

CHARTER ORDINANCES

Note: The charter ordinances included herein are for information only, Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses, repealers and signatures have been omitted to conserve space. Complete copies of each ordinance as adopted is on file in the office of the City Clerk and Secretary of State. Date of adoption of each charter ordinance is shown in parentheses at the end of the text.

CHARTER ORDINANCE NO. 1

(Repealed by Charter Ordinance No. 6)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS FROM THE PROVISIONS OF SECTION 14-807, 14-819 AND 14-820 OF THE GENERAL STATUTES OF 1949, RELATING TO THE POWERS AND DUTIES OF THE CITY MARSHALL AND POLICEMEN AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. That the City of Clay Center, Kansas, under the authority of Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from, and to make inapplicable to it, Section 14-807, 14-819 and 14-820 of the general statutes of 1949, which apply to said City, but the provisions of which do not apply uniformly to all cities and to provide substitute and additional provisions on the same subject.

Section 2. That when any person shall be arrested in the nighttime without a warrant for an offense committed in the view of the Marshall or any policeman, such person shall, except as otherwise authorized and provided in Section 5 of this ordinance, forthwith be taken to the police station and such person shall be required to enter into a recognizance with sufficient surety, or in lieu of surety, such person may deposit with the jailer or other person in charge of said police station, or with the officer making the arrest, a sum of money not less than the minimum nor more than the maximum fine for the offense charged against him, and such recognizance shall be taken and approved by such jailer or other person in charge of such police station, or by the officer making such arrest. Such recognizance shall be conditioned that the defendant shall appear at the next ensuing session of the police court, or at such time as shall be designed by such office. Upon failure to enter into such recognizance, the defendant shall be committed to jail to answer the charges against him.

Section 3. That the Marshall shall be Chief of Police and shall at all times, have power to make or order an arrest with proper process, for any offense against the laws of the State, or of the City, and bring the offender for trial before the proper officer of the City, and to arrest, without process, in all cases where any such offense shall be committed, or attempted to be committed or attempted to be committed in his presence, and bring the offender before the police Judge of the City, or require such person to appear before such Judge as authorized and provided in Sections 2 and 5 of this ordinance.

Section 4. That the policemen of the City shall have power to arrest all offenders against the laws of the State, or of the City, by day or night, in the same manner as the Chief of Police and, except as otherwise authorized and provided by Sections 2 and 5 of this ordinance, keep them in the City jail, or other place to prevent their escape, until a trial can be had before the proper officer.

Section 5. That whenever any person is arrested for any violation of a traffic ordinance for which a parking ticket, or a written notice to appear, a written promise to appear, and a cash appearance bond is authorized and provided by ordinance and such person is not given an immediate hearing before the police judge, the arresting officer shall prepare a parking ticket or a written notice to appear and except when only a parking ticket is issued shall require such person to sign a written promise to appear before the police judge at a time stated in the notice to answer the charge made against him in the manner provided by ordinance. The arresting officer may also require any person arrested for any such violation under such circumstances to post a cash bond in the manner and in the amount and for the offenses prescribed by such ordinance. Whenever any such person shall be issued a parking ticket or shall have given his written promise to appear upon the written notice to appear and shall have posted the

cash bond, if required, the arresting officer shall forthwith release the person arrested from custody. (01-15-63)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF SECTION 12-825a OF THE GENERAL STATUTES OF 1949, RELATING TO PETTY CASH FUNDS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. That the City of Clay Center, Kansas, under the authority of Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from and to make inapplicable to it, Section 12-825a of the General Statutes of 1949, which applies to said City, but the provisions of which do not apply uniformly to all cities, and to provide substitute and additional provisions on the same subject.

Section 2. That in addition to the petty cash fund established by Section 20-601 of the 1957 Revised Ordinances of said City there is hereby established a petty cash fund for the use of the City Clerk of the City of Clay Center, Kansas, for the purpose of paying postage, freight, express, temporary labor, and other emergency expenses.

Section 3. That such petty cash fund shall not exceed the sum of \$500.00 and shall be deposited in the designated City depository bank and paid out on the order of the City Clerk by checks which shall state clearly the purpose for which issued.

Section 4. That whenever such petty cash fund becomes low or depleted, said City Clerk should prepare vouchers covering such expenses as have been paid from said petty cash fund and shall submit such voucher together with the paid checks to the governing body for audit and allowance of the amount from the regular funds of said City. Warrants issued therefore shall be payable to the petty cash fund and shall be deposited therein to restore such petty cash fund to its original amount for use as herein provided. (06-04-63)

CHARTER ORDINANCE NO. 4

(Repealed by Charter Ordinance No. 6)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1952 RELATING TO LIMITATION OF TAX LEVIES IN SECOND CLASS CITIES; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REMOVING ANY LIMITATION OF TAX LEVY.

