark Squire, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Beverly A. Hayden, City Clerk



**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank H. Jenkins, Jr.,  
City Attorney

LEGAL NOTICE A

STATE OF KANSAS  
JOHNSON COUNTY, SS

CHUCK KURTZ being first duly sworn, deposes and says: That he is the editor OF THE SPRING HILL NEW ERA a weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is a BI- weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of GARDNER, Kan., in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1

consecutive week(s) the first publication thereof being made as aforesaid on APRIL 19, 2006 with subsequent publications being made on the following dates

EDITOR \_\_\_\_\_

Subscribed and sworn to before me this 04-19-2006

Notary Public \_\_\_\_\_

My Commission Expires: 5-11-2006

Printer's fee \$ \_\_\_\_\_

Additional copies \$ \_\_\_\_\_

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

\_\_\_\_\_  
The within Proof of Publication approved

\_\_\_\_\_  
Judge.





CHARTER ORDINANCE NO. 23

**A CHARTER ORDINANCE REPEALING SECTION TWO OF CHARTER ORDINANCE 17 PERTAINING TO THE NUMBER OF COUNCIL MEMBERS NECESSARY TO CONSTITUTE A QUORUM TO CONDUCT BUSINESS.**

**WHEREAS**, a recent change in the Kansas Open Meetings Act makes it no longer necessary to define a quorum as four council members in order to allow two council members to discuss city business without complying with the requirement of the Kansas Open Meetings Act.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Pursuant to the provisions of Article 12, Section 5, of the Constitution of the State of Kansas, the City of Spring Hill, Kansas, does hereby repeal Section Two of Charter Ordinance 17, which section requires that four of the five council members shall constitute a quorum to conduct business. Once this charter ordinance becomes effective, the City shall abide by the statutory requirements of K.S.A. 12-506 that three council members shall constitute a quorum to conduct business.

**SECTION TWO: Publication.** This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**SECTION THREE: Effective Date.** This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

**PASSED AND APPROVED** this 23<sup>rd</sup> day of October, 2008.

  
\_\_\_\_\_  
Mark Squire, Mayor



**ATTEST:**

  
Beverly A. Hayden, City Clerk

**APPROVED AS TO FORM:**

  
Frank H. Jenkins, Jr.,  
City Attorney

**NOTE TO THE PUBLISHER:**

Please publish for **two consecutive Wednesdays**, i.e.  
October 29, 2008; and  
November 5, 2008.

Immediately after the second publication, please forward **two (2)** copies of the proof of publication of the above and foregoing Notice to:

Beverly Hayden,  
City Clerk  
P. O. Box 424  
Spring Hill, Kansas 66083-0424

Please forward **one (1)** copy of the proof of publication of the above and foregoing Notice to:

Frank H. Jenkins, Jr.  
LOWE, FARMER, BACON & ROE  
P. O. Box 580  
Olathe, Kansas 66051-0580

# THE MIAMI COUNTY REPUBLIC

## AFFIDAVIT of PUBLICATION

State of Kansas, Miami County, ss

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted to the post office of Paola in said County as second class matter.

*See  
attached*

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for two consecutive weeks, the first publication thereof being made as aforesaid on the 29th day of October, 2008, with subsequent publications being made on the following dates:

First publication: **October 29, 2008**

Second publication: November 5, 2008

Publication fee: **\$201.74**

*Mary Kruep*

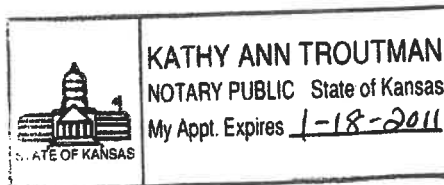
**Mary Kruep, Receptionist**

Subscribed and sworn to before me this  
5th day of November, 2008.

*Kathy Ann Troutman*

**Kathy Ann Troutman, Notary Public**

My commission expires:



## » **SPRING HILL CITY ORDINANCE**

(First published in the  
Miami County Republic,  
October 29, 2008

### **CHARTER**

#### **ORDINANCE NO. 23**

**A CHARTER ORDINANCE  
REPEALING SECTION  
TWO OF CHARTER OR-  
DINANCE 17 PERTAIN-  
ING TO THE NUMBER  
OF COUNCIL MEMBERS  
NECESSARY TO CON-  
STITUTE A QUORUM TO  
CONDUCT BUSINESS.**

WHEREAS, a recent  
change in the Kansas Open  
Meetings Act makes it no  
longer necessary to define  
a quorum as four council  
members in order to allow  
two council members to dis-

cuss city business without  
complying with the require-  
ment of the Kansas Open  
Meetings Act.

NOW THEREFORE, BE  
IT ORDAINED BY THE  
GOVERNING BODY OF  
THE CITY OF SPRING  
HILL, KANSAS:

SECTION ONE: Pur-  
suant to the provisions of  
Article 12, Section 5, of the  
Constitution of the State of  
Kansas, the City of Spring  
Hill, Kansas, does hereby re-  
peal Section Two of Charter  
Ordinance 17, which section  
requires that four of the five  
council members shall con-  
stitute a quorum to conduct  
business. Once this charter

ordinance becomes effec-  
tive, the City shall abide by  
the statutory requirements  
of K.S.A. 12-506 that three  
council members shall con-  
stitute a quorum to conduct  
business.

SECTION TWO: Publica-  
tion. This Ordinance shall  
be published once each week  
for two consecutive weeks in  
the official city newspaper.

SECTION THREE: Ef-  
fective Date. This Charter  
Ordinance shall become ef-  
fective sixty-one (61) days  
after final publication un-  
less a sufficient petition for  
referendum is held on this  
Ordinance as provided in  
Article 12, Section 5, Subdi-

vision (c)(3) of the Constitu-  
tion of Kansas, in which case  
the Ordinance shall become  
effective if approved by a  
majority of the electorate  
voting thereon.

PASSED AND AP-  
PROVED this 23rd day of  
October, 2008.

/s/Mark Squire  
Mark Squire, Mayor

ATTEST:

/s/Beverly A. Hayden  
Beverly A. Hayden, City  
Clerk

APPROVED AS TO  
FORM:

/s/Frank H. Jenkins, Jr.  
Frank H. Jenkins, Jr.,  
City Attorney

(2t)

ORDINANCE NO. #24

CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-16,128 RELATING TO MAYORAL APPOINTMENT PROCEDURES.

WHEREAS, the City of Spring Hill, Kansas, is authorized to exercise the powers, functions and duties of a city of the third 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. 12-16,128 pertaining to mayoral appointment procedures does not apply uniformly to all cities.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE. Exemption Election. The City of Spring Hill, Kansas, by the powers vested in it by Article 12, Section 5(c) 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. 12-16,128. K.S.A. 12-16,128 is not uniformly applicable to all cities in the state of Kansas.

SECTION TWO. The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

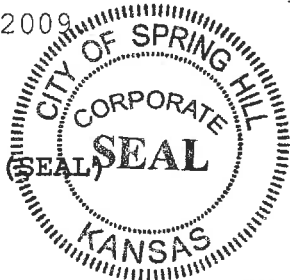
SECTION THREE. Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.


SECTION FOUR. Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance, as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

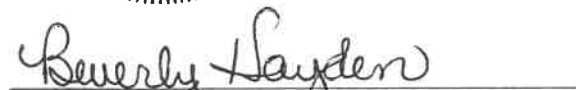
SECTION FIVE. Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas.

PASSED by the Governing Body of the city of Spring Hill, Kansas, by not less than two-thirds of the members-elect of the Governing Body voting in favor thereof, this 23<sup>rd</sup> day of April, 2009.

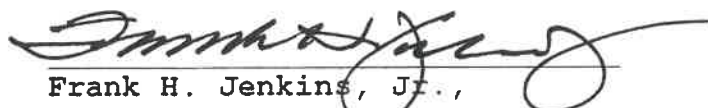
APPROVED by the Mayor this 23<sup>rd</sup> day of April, 2009.



  
Mark Squire, Mayor

  
Beverly Hayden, City Clerk

APPROVED AS TO FORM:

  
Frank H. Jenkins, Jr.,  
City Attorney



# THE MIAMI COUNTY REPUBLIC

## AFFIDAVIT of PUBLICATION

State of Kansas, Miami County, ss

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted to the post office of Paola in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for two consecutive publications, the first publication thereof being made as aforesaid on the 1st day of May, 2009, with subsequent publications being made on the following dates:

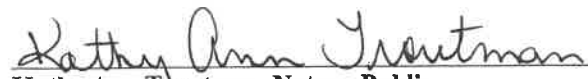
First publication: May 1, 2009

Second publication: May 6, 2009

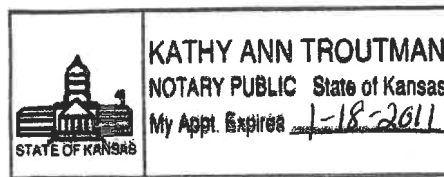
Publication fee: \$249.67

  
Mary Kruep, Office Assistant

Subscribed and sworn to before me this  
6th day of May, 2009.

  
Kathy Ann Troutman, Notary Public  
My commission expires:

*See  
attached*



## » SPRING HILL CHARTER ORDINANCE 24

(First Published in the  
Miami County Republic,  
May 1, 2009)

### CHARTER

#### ORDINANCE NO. 24

#### CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KAN- SAS, FROM ALL THE PROVISIONS OF K.S.A. 12-16,128 RELATING TO MAYORAL APPOINT- MENT PROCEDURES.

WHEREAS, the City of Spring Hill, Kansas, is authorized to exercise the powers, functions and duties of a city of the third 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. 12-16,128 pertaining to mayoral appointment procedures does not apply uniformly to all cities.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE. Exemption Election. The City of Spring Hill, Kansas, by the powers vested in it by Article 12, Section 5(c) 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. 12-16,128. K.S.A. 12-16,128 is not uniformly applicable to all cities in the state of Kansas.

SECTION TWO. The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby ex-

empts itself.

SECTION THREE. Publication. This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR. Effective Date. This Charter Ordinance shall become effective sixty-one (61) days after final publication unless a sufficient petition for referendum is held on this Ordinance, as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electorate voting thereon.

