

FILE

Subject

Ordinances  
Enactment and  
Enforcement



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

April 10, 1974

Opinion No. 74- 116

Randall W. Weller  
Jones and Weller  
419 North Pomeroy  
Hill City, Kansas 67642

Dear Mr. Weller:

You advise that on Monday, March 25, 1974, the city council of Hill City has before it a bond ordinance, which was approved by a vote of four council members. The mayor was absent, and one of the council members was "acting mayor." We would point out that K.S.A. 15-310 makes no provision for an acting mayor:

"The city council shall elect one of their own body as 'president of the council,' who shall preside at all meetings of the council in the absence of the mayor; and in the absence of the president of the council shall elect one of their own body to occupy his place temporarily, who shall be styled 'acting president of the council.' The president and acting president, when occupying the place of mayor, shall have the same privileges as other members of the council."

After the ordinance was approved, both the mayor and the person acting in his stead refused to sign the ordinance. The councilmen who voted for it chose to publish it in the official newspaper with their names, and without the name of the mayor. You inquire whether the signature of the mayor is necessary to give the ordinance validity.

K.S.A. 12-3003 states in pertinent part thus:

"The mayor of a council city shall have the power to sign or veto any ordinance passed by the council: . . . Provided, That if the mayor does not sign his approval of the ordinance, or return

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the same with his veto, stating his objection in writing, on or before the next regular meeting of the council, the ordinance shall take effect without his signature, such fact to be endorsed by the city clerk on the ordinance and at the end of the ordinance as entered in the 'ordinance book'; Provided further, That the president of the council or acting president of the council shall have no power to sign or veto any ordinance."

K.S.A. 12-3007 provides in part as follows:

"The city clerk shall cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, passed over the mayor's veto or will take effect without signature, to be published once in the official city newspaper . . . ."

Accordingly, the signature of the mayor is not necessary to the validity of the ordinance, and takes effect as a matter of law without his signature.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm