

A charter ordinance exempting the City of Derby, Kansas, from K.S.A. 79-5011; providing substitute and additional provision on the same subject; and authorizing the levying of taxes to create a special fund for the purpose of paying utility service costs.

Be it Ordained by the Governing Body of the City of Derby:

SECTION 1. The City of Derby, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5011, and to provide substitute additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 79-5011 is a part of an enactment of the legislature applicable to this city but not applicable uniformly to all cities.

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

- (a) Principal and interest upon bonds and temporary notes;
- (b) No-fund warrants issued with the approval of the state board of tax appeals;
- (c) Legal judgments rendered against the city;
- (d) Special assessments charged against the city at large;
- (e) Utility service costs, whether paid from a separate property tax levy fund of the city or from any other tax supported fund.

SEC. 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Derby, levied under the provisions of K.S.A. 40-2305, 74-4920, 74-4967 or to any tax levies required for the payment of employer contributions to any pension and retirement program, or to any other taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Derby.

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

SEC. 4. The City of Derby is hereby authorized to levy a tax for the purpose of paying utility service costs. As used in this charter ordinance, "utility service costs" shall include payments made by the city to a water, electric or natural gas system, company or utility for the purpose of obtaining street lighting or traffic control signals, or for the lighting, heating, cooling or supplying of water or energy to any city building or facility or for the operation or performance of any function or service by the city including fire hydrant rental.

SEC. 5. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SEC. 6. This charter ordinance 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, Subsection (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 16th day of June, 1981.



 Mayor

ATTEST: 

 City Clerk