SECTION FIVE. Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas.

PASSED by the Governing Body of the City of Spring Hill, Kansas, by not less than two-thirds of the members-elect of the Governing Body voting in favor thereof, this 23rd day of April, 2009.

APPROVED by the Mayor, this 23rd day of April, 2009.

Mark Squire, Mayor

ATTEST: (Seal)

Beverly Hayden,  
City Clerk

APPROVED AS TO  
FORM:

Frank H. Jenkins, Jr.

Frank H. Jenkins, Jr.,

City Attorney (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 25**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-101 INCLUDING EXEMPTION FROM DIVIDING THE CITY INTO WARDS; PROVIDING SUBSTITUTE PROVISIONS RELATING TO CHANGE IN CLASSIFICATION OF CITY FROM CITY OF THIRD CLASS TO CITY OF SECOND CLASS; GOVERNOR'S PROCLAMATION; AND WHEN CHANGE EFFECTIVE.**

**WHEREAS**, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-101 relating to change in classification of city of third class to city of second class; governor's proclamation; when change effective; division of city into wards; registration of voters.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-101 relating to change in classification of city from city of third class to city of second class; governor's proclamation; when change effective; division of city into wards; and registration of voters.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**Section 2. Change in classification of city from city of third class to city of second class; governor's proclamation; and when change effective.**

- (a) All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population of

more than 2,000 and less than 15,000, shall be governed by the provisions of this act. Except as provided by this section, whenever the population of a city exceeds 2,000, the governing body of such city shall certify such fact to the governor. The governor shall declare, by public proclamation, such city subject to the provisions of this act. If the governing body of any city which has attained a population of more than 2,000 and less than 5,000 shall determine by resolution duly adopted that it would be more advantageous for such city to continue to operate as a city of the third class, such governing body shall not be required to so certify the population of such city to the governor and the laws relating to the cities of the third class shall continue to be applicable to such city. The governing body of such city, at the time of making the certification required by this section shall transmit to the governor an accurate description by metes and bounds of all the lands included within the limits of such city, and the additions thereof, if any.

- (b) The change in classification of any city under the provisions of this section shall take effect on the date the proclamation of the governor is issued unless a later date is specified therein, in which case the change and classification shall take place on such later date. The governing body of any such city, holding office at the time of the proclamation, shall continue to be the governing body of such city and the members of such board shall hold their respective offices pursuant to Section 3 of Charter Ordinance No. 2.
- (c) The governor or the governor's designee shall send a notice of the issuance of a proclamation by the governor pursuant to this section to the county clerk of the county in which such city is located. Such notice also shall include a statement that land within the corporate limits of such city is no longer located within the territory of any township. If such city is located in more than one county, such notice shall be sent to the county clerk of each county in which such city is located.

### **Section 3. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9<sup>th</sup> day of February, 2012.

**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.



**MARK SQUIRE, MAYOR**

**(SEAL)**

**ATTEST:**



**ANNA-MARIE KEENA, CITY CLERK**

**APPROVED AS TO FORM:**



**FRANK H. JENKINS, JR.,  
CITY ATTORNEY**



# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993600

P.O. :  
DESC. : Charter Ordinance 25

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 494  
TOTAL COST: \$548.68

(Signed) *Jane Hines*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER  
ORDINANCE NO. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-101 INCLUDING EXEMPTION FROM DIVIDING THE CITY INTO WARDS; PROVIDING SUBSTITUTE PROVISIONS RELATING TO CHANGE IN CLASSIFICATION OF CITY FROM CITY OF THIRD CLASS TO CITY OF SECOND CLASS; GOVERNOR'S PROCLAMATION; AND WHEN CHANGE EFFECTIVE.

WHEREAS, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-101 relating to change in classification of city of third class to city of second class; governor's proclamation; when change effective; division of city into wards; registration of voters.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-101 relating to change in classification of city from city of third class to city of second class; governor's proclamation; when change effective; division of city into wards; and registration of voters.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Change in classification of city from city of third class to city of second class; governor's proclamation; and when change effective.

(a) All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population of more than 2,000 and less than 15,000, shall be governed by the provisions of this act. Except as provided by this section, whenever the population of a city exceeds 2,000, the governing body of such city shall certify such fact to the governor. The governor shall declare, by public proclamation, such city subject to the provisions of this act. If the governing body of any city which has attained a population of more than 2,000 and

less than 5,000 shall determine by resolution duly adopted that it would be more advantageous for such city to continue to operate as a city of the third class, such governing body shall not be required to so certify the population of such city to the governor and the laws relating to the cities of the third class shall continue to be applicable to such city. The governing body of such city, at the time of making the certification required by this section shall transmit to the governor an accurate description by metes and bounds of all the lands included within the limits of such city, and the additions thereof, if any.

(b) The change in classification of any city under the provisions of this section shall take effect on the date the proclamation of the governor is issued unless a later date is specified therein, in which case the change and classification shall take place on such later date. The governing body of any such city, holding office at the time of the proclamation, shall continue to be the governing body of such city and the members of such board shall hold their respective offices pursuant to Section 3 of Charter Ordinance No. 2.

(c) The governor or the governor's designee shall send a notice of the issuance of a proclamation by the governor pursuant to this section to the county clerk of the county in which such city is located. Such notice also shall include a statement that land within the corporate limits of such city is no longer located within the territory of any township. If such city is located in more than one county, such notice shall be sent to the county clerk of each county in which such city is located.

Section 3. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each

week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR

ATTEST: (SEAL)

ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM:

FRANK H. JENKINS, JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 26**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-103 AND 14-207 RELATING TO DIVISION OF CITY INTO WARDS; ESTABLISHMENT OF PRECINCTS; ELECTION OF CITY COUNCIL AND MAYOR; TERMS OF OFFICE AND VACANCIES; AND REPEALING CHARTER ORDINANCE NUMBER 20.**

**WHEREAS**, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from certain state statutes generally applicable to cities of the second class; and

**WHEREAS**, the City of Spring Hill, Kansas, has previously enacted Charter Ordinance No. 20 to exempt itself from certain state statutes generally applicable to cities of the third class concerning the election and tenure of city officials.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-103 and 14-207 requiring the creation of wards, election of terms of council members, and precincts.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**Section 2. Election of City Council and Mayor, Terms of Office and Vacancies.**

Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. The mayor position shall be filled by election

on the first Tuesday in April of 2013. Two council member positions shall be filled by election on the first Tuesday in April of 2013. The remaining three council member positions shall be filled by election on the first Tuesday in April of 2015.

**Section 3. Existing Mayor and City Council Positions.**

The members of the Governing Body holding office at the time of the Governor's proclamation shall hold office for their existing terms and until their successors have been elected and qualified as provided for in Section 2 of this Charter Ordinance.

**Section 4. Vacancies.**

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.
2. Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office.
3. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

**Section 5. Vacancy in City Council Due to Active Military Service.**

If a resignation of a council member is due to active military duty, the Mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy ("successor councilmember") until the first to occur of the following two events:

1. Until the next election of that office, or
2. Until the effective date of the return of the councilmember from the active military duty ("returning councilmember"). The effective date of the return of the councilmember shall be the date of filing of a written notice with the City Clerk signed and acknowledged by the returning councilmember, that he or she has returned from active military duty.

Effective upon the filing of the aforesaid written notice with the City Clerk, by

operation of law, the following shall deem to have occurred:

1. The successor councilmember's term of office shall terminate.
2. The returning councilmember shall be deemed to have been reappointed to the office he or she held prior to his or her resignation for the remaining unexpired term office vacated by the returning councilmember at the time of his or her original resignation.

The City Clerk shall issue a certificate that the aforesaid written notice has been filed with the City Clerk and the City Clerk shall deliver a copy of the certificate to the Governing Body.

The returning council member shall be required to be a qualified elector and be required to take the oath of office, provide the required bond, and otherwise meet all other qualifications to hold such office.

**Section 6. Repeal.**

Charter Ordinance Number 20 of the City of Spring Hill, Kansas, is hereby repealed.


**Section 7. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of February, 2012.


**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.


  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**



(SEAL)

ATTEST:

  
ANNA-MARIE KEENA, CITY CLERK



APPROVED AS TO FORM

  
FRANK H. JENKINS JR.,  
CITY ATTORNEY

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993598

P.O. :

DESC. : Charter Ordinance 26

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 603  
TOTAL COST: \$674.80

(Signed) *Jane Atkins*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER  
ORDINANCE NO. 26

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-103 AND 14-207 RELATING TO DIVISION OF CITY INTO WARDS; ESTABLISHMENT OF PRECINCTS; ELECTION OF CITY COUNCIL AND MAYOR; TERMS OF OFFICE AND VACANCIES; AND REPEALING CHARTER ORDINANCE NUMBER 20.

WHEREAS, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from certain state statutes generally applicable to cities of the second class; and

WHEREAS, the City of Spring Hill, Kansas, has previously enacted Charter Ordinance No. 20 to exempt itself from certain state statutes generally applicable to cities of the third class concerning the election and tenure of city officials.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill,

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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-103 and 14-207 requiring the creation of wards, election of terms of council members, and precincts.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Election of City Council and Mayor, Terms of Office and Vacancies.

Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. The mayor position shall be filled by election on the first Tuesday in April of 2013. Two council member positions shall be filled by election on the first Tuesday in April of 2013. The remaining three council member positions shall be filled by election on the first Tuesday in April of 2015.

Section 3. Existing Mayor and City Council Positions.

The members of the Governing Body holding office at the time of the Governor's proclamation shall hold

office for their existing terms and until their successors have been elected and qualified as provided for in Section 2 of this Charter Ordinance.

#### Section 4. Vacancies.

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

2. Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office.

3. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

Section 5. Vacancy in City Council Due to Active Military Service.

If a resignation of a council member is due to active military duty, the Mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy ("successor councilmember") until the first to occur of the following two events:

1. Until the next election of that office, or

2. Until the effective date of the return of the councilmember from the active military duty ("returning councilmember"). The effective date of the return of the councilmember shall be the date of filing of a written

notice with the City Clerk signed and acknowledged by the returning councilmember, that he or she has returned from active military duty.

