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MUNICIPAL ORDINANCE - KANSAS

City of Wichita v. Peterjohn

Court of Appeals of Kansas - December 30, 2022 - P.3d - 2022 WL 18034659

Ordinance was proposed by a group of Wichita residents through the initiative process to prevent the sale, demolition, or redevelopment of performing arts center and former Wichita public library.

The proposed ordinance would require the City of Wichita to hold an election whenever it sought to destroy, replace, or adversely affect prominent buildings owned by the City that are historically important or architecturally significant.

After the residents filed their petition and proposed ordinance, the City sued, seeking a declaration that the ordinance concerned administrative matters that could not be raised via the initiative process.

The district court agreed and entered judgment in the City's favor. Residents appealed.

The Court of Appeals affirmed, holding that Kansas law had long recognized that residents may not use the initiative process to advance ordinances that are predominantly administrative in nature, and the ordinance proposed here fell into this category.