

HOUSE BILL No. 2201

By Committee on Federal and State Affairs

1-25

9 AN ACT concerning cities; relating to building codes; amending K.S.A.
10 12-751a and repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 12-751a is hereby amended to read as follows: 12-
14 751a. (a) When used in this section:

15 (1) "City" means any city which has adopted an ordinance which pro-
16 vides for the enforcement of a building code outside the corporate limits
17 of ~~such~~ the city as authorized by K.S.A. 12-751, and amendments thereto.

18 (2) "Ordinance" means an ordinance adopted by a city which pro-
19 vides for the enforcement of a building code outside the corporate limits
20 of a city as authorized by K.S.A. 12-751, and amendments thereto.

21 (3) "Qualified elector" means any registered voter required to comply
22 with an ordinance, who resides within the unincorporated area ~~lying~~
23 ~~within three miles of the corporate limits of a city covered by the~~
24 *ordinance.*

25 (b) Within 30 days of the adoption of an ordinance, the city clerk
26 shall certify to the county election officer a legal description and a map
27 of the area outside the corporate limits of the city governed by the pro-
28 visions of ~~such~~ the ordinance and the street addresses of all real estate
29 located therein. *The ordinance shall not become effective earlier than 90*
30 *days following the date of the certification required by this subsection. If,*
31 *within 90 days following the certification, a petition is filed in accordance*
32 *with subsection (c), the ordinance shall not become effective until the*
33 *proposition is submitted to and approved at an election as provided by*
34 *subsection (c).*

35 (c) Within 90 days after ~~the effective date of this act or within 90 days~~
36 ~~after a city has adopted an ordinance~~ *the certification required by sub-*
37 *section (b), a petition signed by at least 20% 10% of the qualified electors*
38 *protesting the enforcement of such the ordinance outside the corporate*
39 *limits of the city may be submitted to filed with the county election of-*
40 *ficer. The petition shall contain a recital which states that each person*
41 *signing the petition is a qualified elector and resides within the unincor-*
42 *porated area covered by the city's ordinance. If a sufficient petition is*
43 *filed, the county election officer shall notify the board of county com-*

1 missioners of the county in which ~~such~~ the city is located. Unless the
2 governing body of the city modifies the ordinance to remove the provision
3 from the ordinance relating to the enforcement of ~~such a~~ building code
4 outside the corporate limits of the city, the board of county commissioners
5 shall submit the proposition of modifying the ordinance to remove the
6 provisions from the ordinance relating to enforcement of ~~such a~~ building
7 code outside the corporate limits of the city.

8 ~~Such~~ The resolution shall be submitted to the qualified electors at the
9 next regular primary or general county election. *The ballot question shall*
10 *be worded substantially as follows: "Shall the City of _____*
11 *adopt ordinance no. ____ which provides for the enforcement of a building*
12 *code outside the corporate limits of the city?"* ~~Such~~ The election shall be
13 called and held in the manner provided by the general bond law. The
14 county election officer shall certify the results of ~~such the~~ election to the
15 governing body of the city. If a majority of the qualified electors voting
16 on the question vote ~~in favor~~ *against the proposition* thereof, the govern-
17 ing body of the city shall modify ~~such the~~ ordinance to remove the pro-
18 visions from the ordinance relating to the enforcement of ~~such a~~ building
19 code outside the corporate limits of the city. ~~Such~~ The ordinance shall be
20 adopted within 30 days following the canvass of ~~such the~~ election. ~~Such~~
21 ~~ordinance shall be adopted in the manner provided by K.S.A. 12-3001,~~
22 ~~and amendments thereto.~~

23 (d) If an election is held pursuant to subsection (c) and a majority of
24 the qualified electors vote in favor of removing the building code, the
25 governing body of the city shall not adopt any such ordinance for at least
26 four years following the date of the election held pursuant to subsection
27 (c).

28 New Sec. 2. Except as otherwise provided, no city may annex any
29 property covered by an ordinance rejected by the qualified electors under
30 provisions of K.S.A. 12-751a, and amendments thereto, for a period of
31 four years following the date of the election. A city may annex such prop-
32 erty, however, if the property owner petitions for such annexation as pro-
33 vided by subsection (a)(7) of K.S.A. 12-520, and amendments thereto, or
34 if the board of county commissioners approved the annexation under
35 provision of K.S.A. 12-521, and amendments thereto.

36 Sec. 3. K.S.A. 12-751a is hereby repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.