Effective upon the filing of the aforesaid written notice with the City Clerk, by operation of law, the following shall deem to have occurred:

1. The successor councilmember's term of office shall terminate.

2. The returning councilmember shall be deemed to have been reappointed to the office he or she held prior to his or her resignation for the remaining unexpired term office vacated by the returning councilmember at the time of his or her original resignation.

The City Clerk shall issue a certificate that the aforesaid written notice has been filed with the City Clerk and the City Clerk shall deliver a copy of the certificate to the Governing Body.

The returning council member shall be required to be a qualified elector and be required to take the oath of office, provide the required bond, and otherwise meet all other qualifications to hold such office.

#### Section 6. Repeal.

Charter Ordinance Number 20 of the City of Spring Hill, Kansas, is hereby repealed.

Section 7. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a

majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR

ATTEST: (SEAL)

ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM

FRANK H. JENKINS JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 27**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM CERTAIN TERMS AND  
PROVISIONS OF K.S.A. 14-201; PROVIDING SUBSTITUTE  
PROVISIONS RELATING TO THE APPOINTMENT OF CITY  
OFFICERS AND EMPLOYEES; AND DUTIES,  
COMPENSATION AND REMOVAL.**

**WHEREAS**, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-201 requiring the position of city treasurer be elected in certain cities of the second class; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-201 relating to the appointment of officers.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-201 requiring the annual appointment of certain city officers.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**Section 2. Officers, Employees, Appointment, Duties, Compensation,  
Removal.**

The mayor, with the consent of the council, may appoint at the first regular meeting of the governing body in May of each year, the following city officers, to-wit: A city administrator, municipal judge of the municipal court, a city clerk, a city treasurer, a city marshal-chief of police, policemen, director of public works, and such other officers as

deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties and pay of the various officers provided for in this section shall be regulated by resolution. Any officer or employee may be removed by a majority vote of the total membership of the council and may be suspended at any time by the mayor.

**Section 3. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of February, 2012.

**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

(SEAL)

**ATTEST:**

  
\_\_\_\_\_  
**ANNA-MARIE KEENA, CITY CLERK**



**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**FRANK H. JENKINS JR.,  
CITY ATTORNEY**



# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993602

P.O. :

DESC. : Charter Ordinance 27

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 340  
TOTAL COST: \$382.66

(Signed) *James Hines*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER

## ORDINANCE NO. 27

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-201; PROVIDING SUBSTITUTE PROVISIONS RELATING TO THE APPOINTMENT OF CITY OFFICERS AND EMPLOYEES; AND DUTIES, COMPENSATION AND REMOVAL.

WHEREAS, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-201 requiring the position of city treasurer be elected in certain cities of the second class; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-201 relating to the appointment of officers.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-201 requiring the annual appointment of certain city officers.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Officers, Employees, Appointment, Duties, Compensation, Removal.

The mayor, with the consent of the council, may appoint at the first regular meeting of the governing body in May of each year, the following city officers, to-wit: A city administrator, municipal judge of the municipal court, a city clerk, a city treasurer, a city marshal, chief of police, policemen, director of public works, and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties and pay of the various officers provided for in this section shall be regulated by resolution. Any officer or employee may be removed by a majority vote of the total membership of the council and may be suspended at any time by the mayor.

Section 3. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR

ATTEST: (SEAL)

ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM

FRANK H. JENKINS JR.,  
CITY ATTORNEY (2t)

# **THE CITY OF SPRING HILL, KANSAS**

## **CHARTER ORDINANCE NO. 28**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-204 RELATING TO PRESIDENT OF CITY COUNCIL; AND PROVIDING SUBSTITUTE PROVISIONS ON THE SUBJECT RELATING TO THE PRESIDENT OF THE CITY COUNCIL.**

**WHEREAS**, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from certain state statutes generally applicable to cities of the second class.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

### **Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-204 relating to ward requirements; and qualifications of city council members and president of city council.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

### **Section 2. President of Council: Election: Duties.**

The city council shall, at its regular meeting following any city election, elect one of its members as "President of the Council." When any vacancy shall happen in the office of mayor, the president of the council for the time being shall exercise the office of mayor, and all the rights, privileges and jurisdiction of the mayor, other than the appointment of officers or employees, until such vacancy be filled at the next city election or until such disability be removed, or in the case of temporary absence, until the mayor shall return.

**Section 3. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of February, 2012.

**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

(SEAL)

ATTEST:

  
\_\_\_\_\_  
**ANNA-MARIE KEENA, CITY CLERK**



APPROVED AS TO FORM

  
\_\_\_\_\_  
**FRANK H. JENKINS JR.,  
CITY ATTORNEY**

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993603

P.O. :  
DESC. :Charer Ordinance 28

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 304  
TOTAL COST: \$342.28

(Signed) *Jane Hines*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER  
ORDINANCE NO. 28

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-204 RELATING TO PRESIDENT OF CITY COUNCIL; AND PROVIDING SUBSTITUTE PROVISIONS ON THE SUBJECT RELATING TO THE PRESIDENT OF THE CITY COUNCIL.

WHEREAS, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from certain state statutes generally applicable to cities of the second class.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-204 relating to ward requirements; and qualifications of city council members and president of city council.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. President of Council: Election; Duties.

The city council shall, at its regular meeting following any city election, elect one of its members as "President of the Council." When any vacancy shall happen in the office of mayor, the president of the council for the time being shall exercise the office of mayor, and all the rights, privileges and jurisdiction of the mayor, other than the appointment of officers or employees, until such vacancy be filled at the next city election or until such disability be removed, or in the case of temporary absence, until the mayor shall return.

Section 3. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter



Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR

ATTEST: (SEAL)

ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM

FRANK H. JENKINS JR.,

CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 29**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-205, AND PROVIDING SUBSTITUTE PROVISIONS RELATING TO THE QUALIFICATIONS OF OFFICERS AND EMPLOYEES OF THE CITY; AND FURTHER REPEALING CHARTER ORDINANCE NUMBER 12 AND CHARTER ORDINANCE NO. 5.**

**WHEREAS**, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-205 relating to the qualifications of appointed officers and employees.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-205 requiring the position of city treasurer be elected and requiring annual appointment of certain city officers.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**Section 2. Qualifications – Officers and employees.**

- A. The officers and/or employees appointed by the mayor with the consent of the city council shall be a resident of the State of Kansas.
- B. In addition to the requirement set forth in Section 2.A., the following officers shall have the following additional residency requirements:

1. City Administrator and Chief of Police shall be residents of the City.
2. All other Department Heads and Law Enforcement Personnel.

All other department heads and law enforcement personnel of the City, including but not limited to the Director of Public Works, Finance Director, Planning and Zoning Director and the City Clerk, shall be required to live within a thirty (30) minute drive of their Department's Headquarters.

3. The City Attorney shall be a qualified elector of either Miami County or Johnson County, or an adjoining county of Miami or Johnson County.
- C. The removal from the residency requirement to be maintained by the officer and/or employee, pursuant to Section 2.A. and Section 2.B., shall occasion a vacancy in such office and the officer and/or employee shall be terminated.

**Section 3. Repeal.**

Charter Ordinance Number 5 and Charter Ordinance Number 12 are hereby repealed.

**Section 4. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of February, 2012.


**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.




\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

(SEAL)

ATTEST:

  
ANNA-MARIE KEENA, CITY CLERK



APPROVED AS TO FORM

  
FRANK H. JENKINS JR.,  
CITY ATTORNEY

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993605

P.O. :

DESC. : Charter Ordinance 29

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 381  
TOTAL COST: \$427.78

(Signed) *Jane Hine*

Subscribed and sworn before me this  
22 day of Feb 20 12

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER  
ORDINANCE NO. 29

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM CERTAIN TERMS AND PROVISIONS OF K.S.A. 14-205, AND PROVIDING SUBSTITUTE PROVISIONS RELATING TO THE QUALIFICATIONS OF OFFICERS AND EMPLOYEES OF THE CITY; AND FURTHER REPEALING CHARTER ORDINANCE NUMBER 12 AND CHARTER ORDINANCE NO. 5.

WHEREAS, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-205 relating to the qualifications of appointed officers and employees.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-205 requiring the

position of city treasurer be elected and requiring annual appointment of certain city officers.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Qualifications - Officers and employees.

A. The officers and/or employees appointed by the mayor with the consent of the city council shall be a resident of the State of Kansas.

B. In addition to the requirement set forth in Section 2.A., the following officers shall have the following additional residency requirements:

1. City Administrator and Chief of Police shall be residents of the City.

2. All other Department Heads and Law Enforcement Personnel.

All other department heads and law enforcement personnel of the City, including but not limited to the Director of Public Works, Finance Director, Planning and Zoning Director and the City Clerk, shall be required to live within a thirty (30) minute drive of their Department's Headquarters.

3. The City Attorney shall be a qualified elector of either Miami County or Johnson County, or an adjoining county of Miami or Johnson County.



C. The removal from the residency requirement to be maintained by the officer and/or employee, pursuant to Section 2.A. and Section 2.B., shall occasion a vacancy in such office and the officer and/or employee shall be terminated.

Section 3. Repeal.

Charter Ordinance Number 5 and Charter Ordinance Number 12 are hereby repealed.

Section 4. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR  
ATTEST: (SEAL)  
ANNA-MARIE KEENA,  
CITY CLERK  
APPROVED AS TO FORM  
FRANK H. JENKINS JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 30**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM K.S.A. 14-308 RELATING  
TO THE VACANCY IN OFFICE OF THE MAYOR OR CITY  
COUNCIL MEMBERS.**

**WHEREAS**, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-308 relating to the vacancy in office of the mayor or council members.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provision of K.S.A. 14-308 relating to the vacancy in the office of the mayor or council members.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.

**Section 2. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of February, 2012.


**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

(SEAL)

**ATTEST:**

  
\_\_\_\_\_  
**ANNA-MARE KEENA, CITY CLERK**



**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**FRANK H. JENKINS JR.,  
CITY ATTORNEY**

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993606

P.O. :  
DESC. : Charter Ordinance 30

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 229  
TOTAL COST: \$261.52

(Signed) *Jane Hines*

Subscribed and sworn before me this  
22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER  
ORDINANCE NO. 30

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 14-308 RELATING TO THE VACANCY IN OFFICE OF THE MAYOR OR CITY COUNCIL MEMBERS.

