

Passed: January 11, 2005
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CHARTER ORDINANCE NO. 39

A CHARTER ORDINANCE EXEMPTING THE CITY OF DERBY, KANSAS FROM THE REQUIREMENTS OF SUBSECTIONS (a) AND (c) OF KANSAS STATUTES ANNOTATED §41-302, WHICH REQUIRE A VOTER-INITIATED PETITION TO HOLD A CITY OPTION ELECTION ON PACKAGE LIQUOR SALES; AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR AUTHORIZING THE GOVERNING BODY OF THE CITY TO CALL FOR AN ELECTION TO DETERMINE WHETHER THE SALE OF ALCOHOLIC LIQUOR BY PACKAGE SHOULD BE LICENSED IN THE CITY OF DERBY, KANSAS.

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

Section 1. The City of Derby, Kansas, a city of the second 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 subsections (a) and (c) of Kansas Statutes Annotated (K.S.A.) 41-302, which statute is an enactment or portion of an enactment not uniformly applicable to all cities within the State.

Section 2. The City of Derby, Kansas, city election option to allow the licensing of the sale of alcoholic liquor by package as provided for by K.S.A. §41-301 and subsection (b) and (d) of K.S.A. §41-302, shall be exercised by the City Council of the City of Derby, Kansas, in general election years only, by enactment of an ordinance calling for such a city option election with the proposition on the ballot to be stated as follows:

"Shall the sale of alcoholic liquors by package be licensed in the City of Derby, Kansas?"

Yes

No

Section 3. Upon passage of an ordinance calling for such a city option election as provided for in section 2 hereof and subsections (b) and (d) of K.S.A. §41-302, the governing body of the City of Derby, Kansas shall call the election required by section two of this ordinance and notice of such election shall be given in the manner provided by the general bond law. The provisions of the laws of Kansas, relating to election officers, voting places, election places and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of election, and recounts of votes shall, so far as applicable, apply to voting on the proposition under the provisions of such ordinance.

Section 4. This Charter Ordinance shall take effect and be in force on the sixty-first day following its second publication following adoption, unless a sufficient petition for referendum is filed as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval thereof by a majority of the electors voting at an election held on such ordinance.

PASSED AND ADOPTED by the Governing Body of the City of Derby, Kansas, by a vote of not less than two-thirds of the members elect thereof, this 11th day of January, 2005.



Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk