

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF WESTWOOD HILLS, KANSAS, FROM THE PROVISIONS OF K.S.A. SECTIONS 12-702 AND 12-703 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS, RELATING TO THE CREATION OF THE CITY PLANNING COMMISSION, APPOINTMENT AND DUTIES OF MEMBERS THEREOF, AND MEETINGS AND PROCEDURES THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. PLANNING COMMISSION. There shall be a City Planning Commission for the City of Westwood Hills, Kansas.

Section 2. MEMBERS: TERMS. The City Planning Commission shall consist of seven (7) members, all of whom shall be taxpayers and residents of the City. All of the members shall be appointed by the Mayor of the City by and with the consent of the City Council, and none of the members shall hold any other public office of the City except that one (1) member may be a member of the Board of Zoning Appeals. The members of the City Planning Commission first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the City Planning Commission shall serve without compensation for their services.

Section 3. MEETINGS: OFFICERS: RECORDS. The members of the City Planning Commission shall meet within one (1) month following their appointment and shall at such time organize by selecting one of their number as Chairman, one (1) as Vice-Chairman, and one (1) as Secretary, and each officer so selected shall serve in such capacity until the expiration of his term. Meetings of the Commission shall be held at the call of the Chairman or Vice-Chairman and at such other times as the Commission may determine. A majority of the City Planning Commission shall constitute a quorum for the transaction of business. The City Planning Commission shall cause a proper record to be kept of its proceedings.

Section 4. POWERS AND DUTIES. The Commission shall administer the application of the zoning regulations of the City; consider applications for permits for construction or alterations upon property within the City and issue or refuse to issue permits for such construction or alterations in accordance with the zoning regulations of the City; and make recommendations to the governing body of the City concerning the location of streets, buildings, public grounds and rights-of-way, and shall have such other powers as are granted by state statutes in Chapter 12, Section 7, K.S.A.

The Commission shall further have the power to promulgate such additional regulations and forms consistent with the zoning regulations of the City as it shall deem necessary or expedient for proper administration of its powers and duties.

Section 5. PUBLICATION. This ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 6. EFFECTIVE DATE. 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 event 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, this ____ day of _____, 1974.

Jerry D. Foster, Mayor

ATTEST:

Ora M. Amberg, City Clerk

AFFIDAVIT OF PUBLICATION

First Published in the Johnson County Sun, Wednesday, 16, 1988

CITY OF WESTWOOD HILLS, KANSAS CHARTER ORDINANCE NO. 2 A CHARTER ORDINANCE EXEMPTING THE CITY OF WESTWOOD HILLS, JOHNSON COUNTY, KANSAS, A CITY OF THE THIRD CLASS, FROM SECTION 15-209 OF THE KANSAS STATUTES, ANNOTATED AS AMENDED AND IN FORCE AT THE TIME THIS CHARTER ORDINANCE TAKES EFFECT AND PROVIDING A SUBSTITUTE PROVISION ON THE SAME SUBJECT.

BE IT ORDAINED by the Governing Body of the City of Westwood Hills, Kansas: 1. Exemption Clause: The City of Westwood Hills, Johnson County, Kansas, a mayor-council city of the third class, by the authority and power vested in it by Article XII, Section 8 of the Constitution of the State of Kansas, hereby elects, and does, exempt itself from, and makes inapplicable to it, Section 15-209 of the Kansas Statutes Annotated, as amended and in force at the time this Charter Ordinance takes effect, which apply only to mayor-council cities of the third class and applying to this City, and hereby provides itself substitute and additional provisions as herein provided.

2. Qualifications of Officers; How Vacancies Filled: The officers elected or appointed under this act shall be qualified electors of said City, except the City may appoint non-residents as City Clerk, City Treasurer, City Attorney, Municipal Judge or law enforcement officers as deemed necessary, including the appointment of non-residents who also serve as City Attorney, Municipal Judge or law enforcement officers of another municipality or public agency; provided, that nothing herein shall authorize the appointment of non-residents of the State. The City Attorney shall be a qualified elector of the county in which said City is located or of an adjoining county. Removal from such City of any officer elected or appointed under this provision, who is required to be a qualified elector thereof, shall occasion a vacancy in such office. All vacancies in office, except in the offices of Mayor and Councilman, may be filled, until the next regular time for appointment, by appointment by the Governing Body of the City. Every appointment to office, and the date thereof shall be entered on the journal of proceedings of the Council.

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

4. Take Effect: This Charter Ordinance shall take effect sixty-one (61) days after the final publication, unless a sufficient petition for referendum is filed and a referendum held on the taking effect of the Charter Ordinance, as provided by Article XII, Section 8(c)(3) of the Constitution of the State of Kansas, in which case the Charter Ordinance shall become effective if approved by a majority vote of the qualified electors voting thereon.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, by not less than a two-thirds (2/3rds) vote of the members elected voting in favor thereof, this 7th day of April, 1988.

(s) Al W. Tikwart, Jr. Mayor Attest: (s) Gayle Nicolay City Clerk

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-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 semi-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 SHAWNEE MISSION, KANSAS in said County as a 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 weeks (weeks, days) the first publication thereof being made as aforesaid on the 16th day of April 1988, with subsequent publications being made on the following dates:

April 23, 1986, 1986, 1986

Deanna Martasin

Subscribe and sworn to before me this 23rd day of April 1986

Marquerte E. Baker NOTARY PUBLIC



My Commission expires: 3-15-88 84.72 Printer's Fee \$ Additional copies \$