WHEREAS, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-308 relating to the vacancy in office of the mayor or council members.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provision of K.S.A. 14-308 relating to the vacancy in the office of the mayor or council members.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.

Section 2. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR  
ATTEST: (SEAL)  
ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM  
FRANK H. JENKINS JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 31**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM K.S.A. 14-423 and 14-423A  
RELATING TO THE VACATING OF STREETS AND ALLEYS.**

**WHEREAS**, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-423 and 14-423a relating to vacating of streets and alleys.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-423 and 14-423a relating to the vacancy in office of the Mayor or Council Members.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**Section 2. Street and alley improvements; vacation; reversion; recordation of ordinance.** The City Council shall have power to open, widen, extend or otherwise improve any street, avenue, alley, or lane; to create, open and improve any new street, avenue, alley, or lane; and also to annul, vacate or discontinue the same, whenever deemed necessary or expedient; *Provided*, That all damages sustained by the citizen of the city, or the owners of the property therein, shall be ascertained in the manner provided by law; *And provided further*, That whenever any street, avenue, alley, or lane shall be vacated, the same shall revert to the owners of real estate thereto adjacent on each side, in proportion to the frontage of such real estate, except in case where such street, avenue, alley or lane shall have been taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots or real estate in proportion as it was taken from them.



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

**Section 3. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9<sup>th</sup> day of February, 2012.



**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.



\_\_\_\_\_  
**MARK SQUIRE, MAYOR**


(SEAL)

**ATTEST:**

\_\_\_\_\_  
**ANNA-MARIE KEENA, CITY CLERK**

APPROVED AS TO FORM:

  
FRANK H. JENKINS, JR.,  
CITY ATTORNEY

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993607

P.O. :

DESC. :Charter Ordinance 31

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12  
Appearances: 2  
AD SPACE: 374  
TOTAL COST: \$420.66

(Signed) *Jane Hines*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)  
THE CITY OF SPRING  
HILL, KANSAS  
CHARTER

## ORDINANCE NO. 31

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 14-423 and 14-423A RELATING TO THE VACATING OF STREETS AND ALLEYS.

WHEREAS, the City of Spring Hill, Kansas has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-423 and 14-423a relating to vacating of streets and alleys.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-423 and 14-423a relating to the vacancy in office of the Mayor or Council Members.

In exempting itself, the City of Spring Hill, Kansas, finds that such provisions are applicable to cities of the second class, but not uni-

formly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Street and alley improvements; vacation; reversion; recordation of ordinance. The City Council shall have power to open, widen, extend or otherwise improve any street, avenue, alley, or lane; to create, open and improve any new street, avenue, alley, or lane; and also to annul, vacate or discontinue the same, whenever deemed necessary or expedient; Provided, That all damages sustained by the citizen of the city, or the owners of the property therein, shall be ascertained in the manner provided by law; And provided further, That whenever any street, avenue, alley, or lane shall be vacated, the same shall revert to the owners of real estate thereto adjacent on each side, in proportion to the frontage of such real estate, except in case where such street, avenue, alley or lane shall have been taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots or real estate in proportion as it was taken from them.

Immediately after an ordinance opening, widening, extending or vacating any street, avenue, alley or lane shall become effective, the clerk of the city shall file a copy thereof which has been certified by him or her as a true and correct copy of the

register of deed and the county clerk shall enter the same in the transfer records of his or her office and the register of deed shall record the same in the deed records of the county and no fee shall be charged by the county clerk or register of deed for such entering or recording.

Section 3. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR  
ATTEST: (SEAL)  
ANNA-MARIE KEENA,  
CITY CLERK  
APPROVED AS TO FORM:  
FRANK H. JENKINS, JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 32**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM K.S.A. 14-440 RELATING  
TO CONTRACT ESTIMATES FOR IMPROVEMENT  
PROJECTS.**

**WHEREAS**, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-440 relating to contract estimates for improvement projects.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provision of K.S.A. 14-440 relating to contract estimates for improvement projects.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.

**Section 2. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.


This Charter Ordinance upon becoming effect shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected



voting in favor thereof this 9<sup>th</sup> day of February, 2012.

**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

**(SEAL)**

**ATTEST:**

  
\_\_\_\_\_  
**ANNA-MARIE KEENA, CITY CLERK**



**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**FRANK H. JENKINS JR.,  
CITY ATTORNEY**

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993608

P.O. :

DESC. : Charter Ordinance 32

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12

Appearances: 2

AD SPACE: 227

TOTAL COST: \$256.78

(Signed) *Jane Harris*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)

THE CITY OF SPRING  
HILL, KANSAS

## CHARTER

### ORDINANCE NO. 32

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 14-440 RELATING TO CONTRACT ESTIMATES FOR IMPROVEMENT PROJECTS.

WHEREAS, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-440 relating to contract estimates for improvement projects.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provision of K.S.A. 14-440 relating to contract estimates for improvement projects.

In exempting itself, the City of Spring Hill, Kansas, finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.

Section 2. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effect shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR  
ATTEST: (SEAL)  
ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM  
FRANK H. JENKINS JR.,  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 33**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM K.S.A. 14-1101 ET SEQ.;  
MISCELLANEOUS, RELATING TO THE ACQUISITION AND  
REGULATION OF CEMETERIES.**

**WHEREAS**, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9<sup>th</sup> day of February, 2012; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-1101 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-1101 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries.

In exempting itself, the City of Spring Hill, Kansas finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.

**Section 2. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9<sup>th</sup> day of February, 2012.

**APPROVED** by the Mayor this 9<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
**MARK SQUIRE, MAYOR**

(SEAL)

**ATTEST:**

  
\_\_\_\_\_  
**ANNA-MARIE KEENA, CITY CLERK**



**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**FRANK H. JENKINS, JR.,  
CITY ATTORNEY**

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 5993597

P.O. :

DESC. : Charter Ordinance 25

ANNA-MARIE KEENA  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 02/15/12 to 02/22/12

Appearances: 2

AD SPACE: 233

TOTAL COST: \$263.90

(Signed) *Janetha*

Subscribed and sworn before me this

22 day of Feb 2012

*Mary K Callaway* Notary Public

MARY K. CALLAWAY

Notary Public - State of Kansas

My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
February 15, 2012)

THE CITY OF SPRING  
HILL, KANSAS  
CHARTER

ORDINANCE NO. 33

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 14-1101 ET SEQ.; MISCELLANEOUS, RELATING TO THE ACQUISITION AND REGULATION OF CEMETERIES.

WHEREAS, the City of Spring Hill, Kansas, has been designated as a city of the second class effective on the 9th day of February, 2012; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to exempt itself from the provisions of K.S.A. 14-1101 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-1101 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries. In exempting itself, the City of Spring Hill, Kansas finds that such provision is applicable to

cities of the second class, but not uniformly applicable to all cities.

Section 2. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified a certified copy shall be filed with the secretary of state.

PASSED by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 9th day of February, 2012.

APPROVED by the Mayor this 9th day of February, 2012.

MARK SQUIRE, MAYOR  
ATTEST: (SEAL)  
ANNA-MARIE KEENA,  
CITY CLERK

APPROVED AS TO FORM:  
FRANK H. JENKINS, JR.,  
CITY ATTORNEY (2t)



## **CHARTER ORDINANCE NO. 34**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1608 RELATING TO THE FILING OF QUARTERLY REPORTS BY THE CITY TREASURER AND ADOPTING SUBSTITUTE PROVISIONS THAT REQUIRE THE FILING OF AN ANNUAL REPORT BY THE CITY TREASURER IN LIEU OF QUARTERLY REPORTS.**

**WHEREAS**, the City of Spring Hill, Kansas, a city of the second class, deems it advisable to exempt itself from the provisions of K.S.A. 12-1608 relating to the filing of quarterly reports by the City Treasurer.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.** The City of Spring Hill, Kansas (the "City"), by virtue of 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 exempts itself from the provisions of K.S.A. 12-1608. Such referenced provisions are either enactments or parts thereof which are applicable to this city and not applicable uniformly to all cities, and the City provides further substitute and additional provisions as set forth herein.

**Section 2. Annual Report to be filed by City Treasurer.** The City Treasurer shall file an annual statement showing the total amount received into each fund and the total amount expended from each fund and the cash balances of each fund at the beginning and close of each year. Such annual statement shall show the amount of outstanding registered warrants, temporary notes, bonds and all other obligations and liabilities of the city. The annual statement shall be published within 30 days after December 31, of each year in the official city newspaper.

**Section 3. Effective Date; Recording with the Secretary of State.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the

same.

**PASSED BY THE GOVERNING BODY** by not less than two-thirds of the members-elect voting in favor thereof this 27<sup>th</sup> day of June, 2013.

**APPROVED BY THE MAYOR** this 27<sup>th</sup> day of June, 2013.

  
STEVEN M. ELLIS, MAYOR

SEAL

ATTEST:

  
\_\_\_\_\_  
GLENDA GERRITY, CITY CLERK



APPROVED AS TO FORM:

  
\_\_\_\_\_  
FRANK H. JENKINS, JR.,  
CITY ATTORNEY

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 6138706

P.O. :

DESC. : Charter Ordinance 34

GLEND A GERRITY  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 07/03/13 to 07/10/13  
Appearances: 2  
AD SPACE: 291  
TOTAL COST: \$334.48

(Signed) Jane Harris

Subscribed and sworn before me this  
10 day of July 2013

Mary K Callaway Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
July 3, 2013)

## CHARTER

### ORDINANCE NO. 34

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1608 RELATING TO THE FILING OF QUARTERLY REPORTS BY THE CITY TREASURER AND ADOPTING SUBSTITUTE PROVISIONS THAT REQUIRE THE FILING OF AN ANNUAL REPORT BY THE CITY TREASURER IN LIEU OF QUARTERLY REPORTS.

