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 OF SABETHA, KANSAS, FROM K.S.A. 12-1640, RELATING TO DEMAND DEPOSITS OF PUBLIC MONEYS AND CERTAIN DUTIES OF THE CITY TREASURER.

Section 1. Exemption from Statute. The City of Sabetha, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 12-1640, which applies to said city but not uniformly to all cities.
(7-31-67)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS, FROM K.S.A. 79-1952 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT, AND PROVIDING FOR THE LEVYING OF TAXES FOR THE OPERATION OF CITY GOVERNMENT.

Section 1. The City of Sabetha, Kansas, under the authority of Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself and to make inapplicable to it K.S.A. 79-1952.

Section 2. The governing body of the City of Sabetha, Kansas, is hereby authorized and empowered to levy taxes in each year for the following city purposes; and said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation in excess of the following named rates, to-wit:

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); storm sewer maintenance; parks; cemeteries; street lighting; restroom; hydrant rental; forestry - 13.00 mills.

Library - 3.00 mills; provided, that two mills of said levy shall be outside the aggregate levy limit prescribed by K.S.A. 79-1952.

Hospital: Equipping, maintaining and improving, as authorized in K.S.A. 14-603 - 5.00 mills.
(4-3-72)

CHARTER ORDINANCE NO. 1004

A CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS, FROM K.S.A. 1980 SUPP. 79-5001 TO 79-5016; AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Sabetha, 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. 1980 Supp. 79-5001 to 79-5016 and to provide additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 1980 Supp. 79-5001 to 79-5016 is an enactment of the legislature establishing aggregate tax levy limitations 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. 1980 Supp. 79-5001 to 79-5016, inclusive shall not apply to or limit the levy of taxes by the City of Sabetha 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) Recreation costs, whether paid from a separate property tax levy of the city or from any other tax supported fund;

(e) Special assessments including amounts assessed either specifically as special assessments or using other terminology but being in the nature of special assessments.

Section 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Sabetha, levied under the provisions of K.S.A. 40-2305, 74-4920, 74-4967, 12-1617h and 14-10a02, or to any tax levies required for the payment of employer contributions to any pension 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 Sabetha.

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.

(5-4-81)

CHARTER ORDINANCE NO. 1010

A CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS FROM K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO.

Section 1. The City of Sabetha, 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. 79-5001 to 79-5017, inclusive, and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Sabetha, Kansas.
(7-13-81)

CHARTER ORDINANCE NO. 1025

A CHARTER ORDINANCE TO INCREASE THE EXISTING COMMISSION FORM OF GOVERNMENT OF A MAYOR AND TWO COMMISSIONERS TO A MAYOR AND FOUR COMMISSIONERS, AND EXEMPTING THE CITY OF SABETHA, KANSAS FROM K.S.A. 14-1204, K.S.A. 14-1208, K.S.A. 14-1307 and K.S.A. 25-1207.

Section 1. The City of Sabetha, Kansas, by power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to increase the present city commission (composed of a mayor and two commissioners) to a mayor and four commissioners. The new commission offices will be a commissioner of streets and commissioner of parks and recreation. The regular term of the commissioner of streets and commissioner of parks and recreation shall be for four years commencing with the city election in April, 1983, and at each election thereafter the commissioner of streets and commissioner of parks and recreation shall be elected for terms of four years, shall hold their offices until their successors are elected and qualified.

Section 2. The governing body exempts itself from the provisions of K.S.A. 14-1204, K.S.A. 14-1208, K.S.A. 25-2107, and K.S.A. 14-1307, which apply only to the mayor-commission form of government and are not uniformly applicable to all cities, and herein specifies substitute provisions.

Section 3. In the event a section, subsection, clause or paragraph shall be held unconstitutional, or invalid, it shall be conclusively presumed that the governing body shall have enacted the remainder of this charter ordinance without such invalid section, subsection, paragraph or clause.
(6-21-82)

CHARTER ORDINANCE NO. 1056

A CHARTER ORDINANCE AUTHORIZING THE CITY OF SABETHA TO ISSUE A "BLANKET BOND" FOR POSITIONS.

Section 1. The City of Sabetha, Kansas, by power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to require a "position bond" for the office of mayor, each city commissioner, city treasurer, chief of police, municipal court judge, members of the city police department, city administrator, city clerk, cashier in the city clerk's office, superintendent of utilities, and the municipal court clerk. Said bond shall be written with a bonding company authorized to do business in Kansas payable to and for the use and benefit of the city in the event the employee in said position fails to faithfully discharge his or her duties. Further said bond will save the city harmless from all loss caused by neglect of duty or malfeasance in office, or for the willful expenditure or misappropriation of any monies, property or securities of the City of Sabetha in violation of law. The cost of this bond shall be borne by the city. The bond fixed for each office is as follows:

Mayor - $10,000;
Position of City Commissioner - $10,000;
City Treasurer - $10,000;
Chief of Police - $10,000;
Municipal Court Judge - $10,000;
Position of City Police Office - $10,000;
City Administrator - $10,000;
City Clerk - $10,000;
Position of Cashier in the City Clerk's Office - $10,000;
Superintendent of Utilities - $10,000;
Municipal Court Clerk - $10,000.

Section 2. The governing body exempts itself from the provisions of K.S.A. 14-304, which apply only to the mayor-commission form of government and are not uniformally applicable to all cities, and herein specifies substitute provisions.

Section 3. In the event a section, subsection, clause or paragraph shall be held unconstitutional, or invalid, it shall be conclusively presumed that the governing body shall have enacted the remainder of this charter ordinance without such invalid section, subsection, paragraph or clause.
(8-6-84)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THEREFORE AUTHORIZING AND SETTING THE ASSESSMENTS FOR COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF SABETHA, KANSAS.

Section 1. The City of Sabetha, Kansas, a city of the second 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 and does exempt itself from and make inapplicable to it K.S.A. 12-4112 adopted by the Kansas Legislature

that is not uniformly applicable to all cities, the legislature having made special provisions applying to certain classes of cities in said enactment.

Section 2. In lieu of K.S.A. 12-4112, the governing body of the City of Sabetha, Kansas hereby adopts the following provision:

(a) In all municipal court cases where the accused person or persons pleads guilty or nolo contendere, or is found guilty, of a violation of the ordinances of the City of Sabetha, Kansas, shall be assessed costs for the administration of justice in the municipal court of the City of Sabetha, Kansas, and such costs shall be determined by ordinary ordinance of the City of Sabetha, Kansas.

(4-7-86)

CHARTER ORDINANCE NO. 7

CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-5021 et seq., AND AMENDMENTS THERETO.

Section 1. The City of Sabetha, Kansas, a city of the second 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 and does exempt itself and make inapplicable to it the provisions of K.S.A. 79-5021 et seq., and amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.,

Section 2. The provisions of K.S.A. 79-5021 et seq., and any amendments thereto, shall not apply to any taxes levied by the City of Sabetha, Kansas.

(8-20-90)

(First Published in the Sabetha Star on _____, 2004)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE EXEMPTING THE CITY OF SABETHA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-631K, AS AMENDED BY CHAPTER 107, SECTION 1, 2004 SESSION LAWS OF KANSAS, AND K.S.A. 12-860, AS AMENDED BY CHAPTER 107, SECTION 2, 2004 SESSION LAWS OF KANSAS, AND K.S.A. 14-569, AS AMENDED BY CHAPTER 107, SECTION 3, 2004 SESSION LAWS OF KANSAS, RELATING TO THE ESTABLISHMENT OF UTILITY CHARGES, THE BILLING AND COLLECTION OF THE SAME AND THE ESTABLISHMENT OF A LIEN AGAINST THE PROPERTY SERVED.

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

SECTION 1. That the City of Sabetha, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 12-631k, as amended by Chapter 107, Section 1, 2004 Sessions Laws of Kansas and K.S.A. 12-860, as amended by Chapter 107, Section 2, 2004 Session Laws of Kansas, and K.S.A. 14-569, as amended by Chapter 107, Section 3, 2004 Session Laws of Kansas, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

SECTION 2. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION 3. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this charter ordinance shall become effective upon approval by the majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this _____ day of _____, 2004.

_____
Norman Schmitt, Jr., Mayor

Attest:

_____
City Clerk

(Seal)

(First published in the Sabetha Herald on November ___, 2000)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE TO INCREASE THE NUMBER OF COMMISSIONERS TO FOUR TO CONSTITUTE A QUORUM OF THE GOVERNING BODY OF THE CITY OF SABETHA, NEMAHA COUNTY, KANSAS, AND EXEMPTING THE CITY OF SABETHA, KANSAS FROM THE PROVISIONS OF K.S.A. 14-1308, AND ANY AMENDMENTS THERETO.

Section 1. In accordance with the authority granted to municipalities by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Sabetha hereby exempts itself from and to make inapplicable to the City of Sabetha the provisions of K.S.A. 14-1308 which establishes a simple majority of the governing body as a quorum for the transaction of business. The provisions of the above mentioned statute apply to the City of Sabetha, but do not apply uniformly to all cities in Kansas.

Section 2. The governing body hereby elects to increase the number of commissioners to four to constitute a quorum of the governing body of the City of Sabetha, Kansas for the transaction of business.

Section 3. Upon its effective date, this Ordinance shall repeal any other ordinance or parts thereof inconsistent herewith.

Section 4. This Ordinance shall be published once each week for two consecutive weeks in the official city paper as provided by law.

Section 5. This is a Charter Ordinance and shall take effect sixty-one (61) days after the last publication thereof unless a sufficient petition for a referendum is filed and a referendum held on the ordinance is provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon.

Passed by the governing body and approved by the mayor, not less than two-thirds (2/3) of the members of the governing body voting in favor thereof, on this _____ day of November, 2000.

_____
Norman D. Schmitt, Jr., Mayor

ATTEST:

_____
Linda Lehman, City Clerk