Section 1. That the City of Clay Center, Kansas, a City of the second class, under the authority of Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from, and make inapplicable to it, Section 79-1952 of Kansas Statutes Annotated, and provided substitute and additional provisions as hereinafter set forth in this ordinance. K.S.A. 79-1952 is applicable to said City but is not applicable uniformly to all cities of the second class and the legislature has not established classes of cities for the purpose of imposing tax levy limitations and prohibitions under said constitutional provision.

Section 2. That the governing body of the City of Clay Center, Kansas, is hereby authorized and empowered to levy taxes in each year on each dollar of assessed tangible valuation of said City for the following City purposes; provided that the City purposes specifically authorized by other statutes are not excluded because they are not enumerated herein:

General operating fund (which shall include the following activities);

General government;

Police department;

Fire department;

Health and sanitation, including refuse collection and disposal;
Highways (all public traveled ways, including bridges);
Sewer Maintenance, sanitary and storm;
Sewage Treatment and disposal;
Parks;
Cemeteries;
Street lighting;
Rest rooms;
Hydrant renal;
Forestry; and
Military Memorial Maintenance
Library fund
Airport fund
Band fund

Said governing body may levy an amount necessary to meet the requirements of its adopted budget. (05-07-68)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 1969 SUPPLEMENT 14-103 AND 14-201, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING CHARTER ORDINANCES NUMBER ONE AND FOUR OF SAID CITY.

Section 1. That the City of Clay Center, Kansas, under authority of Article 12, of the constitution of the State of Kansas, hereby elects to exempt itself from and makes inapplicable to it, K.S.A. 1969 Supp. 14-103 and 14-201 which apply to said City but the provisions of which do not apply uniformly to all cities and to provide substitute and additional provisions on the same subject.

Section 2. That on the first Tuesday in April, 1971, there shall be elected a Mayor and Two Councilmen from each ward in said City. In each ward there shall be designated positions of Councilman number one and Councilman number two. Those officers elected to the position of Councilman number one shall hold their offices for a term of two years. Those officers elected to the position of Councilman number two shall hold their offices for a term of four years. The office of Mayor shall be for a term of four years. On the first Tuesday in April, 1973, and every four years thereafter, there shall be elected a Councilman for the position of Councilman number one for a term of four years. On the first Tuesday in April, 1975, and every four years thereafter, there shall be elected a Mayor and Councilman for the position of Council number two for a term of four years.

Section 3. That the Mayor shall appoint, by and with the consent of the Council, a City Marshall, who shall be designated Chief of Police, a Municipal Judge of the Municipal Court, City Clerk, City Street Commissioner and such policemen or other officers as such governing body may deem necessary. Officers so appointed and confirmed shall hold their offices for a term of one year and until their successors are appointed and qualified. The governing body shall by ordinance specify their duties and compensation and by ordinance may abolish any office created by them whenever they may deem it expedient. The governing body may retain a licensed professional engineer to act in the capacity of City Engineer for specifically defined duties, and provide for reasonable compensation for the services rendered. (08-04-70)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4101 et seq., THE KANSAS CODE OF PROCEDURE FOR MUNICIPAL COURTS, AND MORE PARTICULARLY K.S.A. 12-4213 RELATING TO THE RELEASE OF PERSONS THAT ARE ARRESTED AND CONFINED FOR CITY ORDINANCE VIOLATIONS AND PROVIDING SUBSTITUTE AND

ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. That the City of Clay Center, Kansas, under authority of Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, K.S.A. 12-4213 which applies to said City, but the provisions of which do not apply uniformly to all cities, and to provide substitute and additional provisions on the same subject.

Section 2. Any person arrested by a law enforcement officer shall be taken immediately by said law enforcement officer to the police station of the City or the office in the City designated by the Municipal Judge. At the time, such person shall have the right to post bond for his or her appearance, in accordance with K.S.A. 12-4301 and 12-4302. However, if the law enforcement officer has probable cause to believe that such person may cause injury to himself, herself or others, or damage to property, and there is no responsible person or institution to which such person might be released, such person shall remain in the protective custody of the law enforcement officer, in a City or County jail for a period not to exceed six hours, at which time such person shall be given an opportunity to post bond for his or her appearance. While so held in protective custody, every person shall be permitted to consult with counsel or other persons on his or her behalf. Any person who does not make bond for his or her appearance shall be placed in the City or County jail, to remain there until he or she makes bond for his or her appearance, or appears before the municipal Court at the earliest practical time, provided however, any such person who has not made bond and who has not appeared before the Municipal Court within 12 hours after being arrested shall be released on his or her personal recognizance to appear at a later time, provided the Municipal Judge has been available during such 12 hour period, and if not, such person shall be afforded his or her appearance before the Municipal Judge within three hours after the Municipal Judge becomes available for the appearance. (02-06-79)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-5011; PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE A SPECIAL FUND FOR THE PURPOSE OF PAYING UTILITY SERVICE COSTS.

Section 1. That the City of Clay Center, 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 K.S.A. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 79-5011 is a part of an enactment of the legislature establishing an aggregate tax levy limitation applicable to this City but not applicable uniformly to all cities, and the legislature has not established classes of cities for the purpose of imposing aggregate limitations under said constitutional provisions.

Section 2. The provisions of K.S.A. 79-5001 to 79-5016, inclusive, shall not apply to or to limit the levy of taxes by the City of Clay Center, Kansas, for the payment of:

- (a) Principal and interest upon bonds and temporary notes;
- (b) No-fund warrants issued with the approval of the State Board of Tax Appeals;
- (c) Legal judgments rendered against the City;
- (d) Special assessments charged against the City at large;
- (e) Utility service costs, whether paid from a separate property tax levy of the City or from any other tax supported fund.

Section 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to taxes levied by the City of Clay Center, Kansas, levied under the provisions of K.S.A. 40-2305, 74-4920, 12-11a03, 12-1617h, 12-1904, 12-1318, 12-1220, and K.S.A. 1978 Supp. 12-110b, 44-505c and 44-710e, or to any tax levies required for the payment of employer contributions to any pension or retirement program, or to any other taxes authorized by State law to be levied in addition to or exempt from the aggregate levy limitation of the City of Clay Center, Kansas.

Amounts produced from any levy specified or authorized in this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used

in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated.

Section 4. The City of Clay Center, Kansas is hereby authorized to levy a tax for the purpose of paying utility service costs. As used in this charter ordinance, utility service costs shall include payments made by the City to a water, electric or natural gas system, company or utility for the purpose of obtaining street lighting or traffic control signals or for the lighting, heating, cooling or supplying of water or energy to any City building or facility or for the operation or performance of any function or service by the City. (06-05-79)

CHARTER ORDINANCE NO. 10

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4112; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR MUNICIPAL COURT PROCEDURE, MORE SPECIFICALLY THE IMPOSITION OF COURT COSTS.

Section 1. That the City of Clay Center, 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. 12-4112 which provision applies to said City, but which does not apply uniformly to all cities and to provide substitute and additional provisions on the same subject.

Section 2. Municipal Court Costs. In lieu of K.S.A. 12-4112, the governing body of the City of Clay Center, Kansas, hereby adopts the following provisions:

In each Municipal Court case where the accused person pleads guilty or nolo contendere, or is found guilty, such persons shall be assessed costs for the administration of justice in the Municipal Court of the City of Clay Center, Kansas, and such costs shall be determined by ordinance. In addition thereto, the Municipal Judge of the City of Clay Center, Kansas, is authorized and empowered to assess witness fees and mileage permitted and allowed pursuant to K.S.A. 12-4112 and K.S.A. 12-4411. (09-03-85)

CHARTER ORDINANCE NO. 11

A CHARTER ORDINANCE AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 4 OF THE CITY OF CLAY CENTER, KANSAS, AND SECTION 1-14 OF THE CODE OF SAID CITY TO REINSTATE THE PROVISIONS OF K.S.A. 1988 SUPP. 140308, RELATING TO THE FILLING OF A VACANCY IN THE OFFICE OF MAYOR.

Section 1. That the City of Clay Center, Kansas, under authority of Article 12, Section 5 of the constitution of the State of Kansas, hereby elects to amend Section 3 of Charter Ordinance No. 4 and provide for alternate procedures to fill a vacancy in the office of the Mayor, which procedures are substantially in conformance with those found in K.S.A. 1988 Supp. 14-308.

Section 2. When any vacancy shall happen in the office of the Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or otherwise, the President of the Council, for the time being, shall exercise the office of Mayor, with all of the rights, privileges and jurisdiction of the Mayor. In case of a temporary absence of the Mayor, the President of the Council shall have no power of appointment of officers pursuant to K.S.A. 14-201, and amendments thereto. During the time the President of the council shall exercise the office of the Mayor, the President shall receive the same compensation to which the Mayor would otherwise be entitled. When the President of the council exercises the office of Mayor for reasons other than a temporary absence of the elected Mayor, the Council shall elect from its membership a new President of the Council.

Section 3. All other provisions of Charter Ordinance No. 4 shall remain effective, after this ordinance becomes effective, the provisions herein shall be deemed to have repealed section 1-114 of the Code of said City, and the provisions therein shall be considered amended in conformance with those found in this ordinance. (12-28-89)

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF CLAY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-829 RELATING TO THE OPERATION OF THE PUBLIC UTILITIES;

- Section 1. That the City of Clay Center, 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. 12-829 relating to the management of the Public Utilities; which provisions apply to said city, but which do not apply uniformly to all cities and to provide substitute and additional provisions on the same subject.
- Section 2. That the City of Clay Center, may by general ordinance, now or at any time in the future, adopt substitute and additional provisions for the management of the city's public utilities.
- Section 3. This Ordinance shall take effect and be in force 61 days after its second publication in the official city newspaper unless a petition for referendum on the matter is filed within that time frame.

PASSED AND APPROVED: December 3, 2002