WHEREAS, the City of Spring Hill, Kansas, a city of the second class, deems it advisable to exempt itself from the provisions of K.S.A. 12-1608 relating to the filing of quarterly reports by the City Treasurer.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption. The City of Spring Hill, Kansas (the "City"), by virtue of 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 exempts itself from the provisions of K.S.A. 12-1608. Such referenced provisions are either enactments or parts thereof which are applicable to

this city and not applicable uniformly to all cities, and the City provides further substitute and additional provisions as set forth herein.

Section 2. Annual Report to be filed by City Treasurer. The City Treasurer shall file an annual statement showing the total amount received into each fund and the total amount expended from each fund and the cash balances of each fund at the beginning and close of each year. Such annual statement shall show the amount of outstanding registered warrants, temporary notes, bonds and all other obligations and liabilities of the city. The annual statement shall be published within 30 days after December 31, of each year in the official city newspaper.

Section 3. Effective Date; Recording with the Secretary of State. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon ap-

proval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

PASSED BY THE GOVERNING BODY by not less than two-thirds of the members-elect voting in favor thereof this 27th day of June, 2013.

APPROVED BY THE MAYOR this 27th day of June, 2013.

/s/ Steven M. Ellis  
STEVEN M. ELLIS,  
MAYOR

ATTEST: (Seal)  
/s/ Glenda Gerrity  
GLENDA GERRITY,  
CITY CLERK  
APPROVED AS TO  
FORM:

/s/ Frank H. Jenkins, Jr.  
FRANK H. JENKINS, JR.  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 35**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF  
SPRING HILL, KANSAS, FROM K.S.A. 14-201 RELATING  
TO ELECTIVE AND APPOINTIVE OFFICERS AND  
EMPLOYEES, TERMS AND COMPENSATION; FURTHER  
REPEALING CHARTER ORDINANCE NO. 27.**

**WHEREAS**, the City of Spring Hill, Kansas, is a city of the second class; and

**WHEREAS**, the City of Spring Hill adopted Charter Ordinance No. 27 which exempted itself from the provisions of K.S.A. 14-201 relating to elective and appointive officers and employees, terms and compensation and further adopted substitute and additional provisions relating to the same subject; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to continue to exempt itself from the provisions of K.S.A. 14-201, but it is advisable to repeal Charter Ordinance No. 27 for the purpose of repealing the substitute and additional provisions that were set forth in Section Two of Charter Ordinance No. 27.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-201 relating to elective and appointive officers and employees, terms and compensation.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities.

**Section 2. Repeal.** Charter Ordinance No. 27 is hereby repealed.

**Section 3. Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.



This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

**Passed** by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 25<sup>th</sup> day of July, 2013.

**Approved** by the Mayor this 25<sup>th</sup> day of July, 2013.

  
STEVEN M. ELLIS, MAYOR

SEAL

ATTEST:

  
GLEND A GERRITY  
CITY CLERK

APPROVED AS TO FORM:

  
FRANK H. JENKINS JR.  
CITY ATTORNEY

# AFFIDAVIT OF PUBLICATION

Miami County Newspapers, 121 S Pearl St, Paola, KS 66071

Reference: 182892  
Ad ID: 6146119

P.O. :

DESC : Charter Ordinance 35

GLEND A GERRITY  
CITY OF SPRING HILL - LEGALS  
PO BOX 424  
SPRING HILL, KS 66083

Miami County Republic

State of Kansas, Miami County, ss:

The undersigned, being first duly sworn under oath deposes and states: That he/she is affiliated with the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 07/31/13 to 08/07/13  
Appearances: 2  
AD SPACE: 293  
TOTAL COST: \$336.90

(Signed) *Jane Kerr*

Subscribed and sworn before me this  
7 day of August 2013

*Mary K Callaway* Notary Public

MARY K. CALLAWAY  
Notary Public - State of Kansas  
My Appt. Expires 5-25-14

My Commission Expires: 5-25-14

(First Published in the  
Miami County Republic,  
July 31, 2013)  
THE CITY OF  
SPRING HILL,  
KANSAS  
CHARTER

ORDINANCE NO. 35  
A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 14-201 RELATING TO ELECTIVE AND APPOINTIVE OFFICERS AND EMPLOYEES, TERMS AND COMPENSATION; FURTHER REPEALING CHARTER ORDINANCE NO. 27.

WHEREAS, the City of Spring Hill, Kansas, is a city of the second class; and

WHEREAS, the City of Spring Hill adopted Charter Ordinance No. 27 which exempted itself from the provisions of K.S.A. 14-201 relating to elective and appointive officers and employees, terms and compensation and further adopted substitute and additional provisions relating to the same subject; and

WHEREAS, the City of Spring Hill, Kansas, deems it advisable to continue to exempt itself from the provisions of K.S.A. 14-201, but it is advisable to repeal Charter Ordinance No. 27 for the purpose of repealing the substitute and additional provisions that were set forth in Section Two of Charter Ordinance No. 27.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

Section 1. Exemption.

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-201 relating to elective and appointive officers and employees, terms and compensation.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities.

Section 2. Repeal. Charter Ordinance No. 27 is hereby repealed.

Section 3. Effective Date; Recording with the Secretary of State.

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective

tive upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

Passed by the Governing Body by not less than two-thirds of the members-elect voting in favor thereof this 25th day of July, 2013.

Approved by the Mayor this 25th day of July, 2013.

x/s/ Steven M. Ellis  
STEVEN M. ELLIS,  
MAYOR

ATTEST:

/s/ Glenda Gerrity  
GLENDA GERRITY,  
CITY CLERK

APPROVED AS TO  
FORM:

/s/ Frank H. Jenkins, Jr.  
FRANK H. JENKINS, JR.  
CITY ATTORNEY (2t)

**THE CITY OF SPRING HILL, KANSAS**

**CHARTER ORDINANCE NO. 36**

**A CHARTER ORDINANCE RELATING TO THE ELECTIONS FOR THE OFFICES OF MAYOR, COUNCIL MEMBER, AND COUNCIL PRESIDENT; EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 12-104a; AMENDING SECTIONS 2, 3 AND 4 OF CHARTER ORDINANCE NO. 26 AND REPEALING EXISTING SECTION 5 OF CHARTER ORDINANCE NO. 26.**

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

**SECTION ONE.** Charter Ordinance No. 26, exempting the City from the provisions of K.S.A. 14-103 and K.S.A. 14-207, is hereby affirmed, which provides the Mayor and five Council Members shall constitute the Governing Body of the City and shall be elected for four-year terms or until their successors are qualified.

**SECTION TWO.** Section 2 of Charter Ordinance No. 26 is hereby amended to read as follows:

**“Section 2. Election of City Council and Mayor, Terms of Office and Nonpartisan Elections.**

- A. Nonpartisan Elections. City elections shall be nonpartisan. Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of Article 21 of Chapter 25 of the Kansas Statutes Annotated.
- B. Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. The term of the mayor and those council members whose terms were to expire in April 2017 shall expire on the second Monday in January of 2018, when the succeeding mayor and council members elected in the November 2017 general election take office. Those council members whose terms were to expire in April 2019 shall expire on the second Monday in January 2020, when the succeeding council members elected in the November 2019 general election take office. The November general election shall take office the second Monday in January of the following year and after certification of the election.”

**SECTION THREE.** Section 3 of Charter Ordinance No. 26 is hereby amended to read as follows:

“**Section 3. Existing Mayor and City Council Positions.** The incumbent members of the governing body shall continue in office for the duration of their terms as heretofore established.”

**SECTION FOUR.** The City of Spring Hill, 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. 12-104a relating to failure in filling vacancies in office. Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not applicable uniformly to all cities.

**SECTION FIVE.** Section 4 of Charter Ordinance No. 26, which reads as follows, is hereby reaffirmed:

“**Section 4. Vacancies.**

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.
2. Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some qualified elector to fill the vacancy until the next election for that office.
3. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.”

**SECTION SIX.** Existing Section 5 of Charter Ordinance No. 26 is hereby repealed.

**SECTION SEVEN. President of City Council.** Charter Ordinance No. 28, exempting the City from the provision of K.S.A. 14-204 is hereby affirmed, which provides that the City Council shall, at its regular meeting following any City election, elect one of its members as “President of the Council.” When any vacancy shall happen in the office of Mayor, the President of the Council for the time being shall exercise the office of Mayor, and all the rights, privileges and jurisdiction of the Mayor, other than the appointment of officers or employees, until such vacancy be filled at the next



City election or until such disability be removed, or in the case of temporary absence, until the Mayor shall return.

**SECTION EIGHT.** Any person desiring to become a candidate for City office shall file with the Johnson County Election officer, before the filing deadline established in K.S.A. 25-205, and amendments thereto, a declaration of candidacy on a form furnished by the Johnson County Election Officer as specified by the Secretary of State. The nomination petition must be signed by 100 qualified electors of the City of Spring Hill or a number of qualified electors of the City equal to 1% of the ballots cast at the last general City election, whichever is less.

**SECTION NINE.** It is hereby declared to be the intention of the Governing Body that the sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraphs, subsection or section of this charter ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this charter ordinance, since the same would have been enacted by the Governing Body without the incorporation into this charter ordinance of any unconstitutional or otherwise invalid phrase, clause, sentence, paragraph, subsection or section.

**SECTION TEN. Effective Date.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance, upon becoming effective, shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 13<sup>th</sup> day of October, 2016.

