

(Published in the *Arkansas City Traveler*, on _____ and _____).

CHARTER ORDINANCE NO. 30

A CHARTER ORDINANCE EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. § 12-4207 REGARDING PUBLIC OFFICIALS WITH THE AUTHORITY TO SIGN AND SERVE A MUNICIPAL COURT NOTICE TO APPEAR.

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

Section 1. Election to exempt. The City of Arkansas City, Kansas (the “City”), by virtue of the powers vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from the provisions of Section 12-4207, Kansas Statutes Annotated, that apply to the City, but do not apply uniformly to all cities, and provide substitute provisions as set forth below.

Section 2. Substitute provisions.

The City hereby adopts the following substitute provisions for the above Kansas statutes, and incorporates them into Arkansas City Municipal Code as set forth below (additions to state law in italics; deletions crossed through):

2-362 Service of Notice to Appear

A. The notice to appear shall be served upon the accused person by delivering a copy to him or her personally, or by leaving it at the dwelling house of the accused person or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the last known address of said person. A notice to appear may be served by any ~~law enforcement~~ Officer within the *City state* and, if mailed, shall be mailed by an ~~law enforcement~~ Officer of the municipality of its issuance or the clerk of the municipal court. Upon service by mail, the ~~law enforcement~~ Officer shall execute a verification to be filed with a copy of the notice to appear. Said verification shall be deemed sufficient if in substantially the following form:

The undersigned hereby certifies that on the ____ day of ____, 20____, a copy of notice to appear was __ *hand-delivered* or __ mailed to ____ at ____, ____, ____.

Signature of ~~Law Enforcement~~ Officer or Clerk of Municipal Court

B. *For purposes of this Section, the term Officer shall mean: a law enforcement officer, clerk of the municipal court or duly appointed representative, city attorney, fire chief or duly appointed representative (for violations of fire-related code), public service officer and animal control officer (for violations of animal-related code), building inspector (for violations of building codes), zoning inspector or official (for violations of zoning codes), code enforcement officer (for violations of technical codes, nuisance, property maintenance and other such codes), or such other employee or agent of the City of Arkansas City as may be designated by ordinary ordinance.*

Section 3. Publication of ordinance. This Charter Ordinance shall be published once each week for two consecutive weeks in the *Arkansas City Traveler*, the official city newspaper.

Section 4. Effective date. This Charter Ordinance shall take effect sixty (60) days after final publication, unless a sufficient petition is filed and a referendum held on the ordinance as provided in Article 12, Section 5(c) of the Kansas Constitution, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas with a not less than two thirds of the members elect voting in favor thereof, this 15th day of August, 2016, with City Officials being authorized and directed to execute any and all documents necessary to consummate

the purposes and intents as expressed in this Ordinance and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act) and the City Clerk is directed to attest to and affix the official seal of the City thereon.

(Seal)

Duane L. Oestmann, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED AND APPROVED AS TO FORM

Tamara Niles, City Attorney

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Charter Ordinance was passed on August 15, 2016; that the record of the final vote on its passage is found in the City journal recording legislation, in chronological order; and that it was published in the **Cowley Courier Traveler** on _____ and on _____.

DATED: _____, 2016.

Lesley Shook, City Clerk

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CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF COWLEY)

The undersigned, Clerk of the City of Arkansas City, Kansas (the "City"), does hereby certify that the governing body of the City duly adopted Charter Ordinance No. 30 (the "Charter Ordinance"), on August 15, 2016, that the Charter Ordinance was duly published once a week for two consecutive weeks in the official City newspaper; that more than sixty (60) days has elapsed from the date of the last publication; and that there has been no sufficient written protest filed in my office against the Charter Ordinance, as provided in Article 12, Section 5, of the Kansas Constitution.

WITNESS my hand and official seal on _____, 2016.

(Seal)

Lesley Shook, City Clerk