

CHARTER ORDINANCE NO. FIFTY-FIVE

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM THE PROVISIONS OF K.S.A. 16-707 WHICH RELATE TO THE RESIDENCY REQUIREMENTS OF PRECIOUS METAL DEALERS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. The City of Overland Park, 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 the provisions of K.S.A. 16-707 relating to the residency requirements of precious metal dealers and hereby provides substitute and additional provisions as set forth herein. Such referenced statute is applicable to this city but not uniformly applicable to all cities.

SECTION 2. No license or any renewal thereof shall be granted to:

- (a) Any person who is not a citizen of the United States;
- (b) Any person who has not been an actual resident of the state of Kansas for at least two (2) years immediately preceding the date of his application;
- (c) Any person who has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited his bond to appear in court to answer charges for any such offense within the ten (10) years immediately prior to such person's application for a license;
- (d) Any person who has had his license revoked for cause under the provisions of this act;
- (e) Any person who is not at least twenty-one (21) years of age;
- (f) Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (g) Any person who does not own the premises for which a license is sought, unless he has a written lease therefor for at least three-fourths of the period for which the license is to be issued;
- (h) Any person whose spouse would be ineligible to receive a license hereunder for any reason other than the age, citizenship and residence requirements;
- (i) Any partnership, unless all of the partners shall be eligible to receive a license as an individual; and
- (j) A corporation, if any officer, manager, director or stockholder would be ineligible to receive a license as an individual, *provided*, that corporate officers, directors and stockholders of an applicant corporation that have resided in Cass County, Clay County, Platte County and Jackson County, Missouri, for the two years immediately preceding the date of application, are not subject to the residency requirements of this section. Provided further, each premises operated by a corporate licensee must have an in-store manager who is a resident of the state of Kansas.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official city newspaper.

Charter Ordinance No. Fifty-Five

SECTION 4. This is a charter ordinance and shall take effect sixty-one 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 the State of Kansas, in which case the ordinance shall become effective if approved by a 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 20th day of January, 1992.

Ed Eilert, Mayor

ATTEST:

Kristy Cannon
Assistant City Manager/Acting City Clerk

APPROVED AS TO FORM:

Michael R. Santos
Assistant City Attorney

Passed:	1/20/92
Published:	1/22/92
	1/29/92
Effective:	3/30/92