Attest:

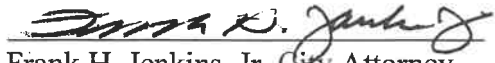
  
Glenda Gerrity, City Clerk

(SEAL)



  
Steven M. Ellis, Mayor

Approved as to form:

  
Frank H. Jenkins, Jr. City Attorney

# **AFFIDAVIT OF PUBLICATION**

**NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502**

**Reference: 182892**  
**Ad ID: 6430558**

**P.O. : DESC. : Charter Ordinance No. 36. Elections**


**GLEND A GERRITY**  
**CITY OF SPRING HILL**  
**PO BOX 424**  
**SPRING HILL, KS 66083**

Miami County Republic


State of Kansas, Miami County, ss:

I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication. Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter. That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 10/19/16 to 10/26/16  
Appearances: 2  
AD SPACE: 441  
TOTAL COST: \$486.32

(Signed) 

Subscribed and sworn before me this  
20th day of October 20 16

 Notary Public

HEATHER STURTZ  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Buchanan County  
My Commission Expires: July 25, 2020  
Commission Number: 06831729

## THE CITY OF SPRING HILL, KANSAS CHARTER ORDINANCE NO. 36

**A CHARTER ORDINANCE RELATING TO THE ELECTIONS FOR THE OFFICES OF MAYOR, COUNCIL MEMBER, AND COUNCIL PRESIDENT; EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM K.S.A. 12-104a; AMENDING SECTIONS 2, 3 AND 4 OF CHARTER ORDINANCE NO. 26 AND REPEALING EXISTING SECTION 5 OF CHARTER ORDINANCE NO. 26.**

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

**SECTION ONE.** Charter Ordinance No. 26, exempting the City from the provisions of K.S.A. 14-103 and K.S.A. 14-207, is hereby affirmed, which provides the Mayor and five Council Members shall constitute the Governing Body of the City and shall be elected for four-year terms or until their successors are qualified.

**SECTION TWO.** Section 2 of Charter Ordinance No. 26 is hereby amended to read as follows:

**"Section 2. Election of City Council and Mayor, Terms of Office and Nonpartisan Elections.**

**A. Nonpartisan Elections.** City elections shall be nonpartisan. Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of Article 21 of Chapter 25 of the Kansas Statutes Annotated.

**B. Election of City Council and Mayor, Terms of Office.** The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. The term of the mayor and those council members whose terms were to expire in April 2017 shall expire on the second Monday in January of 2018, when the succeeding mayor and council members elected in the November 2017 general election take office. Those council members whose terms were to expire in April 2019 shall expire on the second Monday in January 2020, when the succeeding council members elected in the November 2019 general election take office. The November general election shall take office the second Monday in January of the following year and after certification of the election."

**SECTION THREE.** Section 3 of Charter Ordinance No. 26 is hereby amended to read as follows:

**"Section 3. Existing Mayor and City Council Positions.** The incumbent members of the governing body shall continue in office for the duration of their terms as heretofore established."

**SECTION FOUR.** The City of Spring Hill, 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. 12-104a relating to failure in filling vacancies in office. Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not applicable uniformly to all cities.

**SECTION FIVE.** Section 4 of Charter Ordinance No. 26, which reads as follows, is hereby reaffirmed:

**"Section 4. Vacancies.**

1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.
2. Vacancy in City Council. In case of vacancy in the council occurring by reason of resignation, death or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some qualified elector to fill the vacancy until the next election for that office.

3. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy."

**SECTION SIX.** Existing Section 5 of Charter Ordinance No. 26 is hereby repealed.

**SECTION SEVEN. President of City Council.** Charter Ordinance No. 28, exempting the City from the provision of K.S.A. 14-204 is hereby affirmed, which provides that the City Council shall, at its regular meeting following any City election, elect one of its members as "President of the Council." When any vacancy shall happen in the office of Mayor, the President of the Council for the time being shall exercise the office of Mayor, and all the rights, privileges and jurisdiction of the Mayor, other than the appointment of officers or employees, until such vacancy be filled at the next City election or until such disability be removed, or in the case of temporary absence, until the Mayor shall return.

**SECTION EIGHT.** Any person desiring to become a candidate for City office shall file with the Johnson County Election officer, before the filing deadline established in K.S.A. 25-205, and amendments thereto, a declaration of candidacy on a form furnished by the Johnson County Election Officer as specified by the Secretary of State. The nomination petition must be signed by 100 qualified electors of the City of Spring Hill or a number of qualified electors of the City equal to 1% of the ballots cast at the last general City election, whichever is less.

**SECTION NINE.** It is hereby declared to be the intention of the Governing Body that the sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraphs, subsection or section of this charter ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this charter ordinance, since the same would have been enacted by the Governing Body without the incorporation into this charter ordinance of any unconstitutional or otherwise invalid phrase, clause, sentence, paragraph, subsection or section.

**SECTION TEN. Effective Date.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance, upon becoming effective, shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 13th day of October, 2016.

/s/ Steven M. Ellis  
Steven M. Ellis, Mayor

(seal)

**Attest:**  
/s/ Glenda Gerrity  
Glenda Gerrity, City Clerk

**Approved as to form:**  
/s/ Frank H. Jenkins, Jr.  
Frank H. Jenkins, Jr. City Attorney

## **CHARTER ORDINANCE NO. 37**

### **A CHARTER ORDINANCE AMENDING SECTION ONE OF CHARTER ORDINANCE NO. 33 CORRECTING CITATION OF K.S.A. 14-1007 ET SEQ. RELATING TO THE ACQUISITION AND REGULATION OF CITY SECOND CLASS CEMETERIES.**

**WHEREAS**, the Governing Body has determined that Section One of Charter Ordinance 33 incorrectly cited K.S.A.14-1007 et seq. as K.S.A. 14-1101 et seq.; and

**WHEREAS**, the Governing Body deems it advisable to correct the citation to read as K.S.A. 14-1007 et seq.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Section One of Charter Ordinance No. 33 is hereby amended to read as follows:

**“Section One. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-1007 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries.

In exempting itself, the City of Spring Hill Kansas finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities.”

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

**SECTION THREE:** This Charter Ordinance shall take effect sixty-one (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.

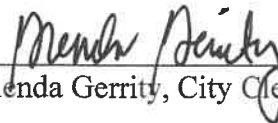
Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 26<sup>th</sup> day of September 2019.

Approved by the Mayor this 26<sup>th</sup> day of September 2019.



  
\_\_\_\_\_  
Steven M. Ellis, Mayor


Attest:

  
\_\_\_\_\_  
Glenda Gerritt, City Clerk

(SEAL)



Approved as to form:

  
\_\_\_\_\_  
Frank H. Jenkins, Jr., City Attorney

**AFFIDAVIT OF PUBLICATION**

**NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502**

**Reference: 182892**  
**Ad ID: 6618465**

**P.O. :**

**DESC. :Charter Ordin 37.Second Class Cemeteries**

**GLEND A GERRITY**  
**CITY OF SPRING HILL**  
**PO BOX 424**  
**SPRING HILL, KS 66083**

Miami County Republic


State of Kansas, Miami County, ss:

I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication. Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter. That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 10/02/19 to 10/09/19  
Appearances: 2  
AD SPACE: 149  
TOTAL COST: \$279.16

(Signed) 

Subscribed and sworn before me this  
9 day of Oct. 2019

 Notary Public

JUDY B. MORENO  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Buchanan County  
My Commission Expires: June 23, 2020  
Commission Number: 12544882

My Commission Expires: 6/23/20

(Published in the Miami County  
Republic Wed. 10/02/19  
and Wed., 10/09/19)

**CHARTER ORDINANCE NO. 37**

**A CHARTER ORDINANCE AMENDING SECTION ONE OF CHARTER ORDINANCE NO. 33 CORRECTING CITATION OF K.S.A. 14-1007 ET SEQ. RELATING TO THE ACQUISITION AND REGULATION OF CITY SECOND CLASS CEMETERIES.**

**WHEREAS**, the Governing Body has determined that Section One of Charter Ordinance 33 incorrectly cited K.S.A. 14-1007 et seq. as K.S.A. 14-1101 et seq.; and

**WHEREAS**, the Governing Body deems it advisable to correct the citation to read as K.S.A. 14-1007 et seq.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Section One of Charter Ordinance No. 33 is hereby amended to read as follows:

**"Section One. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-1007 et seq. Miscellaneous, relating to the acquisition and regulation of cemeteries.

In exempting itself, the City of Spring Hill Kansas finds that such provision is applicable to cities of the second class, but not uniformly applicable to all cities."

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

**SECTION THREE:** This Charter Ordinance shall take effect sixty-one (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.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 26th day of September 2019.

Approved by the Mayor this 26th day of September 2019.

/s/ STEVEN M. ELLIS, Mayor

[SEAL]

ATTEST:

/s/ Glenda Gerrity, City Clerk

APPROVED AS TO FORM:

/s/Frank H. Jenkins, Jr.,  
City Attorney

CHARTER ORDINANCE NO. 38

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF K.S.A. 16-706, 16-707, 16-708, 16-709, 16-710, 16-711, 16-712; 16-713, 16-714, 16-715, 16-716, 16-707, 16-718, 16-719, 16-720, AND 16-721, AND AMENDMENTS THERETO RELATING TO REGULATION OF PAWNBROKERS AND PRECIOUS METAL DEALERS**

**WHEREAS**, the City of Spring Hill, Kansas, is a city of the second class; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from K.S.A. 16-706, K.S.A. 16-707, K.S.A. 16-708, K.S.A. 16-709, K.S.A. 16-710, K.S.A. 16-711, K.S.A. 16-712, K.S.A. 16-713, K.S.A. 16-714, K.S.A. 16-715, K.S.A. 16-716, K.S.A. 16-717, K.S.A. 16-718, K.S.A. 16-719, K.S.A. 16-720, K.S.A. 16-721 and K.S.A. 16-722 for the reason that Article 7, Chapter 6 is not uniformly applicable to all cities.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**Section 1.     Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 16-706, K.S.A. 16-707, K.S.A. 16-708, K.S.A. 16-709, K.S.A. 16-710, K.S.A. 16-711, K.S.A. 16-712, K.S.A. 16-713, K.S.A. 16-714, K.S.A. 16-715, K.S.A. 16-716, K.S.A. 16-717, K.S.A. 16-718, K.S.A. 16-719, K.S.A. 16-720, K.S.A. 16-721 and K.S.A. 16-722 relating to the regulation of pawnbrokers and precious metal dealers. In exempting itself, the City of Spring Hill, Kansas, finds that Chapter 6, Article 7 is not uniformly applicable to all cities.

**Section 2.     Enactment of subordinate of ordinary ordinances.**

The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.


**Section 3.     Publication; Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9<sup>th</sup> day of April, 2020.

**APPROVED** by the Mayor this 9<sup>th</sup> day of April, 2020.

  
STEVEN M. ELLIS, MAYOR

(SEAL)

ATTEST:   
GLENDA GERRITY, CITY CLERK



**APPROVED AS TO FORM:**

  
FRANK H. JENKINS, JR.  
CITY ATTORNEY

# **AFFIDAVIT OF PUBLICATION**

**NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502**

**Reference: 182892**  
**Ad ID: 6643722**

**P.O. : DESC. :Charter Ordinance No. 38**

**GLEND A GERRITY**  
**CITY OF SPRING HILL**  
**PO BOX 424**  
**SPRING HILL, KS 66083**

Miami County Republic


State of Kansas, Miami County, ss:

I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication. Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter. That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

Run Dates: 04/15/20 to 04/22/20  
Appearances: 2  
AD SPACE: 270  
TOTAL COST: \$299.90

(Signed)

Subscribed and sworn before me this  
14 day of May 2020

  
JUDY B. MORENO  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Buchanan County  
My Commission Expires: June 23, 2020  
Commission Number: 32544882  
My Commission Expires: 6/23/20



## **CHARTER ORDINANCE NO. 38**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS, FROM THE PROVISIONS OF K.S.A. 16-706, 16-707, 16-708, 16-709, 16-710, 16-711, 16-712; 16-713, 16-714, 16-715, 16-716, 16-707, 16-718, 16-719, 16-720, AND 16-721, AND AMENDMENTS THERETO RELATING TO REGULATION OF PAWNBROKERS AND PRECIOUS METAL DEALERS**

**WHEREAS**, the City of Spring Hill, Kansas, is a city of the second class; and

**WHEREAS**, the City of Spring Hill, Kansas, deems it advisable to exempt itself from K.S.A. 16-706, K.S.A. 16-707, K.S.A. 16-708, K.S.A. 16-709, K.S.A. 16-710, K.S.A. 16-711, K.S.A. 16-712, K.S.A. 16-713, K.S.A. 16-714, K.S.A. 16-715, K.S.A. 16-716, K.S.A. 16-717, K.S.A. 16-718, K.S.A. 16-719, K.S.A. 16-720, K.S.A. 16-721 and K.S.A. 16-722 for the reason that Article 7, Chapter 6 is not uniformly applicable to all cities..

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

### **Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 16-706, K.S.A. 16-707, K.S.A. 16-708, K.S.A. 16-709, K.S.A. 16-710, K.S.A. 16-711, K.S.A. 16-712, K.S.A. 16-713, K.S.A. 16-714, K.S.A. 16-715, K.S.A. 16-716, K.S.A. 16-717, K.S.A. 16-718, K.S.A. 16-719, K.S.A. 16-720, K.S.A. 16-721 and K.S.A. 16-722 relating to the regulation of pawnbrokers and precious metal dealers. In exempting itself, the City of Spring Hill, Kansas, finds that Chapter 6, Article 7 is not uniformly applicable to all cities.

### **Section 2. Enactment of subordinate of ordinary ordinances.**

The City of Spring Hill may enact by ordinary ordinance substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

### **Section 3. Publication; Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on this Charter Ordinance as provided in Article 12, Section 5 Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors voting thereon.

This Charter Ordinance upon becoming effective shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state.

**PASSED** by the Governing Body by not less than two-thirds of the members-elected voting in favor thereof this 9th day of April, 2020.

**APPROVED** by the Mayor this 9th day of April, 2020.

/s/ Steven M. Ellis  
STEVEN M. ELLIS, MAYOR

ATTEST:

/s/Glenda Gerrity  
GLENDA GERRITY, CITY CLERK

APPROVED AS TO FORM:

/s/Frank H. Jenkins, Jr.  
FRANK H. JENKINS, JR.,  
CITY ATTORNEY



CHARTER ORDINANCE NO. 39

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL KANSAS FROM THE PROVISIONS OF K.S.A. 79-41a04(d) PERTAINING TO THE LOCAL ALCOHOLIC LIQUOR FUNDS; DISTRIBUTION OF MONEYS**

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

**SECTION ONE:** The City of Spring Hill, 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. 79-41a04(d) which applies to the City but not uniformly to all cities.

**SECTION TWO:** The City of Spring Hill, Kansas may enact by regular ordinance substitute and provide additional provisions in lieu of those which it hereby exempts itself.

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

**SECTION FOUR:** This Charter Ordinance shall take effect sixty-one (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.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 11<sup>th</sup> day of June, 2020.

Approved by the Mayor this 11<sup>th</sup> day of June 2020

  
Steven M. Ellis, Mayor

Attest:

*Glenda Gerrity*  
Glenda Gerrity, City Clerk

(SEAL)

Approved as to form:

*Frank H. Jenkins, Jr.*  
Frank H. Jenkins, Jr. City Attorney



**AFFIDAVIT OF PUBLICATION**

**NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502**

**Reference: 182892**  
**Ad ID: 6650446**

**P.O. :**

**DESC. : Charter Ordin. No. 39. Liquor Funds**

**GLENDA GERRITY**  
**CITY OF SPRING HILL**  
**PO BOX 424**  
**SPRING HILL, KS 66083**

Miami County Republic

(Published in the Miami County  
Republic Wed. 6/17/20  
and Wed. 6/24/20)

Glenda Gerrity, City Clerk

State of Kansas, Miami County, ss:

Approved as to form:  
/s/ Frank H. Jenkins, Jr.  
Frank H. Jenkins, Jr. City Attorney

**CHARTER ORDINANCE NO. 39**

I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication.

**A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL KANSAS FROM THE PROVISIONS OF K.S.A. 79-41a04(d) PERTAINING TO THE LOCAL ALCOHOLIC LIQUOR FUNDS; DISTRIBUTION OF MONEYS**

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter.

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

That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

**SECTION ONE:** The City of Spring Hill, 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. 79-41a04(d) which applies to the City but not uniformly to all cities.

Run Dates: 06/17/20 to 06/24/20

Appearances: 2

AD SPACE: 122

TOTAL COST: \$229.48

(Signed)

**SECTION TWO:** The City of Spring Hill, Kansas may enact by regular ordinance substitute and provide additional provisions in lieu of those which it hereby exempts itself.

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

**SECTION FOUR:** This Charter Ordinance shall take effect sixty-one (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.

Subscribed and sworn before me this

23 day of June 2020

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 11th day of June, 2020.

Judy B. Moreno Notary Public

Approved by the Mayor this 11th day of June, 2020.

JUDY B. MORENO  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Buchanan County  
My Commission Expires: June 23, 2020  
Commission Number: 12544882

/s/ Steven M. Ellis  
Steven M. Ellis, Mayor

[seal]

My Commission Expires:

6/23/20

Attest:  
/s/ Glenda Gerrity

**ORDINANCE NO. 2020-10**

**AN ORDINANCE OF THE CITY OF SPRING HILL, KANSAS,  
PERTAINING TO THE EXPENDITURE AND USE OF LOCAL  
ALCOHOLIC LIQUOR FUNDS.**

**WHEREAS**, the City of Spring Hill, Kansas receives funds from the local alcoholic liquor fund of the State of Kansas pursuant to K.S.A. 79-41a04 (d); and

**WHEREAS**, the use and expenditure of 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) that govern alcohol and drug program funds has been the subject of differing interpretations, including interpretations limiting the appropriate uses of such funds; and

**WHEREAS**, the Governing Body desires to clarify and amend the possible use 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.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby has exempted itself from and made inapplicable to it the provisions of K.S.A. 79-41a04(d) by adopting Charter Ordinance No. 39.

**SECTION TWO:** The City of Spring Hill, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section One above.

**SECTION THREE:** The Finance Director, or designee, upon receipt of any moneys distributed by the State of Kansas pursuant to K.S.A. 79-41a04, and amendment 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, and maintenance or expansion of parks and recreation services, programs and facilities. Moneys in the special alcohol and drug programs fund may be expended on such programs, activities, efforts, services, equipment, personnel, and capital expenditures, or a portion thereof, that the Governing Body determines have a primary purpose, include as a partial element, or



will result in one or more of the following:

1. Prevention of alcohol and drug abuse, including but not limited to encouraging healthy youth and family development, counseling those affected by substance abuse or domestic violence, providing shelter to victims of substance abuse or domestic violence and assisting persons with mental health issues;
2. Education about alcohol and drug abuse, including but not limited to public information efforts, educating the public and City personnel about alcohol and drug abuse, education related to overdoses and treatment of overdose victims, and support research related to alcoholism and drug abuse;
3. Alcohol and drug detoxification, including but not limited to helping alcoholics and drug abusers enroll in detoxification programs;
4. Intervention in alcohol and drug abuse of persons who are in danger of becoming alcoholics or drug abusers, including but not limited to law enforcement, prosecution, correction, rehabilitation, and court activities and programs, or portions thereof, that are related to alcohol or drugs or persons who abuse alcohol or drugs, or persons in danger of becoming alcoholics or drug abusers; and
5. Treatment of persons who abuse alcohol or drugs or persons who are in danger of becoming alcoholics or drug abusers, including but not limited to screening and evaluation, case management and counseling, community-based recovery services during and after treatment to sustain treatment and recovery, providing and coordinating services needed to successfully complete recovery and reintegration, and assistance with supportive services such as travel to detoxification, treatment or evaluation.

Moneys in the special alcohol and drug programs fund may also be expended on the administrative costs of any City personnel, or independent contractor that reviews applications to receive funds from the City's special alcohol and drug programs fund, makes recommendations to the Governing Body concerning the award of such funds, or monitors the expenditure of such funds.

In determining compliance with the provisions of this Ordinance, the appropriation of funds by the Governing Body for programs, activities, efforts, services, equipment, personnel, capital expenditures, and other costs shall be conclusive of compliance with provisions of this Ordinance and separate findings shall not be required.

**SECTION THREE:** This ordinance shall be published once in the official city newspaper and shall become effective upon the effective date of Charter Ordinance No. 39.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 23<sup>rd</sup> day of July, 2020.

Approved by the Mayor this 23<sup>rd</sup> day of July, 2020.

