

ORDINANCE NO. 5143-24

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3a OF THE CITY CODE PERTAINING TO THE USE OF PROPANE OR NATURAL GAS; AND REPEALING CHAPTER X, ARTICLES 3, 5 AND 8 PERTAINING TO LIQUID PETROLEUM SERVICE, STORAGE AND SALES.

WHEREAS Kansas law states “A municipality shall not impose any ordinance, resolution, code, rule, provision, standard, permit, plan or any other binding action that prohibits, discriminates against, restricts, limits, impairs, or has the effect thereof, an end use customer's use of a utility service.” (See K.S.A 66-1288(b)); and

WHEREAS the same statute defines in subsection (a)(2) a utility service as “the retail provision of natural gas or propane”; and

WHEREAS fire zone restrictions on petroleum gas service stations unduly limit end customer’s use of natural gas or propane; and

WHEREAS the City of Newton’s seeks to align its practices with State Law; and

WHEREAS there exists a demonstrated need for resident’s freedom to use natural gas or propane as they see fit.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS:

SECTION 1: CHAPTER 6, ARTICLE 3a IS AMENDED AS FOLLOWS:

6-3a02. Fuel Choice

No provision of this Chapter, Article, or Code shall be construed to prohibit, discriminate against, restrict, limit, impair, or have the effect thereof, an end use customer's use of propane or natural gas pursuant to K.S.A 66-1288.

SECTION 2: Sections 3, 5, and 8 of Ordinance 4266-98 is hereby repealed. Sections 10-302(d), 10-305, and 10-308 of the Code of the City of Newton, Kansas are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in force and effect after adoption and publication of the summary of this Ordinance once in the City’s official newspaper.

PASSED AND ADOPTED this 26th day of March 2024.



Rod Kreie, Mayor

ATTEST:



Denise R. Duerksen, City Clerk