

## **APPENDIX A - 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 and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

### **CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE EXEMPTING THE CITY FROM ORDINANCE PROVISIONS OF 15-601 AND 15-602 OF GENERAL STATUTES OF 1949, RELATING TO POWERS AND DUTIES OF THE CITY MARSHALL, PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Argonia, 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 15-601 and 15-602 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. The City 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 to arrest without process in all cases where any such offense shall be committed or attempted to be committed in his presence. The City Marshall shall have power, and it shall be his duty to keep all such persons in the city prison or other place to prevent their escape until a trial can be had before the proper officer except as otherwise provided in Section 3 of this ordinance. The City Marshall shall execute all processes issued by the Police Judge and delivered to him for that purpose.

Section 3. Whenever any person is arrested for any violation of a traffic ordinance for which a written notice to appear and a cash appearance bond is authorized and provided, and such person is not given an immediate hearing before the Police Judge, the city Marshall shall prepare and make such disposition of such written notice to appear as shall be provided by ordinance. The City Marshall may also require any person arrested for such violation and under such circumstances to post a cash bonding the manner and in the amount and for the offenses prescribed by such offenses prescribed by such ordinance. Whenever any such person shall have given his written promise to appear and shall have posted the required cash bond, if any, the City Marshall shall forthwith release the person arrested, from custody.

Section 4. The Assistant Marshall of the city shall have the same powers as is conferred upon the Marshall in Section 2 and 3 of this ordinance.  
(4-21-64)

## **CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA KANSAS FROM THE PROVISIONS OF KANSAS STATUTES ANNOTATED 75-1117, 75-1120, 75-1120A, 75-1121 AND 75-1122, SO AS TO NOT REQUIRE SAID CITY TO MAINTAIN FIXED ASSETS RECORDS AND ACCOUNTING.

(10-13-87) (Repealed by C.O. No. 3)

## **CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA, FROM K.S.A. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. RELATING TO THE ELECTION OF THE MAYOR AND COUNCILMEMBER, THEIR TERMS OF OFFICE AND THE FILLING OF VACANCIES.

Section 1. The City of Argonia, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A 15-201, and to provide substitute provisions as hereinafter set forth in this ordinance. Such statutory section is applicable uniformly to all cities.

Section 2. An election shall be held on the first Tuesday in April of each odd numbered year. At the April 1989 election, there shall be elected a mayor and five councilmembers. At said election the mayor and the two candidates for councilmember receiving the highest number of votes shall be declared elected for a term of four years. The three candidates for councilmember receiving the next three highest number of votes shall be declared elected for a term or two years. Succeeding elections for all offices shall be for four-year terms or until the successors to such offices are elected and qualified.

Section 3. In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmembers, shall appoint an elector to fill the vacancy for the unexpired term of that council position. In case any person elected as a councilmember neglects or refuses to qualify within 30 days after election, the councilmember shall be deemed to have refused to accept the office and a vacancy will exist. The mayor may, with the consent of the remaining councilmembers, appoint a suitable elector to fill the vacancy for the unexpired term of the council position.

Section 4. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for the office of mayor and a vacancy shall occur in the office of the councilmember becoming mayor.

(6-14-88) (Repealed by C.O. No. 6)

### **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA, KANSAS, FROM THE PROVISIONS OF KANSAS STATUTES ANOTATED 75-1117, 75-1120, 75-1120a, 75-1121 AND 75-1122, SO THAT SAID CITY SHALL NOT BE REQUIRED TO MAINTAIN FIXED ASSETS RECORDS AND ACCOUNTING AND SHALL NOT BE REQUIRED TO PREPARE FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

Section 1. That the City of Argonia, Kansas, a City of the third class, by virtue of the power 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 Kansas Statutes Annotated 75-1117, 75-1120, 75-1120a, 75-1121, and 75-1122, and makes said statutes inapplicable insofar as such statutes require the said city to maintain fixed asset records and accountings or prepare financial statements in accordance with generally accepted accounting principles.

Section 2. Charter Ordinance No. 1(10-13-87) is hereby superceded and repealed.  
(9-12-89)

### **CHARTER ORDINANCE NO. 398**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA FROM THE PROVISIONS OF K.S.A. SUPP. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AUTHORIZING THE ASSESSMENT OF COURT COSTS FOR CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF ARGONIA.

Section 1. The City of Argonia, a city of the third class, by virtue of 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. Supp. 12-4112 which is not uniformly applicable to all cities. The legislature having made special provisions applying to certain classes of the cities in said enactment.

Section 2. In lieu of the provisions of K.S.A. Supp. 12-4112 the governing body of the City of Argonia hereby adopts the following provisions: "Every person entering a plea of guilty or no contest or found guilty of a violation of the ordinances of the City of Argonia shall be assessed costs for the administration of justice in the municipal court of the City of Argonia in an amount as set by ordinance.  
(1-9-96)

#### **CHARTER ORDINANCE NO. 4**

A CHARTER ORDINANCE AMENDING K.S.A. 15-209 RELATING TO RESIDENCY REQUIREMENT.

Section 1. K.S.A. 15-209 shall be amended as follows:

The municipal clerk and the city treasurer, of the City of Argonia, Kansas, may reside outside of the city limits of Argonia, Kansas, if such residence is located within 10 miles of any city limit of the city.

(4-25-12)

#### **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-204 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. Inapplicability. The City of Argonia, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas and as provided by K.S.A. 79-5036(a), hereby elects to exempt itself from a portion of K.S.A. 15-204, which portion provides for the appointment, duties and removal of city officers, and which enactment applies to this city but does not apply uniformly to all cities and hereby provides substitute and additional provisions as hereinafter set forth.

Section 2. Substitution and Additional Provisions. The following is hereby substituted for that portion of K.S.A. 15-204 which provides for the appointment, duties and removal of city officers: Upon the effective date of this ordinance, the following city officers: A Municipal Judge of the Municipal Court, a City Clerk, a City Treasurer, a Chief of Police and a City Attorney and such other officers as deemed necessary shall be hired at the will of the governing body. Said officers shall continue in their duties until terminated by the governing body either for cause or not for cause as they deem fit.

(1-14-14)

#### **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE EXEMPTING THE CITY OF ARGONIA, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 2.

Section 1. The City of Argonia, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body shall consist of a mayor and five council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Argonia, Kansas.

Section 3. Those governing body positions with terms expiring in April 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in January of 2020, when the city officials elected in the November 2019 general election take office.

Section 4. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. A mayor and two council members shall be elected at one election, and the remaining three council members shall be elected at the succeeding election. The mayor and all council members shall have four year terms.

Section 5. All elections for the City of Argonia, Kansas shall be nonpartisan.

Section 6. In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

Section 7. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

Section 8. In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for city office elected at large by having had filed on their behalf, a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by 3% of the qualified electors of the City of Argonia.

(9-6-16)