  
Steven M. Ellis, Mayor


Attest:

  
Genda Gerrity, City Clerk

(SEAL)



Approved as to form:

  
Frank H. Jenkins, Jr., City Attorney

## CHARTER ORDINANCE NO. 40

A CHARTER ORDINANCE EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM K.S.A. 14-423 AND K.S.A. 14-423a RELATING TO IMPROVING AND VACATING STREETS AND ALLEYS; REVERSION OF LAND; AND AMENDING SECTIONS 1 AND 2 OF CHARTER ORDINANCE 31.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

**SECTION ONE:** Charter Ordinance No. 31, exempting the City from the provisions of K.S.A. 14-423 and K.S.A. 14-423a, is hereby affirmed, in part, revoked, in part, and amended, in part, and providing substitute provisions, in part, as set forth herein below.

Charter Ordinance No. 31 is hereby amended as follows:

**“Section 1. Exemption.**

The City of Spring Hill, 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 make inapplicable to it and exempts itself from the provisions of K.S.A. 14-423 and K.S.A. 14-423a relating to improving and vacating streets, avenues, alleys, or lanes; vacating any lot, block, townsite, part of townsite, addition, or part of addition; reversion of such vacated land, and recording of ordinances in furtherance of such improvement, acquisition, or vacation.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas, hereby adopts substitute and additional provisions on the same subjects as hereinafter provided.

**Section 2. Street and alley improvements; vacation; reversion; recording of deed or ordinance.**

The City Council shall have power to open, widen, extend, or otherwise improve any street, avenue, alley, or lane, and to vacate or discontinue the same and to vacate or cancel any lot, block, townsite, part of townsite, addition or part of addition whenever deemed necessary or expedient. Prior to such action, the City shall proceed to condemn or acquire by purchase or gift the necessary lands in any manner as provided

by law. Whenever any street, avenue, alley, lane, or other property or property interest shall be vacated, the same shall revert to the owners of real estate thereto adjacent on each side in proportion to the frontage of such real estate, except in cases where such street, avenue, alley, lane, or other property or property interest shall have been taken and appropriated to public use in different proportions, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them, and whenever any lot, block, townsite, part of townsite, addition or part of addition shall be vacated, all of the streets, avenues, alleys, lanes, or other property or property interest therein shall revert in proportion as it was taken, purchased, or gifted by or to the City.

Immediately after an ordinance opening, widening, extending, or vacating any street, avenue, alley, or lane or an ordinance or deed vacating any lot, block, townsite, part of townsite, addition, part of addition, or other property or property interest becomes effective, the clerk of the city shall file a copy of said ordinance or deed which has been certified by the clerk as a true and correct copy in the office of the county clerk and in the office of the register of deeds. The county clerk shall enter the same in the transfer records of the county clerk's office. 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."

**SECTION TWO: Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors so voting.

Upon becoming effective, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State.

**Passed by the Governing Body** upon the affirmative vote of at least two-thirds (2/3<sup>rds</sup>) of the members-elect of said Governing Body on this 28<sup>th</sup> day of April 2022.

**Approved by the Mayor** this 28<sup>th</sup> day of April 2022.


  
\_\_\_\_\_  
**Joe Berkey, Mayor**

ATTEST:

  
Glenda Gerrity, City Clerk



APPROVED AS TO FORM:

  
F. Charles Dunlay, City Attorney



## **CHARTER ORDINANCE NO. 41**

**A CHARTER ORDINANCE RELATING TO VACANCIES IN THE OFFICES OF MAYOR AND COUNCIL MEMBERS; EXEMPTING THE CITY OF SPRING HILL, KANSAS FROM K.S.A. 12-104a, 14-103, 14-204, 14-205, AND 14-207; REPEALING AND REPLACING CHARTER ORDINANCE NO. 26; REPEALING AND REPLACING CHARTER ORDINANCE NO. 28; REPEALING AND REPLACING CHARTER ORDINANCE NO. 30; REPEALING AND REPLACING CHARTER ORDINANCE NO. 36.**

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

**SECTION ONE:** Charter Ordinance No. 26 is hereby repealed.

**SECTION TWO:** Charter Ordinance No. 28 is hereby repealed.

**SECTION THREE:** Charter Ordinance No. 30 is hereby repealed.

**SECTION FOUR:** Charter Ordinance No. 36 is hereby repealed.

**SECTION FIVE: Exemption.**

The City of Spring Hill, 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 make inapplicable to itself and exempts itself from the provisions of K.S.A. 14-103 and K.S.A. 14-207 requiring the creation of wards, election of terms of council members, and precincts.

In exempting itself, the City of Spring Hill, Kansas finds that such provisions are applicable to cities of the second class, but not uniformly applicable to all cities. Therefore, the City of Spring Hill, Kansas hereby adopts substitute and additional provisions on the same subject as hereinafter provided.

**SECTION SIX: Election of City Council and Mayor, Terms of Office, and Nonpartisan Elections.**

- A. Nonpartisan Elections. City elections shall be nonpartisan. Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of Article 21 of Chapter 25 of the Kansas Statutes Annotated.
- B. Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for

four-year terms or until their successors are qualified. Members elected in the November general election shall take office the second Monday in January of the following year and after certification of the election.

**SECTION SEVEN: Existing Mayor and Council Positions.**

The incumbent members of the governing body shall continue in office for the duration of their terms as heretofore established.

**SECTION EIGHT: President of City Council.**

The members of the city council, not including the mayor, shall, at its first regular meeting following the second Monday in January of the following year after a general election of the City, elect one of its members, by majority vote of the other members of the City Council, the president of the council. It shall be the duty of the president of the council to fulfil some or all duties of the Mayor in the event of a vacancy, as outlined in Section Ten of this Charter Ordinance.

**SECTION NINE: Exemption.**

The City of Spring Hill, 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. 14-308 and K.S.A. 12-104a relating to failure in filling vacancies in office. Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not applicable uniformly to all cities.

**SECTION TEN: Vacancies.**

**A. Vacancy in the Office of Mayor.**

- i. In the event of a temporary vacancy in the office of Mayor for three consecutive months or less, the president of the council shall exercise the office of Mayor, and all rights and privileges of the Mayor, except for the appointment of officers or employees, until the Mayor shall return.
- ii. In the event of a permanent vacancy in the office of Mayor, as defined in subsection (a) to this section, the president of the council shall become the Mayor, exercising all rights and privileges of the office of Mayor, pursuant to the procedure described in the following subsections. The City shall not hold a special election in the event of a vacancy in the office of Mayor that is filled by the president of the council. When the president of the council becomes Mayor under this subsection, the council shall immediately elect from itself a new president of the council by majority vote of the remaining members.
  - a. For the purposes of this subsection, a permanent vacancy in the office of Mayor shall include resignation, death, removal from office, the Mayor no longer being a qualified elector of the City of Spring Hill, Kansas, the Mayor's absence for three consecutive months, or the Mayor's absence

- for more than four months in any twelve-month period.
- b. If a vacancy occurs after February 1 of the year in which a regular general election for the City of Spring Hill is to be held, the Council President shall serve out the remainder of the term of the Mayor who is being replaced.
  - c. If a vacancy occurs before February 1 of the year in which a regular general election for the City of Spring Hill is to be held, the Council President shall serve only until the date that newly-elected officials take office as identified in Section 5(B), and the position of Mayor shall be placed on the ballot for the regular general election.
- B. Vacancy in the Office of Councilmember. In the event of a vacancy in the council occurring by resignation, death, removal from office, or the individual no longer being a qualified elector of the City of Spring Hill, Kansas, the Mayor shall nominate a qualified elector, who is not already a member of the Governing Body, to fill the vacancy. The nomination shall occur during a meeting of the Governing Body. The remaining members of the City Council shall vote on the nomination at the same meeting the nomination is made, and the nomination will be confirmed by a majority vote of remaining members. If the vote is a tie, the Mayor shall cast a tie-breaking vote. The new member filling the vacancy will serve until:
- i. If a vacancy occurs after February 1 of the year in which a regular general election for the City of Spring Hill is to be held, the replacement member shall serve out the remainder of the term of the council member who is being replaced.
  - ii. If a vacancy occurs before February 1 of the year in which a regular general election for the City of Spring Hill is to be held in the middle of the vacated position's term, the appointed replacement member shall serve only until the date that newly-elected officials take office as identified in Section 5(B). The Council position filled by appointment shall be placed on the ballot for the regular general election, only for a term to expire at the time the original, vacating council member's term would have expired. In such event, the appointed member filling the vacancy may only run to fill the modified term for balance of the original term and not for a different, full-length term that is up for election that year.
  - iii. The City shall not be required to hold any special elections in the event of a vacancy filled under this section.
- C. In the event any person elected as a council member or Mayor neglects or refuses to qualify within thirty days after election, the council member or Mayor shall be deemed to have refused office and a vacancy shall exist. The vacancy shall be filled according to the above procedures of Section 10.

## **SECTION TWELVE:**

Any person desiring to become a candidate for City office shall file with the Johnson County Election officer, before the filing deadline established in K.S.A. 25-205, and amendments

thereto, a declaration of candidacy on a form furnished by the Johnson County Election Officer as specified by the Secretary of State. The nomination petition must be signed by 100 qualified electors of the City of Spring Hill or a number of qualified electors of the City equal to 1% of the ballots cast at the last general City election, whichever is less.

**SECTION THIRTEEN.** It is hereby declared to be the intention of the Governing Body that the sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraphs, subsection or section of this charter ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this charter ordinance, since the same would have been enacted by the Governing Body without the incorporation into this charter ordinance of any unconstitutional or otherwise invalid phrase, clause, sentence, paragraph, subsection or section.

**SECTION FOURTEEN: Effective Date; Recording with the Secretary of State.**

This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c) (3) of the Constitution of the State of Kansas. If a sufficient petition for a referendum is filed, this Charter Ordinance shall become effective upon approval by a majority of electors so voting.

Upon becoming effective, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the Secretary of State.

**Passed by the Governing Body** upon the affirmative vote of at least two-thirds (2/3<sup>rd</sup>s) of the members-elect of said Governing Body on this 24<sup>th</sup> day of October, 2024.

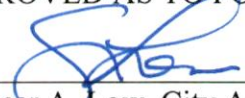
**Approved by the Mayor** this 24<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Joe Berkey, Mayor

ATTEST:

  
\_\_\_\_\_  
Ashley Wood, Deputy City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Spencer A. Low, City Attorney

