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CHARTER ORDINANCE NO.

A CHARTER ORDINANCE OF THE CITY OF BUCKLIN, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1801 TO 12-1816, INCLUSIVE, RELATING TO THE IMPROVEMENT OF SIDEWALKS IN THE CITY AND THE PAYMENT OF THE COSTS THEREOF; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO.

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

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

WHEREAS, K.S.A. 12-1801 through K.S.A. 12-1816, inclusive, is an enactment of the Kansas Legislature relating to sidewalks, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1801 through K.S.A. 12-1816, inclusive, and to provide substitute and additional provisions therefor in order to provide additional and alternative methods for improving or re-improving sidewalks in the City and paying the costs thereof; and

WHEREAS, such proposed action is not restricted or limited by the provisions of the Act.

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

Section 1. Exemption. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1801 through K.S.A. 12-1816 inclusive, and shall be governed by the following substitute and additional provisions contained in this Charter Ordinance.

Section 2. Improving Sidewalks of General Importance. The governing body shall have power to improve or re-improve or cause to be improved or re-improved, any sidewalk or portion thereof in the City. Such improvement or re-improvement may include without limitation because of enumeration the following: constructing, reconstructing, extending, straightening and relocating any sidewalk and building any necessary bridges, or other improvements, or any two (2) or more of such improvements or re-improvements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes. Before any sidewalk improvement or re-improvement may be undertaken by the City under the provisions of this section, the governing body of the City must, by resolution, find that the improvement or re-improvement necessary and advisable for the City's public health, safety and/or welfare.

Section 3. Costs; How Paid. All costs of improvements or re-improvements authorized under the provisions of this Charter Ordinance, including acquisition of right-of-way, engineering costs, and all other

costs properly attributable to such projects, shall be paid by the City at large from any fund or funds lawfully available for such purposes, or by the issuance of general obligation bonds of the City, which bonds shall be issued in accordance with the General Bond Law, K.S.A. 10-101 *et seq.*

Section 4. Charter Ordinance Supplemental. This Charter Ordinance shall be supplemental to all other enactments of the Kansas Legislature relating to the improvement of sidewalks by the City, and shall not prevent the use of other enactments for the improving of any such sidewalk or portion thereof.

Section 5. Severability. Any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.


Section 6. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

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PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of Bucklin, Kansas, on June 13, 2022 and **SIGNED** by the Mayor.



Nanette K. DeLoe
Clerk


Mayor

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