

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. 739

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM SECTION 7 OF CHAPTER 274 OF THE 1968 SESSION LAWS OF THE KANSAS LEGISLATURE, WHICH SECTION PROVIDES A NEW PROVISION OF THE KANSAS STATUTES ANNOTATED, K.S.A. 25-2017, AND FROM SECTION 38 OF CHAPTER 274 OF THE 1968 SESSION LAWS OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 14-1204; PROVIDING SUBSTITUTION AND ADDITIONAL PROVISIONS ON THIS SAME SUBJECT, RELATING TO THE ELECTION OF THE MAYOR AND THE COMMISSIONERS, THEIR TERMS OF OFFICE AND PRESIDING OFFICER.
(Repealed by Charter Ordinance No. 752)

CHARTER ORDINANCE NO. 752

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM SECTIONS 25-2107, 14-1204, 14-1208 AND 14-1307 OF KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS PROVIDING FOR THE ELECTION OF FIVE COMMISSIONERS, TIE VOTES, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO COMPLY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTIONS.

Section 1. The City of Horton, Kansas, a mayor-commission city of the second class, by the power invested in it by Article 12 Section 5 of the Constitution of the State of Kansas, hereby elects and exempts itself from and makes inapplicable to it Sections 25-2107, 14-1204, 14-1208 and 14-1307 of Kansas Statutes Annotated, which apply only to mayor-commission, city manager-commission forms of government, which is not applicable uniformly to all cities and to provide substitute additional provisions as hereinafter provided.

Section 2. The governing body of the City of Horton, Kansas, shall be enlarged from three commissioners to five commissioners effective and for the purpose of the election in the year 1974, and ensuing years. Said governing body of five commissioners shall become effective as soon thereafter as elected as hereinafter provided for.

Section 3. The mayor, one commissioner of finance and revenue, one commissioner of streets and public utilities, one commissioner of parks and one commissioner of police shall constitute the board of commissioners and the governing body of the city and the mayor shall be presiding officer. The governing

body member (mayor) elected in the year 1971 shall have a term expiring in 1975. The governing body member (commissioner of streets and public utilities) elected in the year 1973 shall have a term expiring in 1976. A regular city election shall be held on the first Tuesday of April of each year, beginning with the year 1974. At the first said election to be held hereunder, there shall be designated commissioner of finance, being a three year term, commissioner of parks, being a four year term, and commissioner of police, being a four year term. Thereafter each year, there shall be elected one commissioner for a four year term, except that on each fourth year, there shall be elected two commissioners for a four year term each. Whenever a tie shall occur in a vote on any of the aforesaid officers, the result shall be decided by lot by the county officer. The city clerk shall within three days after the canvas of the returns and determination by the county election officer of the person elected delivered to each such person a certificate of election signed by him with the seal of the city and such certificate shall constitute notice of election.

The term of the officers shall begin on the first regular meeting of the commission in May following their election in April, and they shall qualify at any time before or at the beginning of said meeting and as otherwise required by statute. If any person elected to the office of commissioner does not qualify within the required time, he shall be deemed to have refused to accept the office and a vacancy shall exist; and thereupon, a majority of the commission, by voice vote, shall appoint a suitable elector of the city to fill the vacancy of the term to which the refusing person was elected. (1-7-74)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM THE PROVISIONS OF KANSAS STATUTES ANNOTATED 14-1308 RELATING TO MEETINGS OF THE COMMISSIONERS OF A CITY OF THE SECOND CLASS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.
(Repealed by C.O. No. 6)

CHARTER ORDINANCE NO. 3

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

Section 1. The City of Horton, 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 Horton, Kansas. (5-28-80)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM SECTION 12-4112 OF THE KANSAS STATUTES ANNOTATED AS ADOPTED BY THE LEGISLATURE OF THE STATE OF KANSAS IN CHAPTER 61, SESSION LAWS OF 1973; AND PROVIDING, SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF HORTON, KANSAS.
(Repealed by C.O. No. 7)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM THE PROVISIONS OF KANSAS STATUTES ANNOTATED 14-1308 RELATING TO MEETING OF THE COMMISSIONS OF A CITY OF A SECOND CLASS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING CITY ORDINANCE NO. 821.
(Repealed by C.O. No. 12)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM SECTION 12-4112 OF THE KANSAS STATUTES ANNOTATED AS ADOPTED BY THE LEGISLATURE OF THE STATE OF KANSAS IN CHAPTER 61, SESSION LAWS OF 1973; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF HORTON, KANSAS.

Section 1. The City of Horton, Kansas operating under a commission form of government, and being a city of the second class, by 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 makes inapplicable to it, Section 12-4112 of the Kansas Statutes Annotated as adopted by the legislature of the State of Kansas and Chapter 61, Session Laws of 1973, which provisions are 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 Kansas Statutes Annotated 12-4112, the governing body of the City of Horton, Kansas, hereby adopts the following provision:

(a) Costs. No person shall be assessed costs for the administration of justice in any municipal court costs, except for cases docketed for court appearance. In such cases where the accused person pleads guilty or nolo contendere, or is found guilty, the court costs shall be assessed against the accused person. If the accused person is unable to pay the costs assessed against him, they shall be and remain a judgment against him which may be enforced as a judgment for payment of money in civil cases. The amount of the court costs to be assessed by the municipal court shall be determined by the governing body of the

City of Horton, Kansas, by the adoption of an ordinance pursuant to the provisions of K.S.A. 12-3001.

If it appears to the court that the prosecution was instituted without probable cause and from malicious motives, the court may require the person initiating the prosecution to appear and answer concerning the motives of such person for instituting the prosecution. If, after such hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed the complaining witness or the person initiating the prosecution.

Section 3. This ordinance shall be published once each week for two consecutive weeks in the official city paper of the City of Horton, Kansas.

Section 4. Charter Ordinance No. 5 adopted by the governing body of the City of Horton, Kansas, on the 12th day of December, 1981, is hereby repealed. (7-16-87)

CHARTER ORDINANCE NO. 11

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-1501 RELATING TO THE APPOINTMENT OF CITY OFFICES AND EMPLOYEES, THEIR TERMS AND VACANCIES, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Horton, Kansas, by virtue of the power vested in and 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 K.S.A. 14-1501 which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body of the city shall appoint a city administrator, city attorney, city treasurer, and a municipal judge, provided, that no officer other than the city administrator, shall be appointed until the salary and term of the office to which he or she is appointed shall be prescribed by ordinance.

Section 3. All appointive officers, other than the city administrator, shall hold office for the term of two years, commencing on the first Monday in May of each odd-numbered year, and until their successor is appointed and qualified. In case of a vacancy in any office, the person appointed to that vacancy shall be appointed for the remainder of that term.

Section 4. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This is a charter ordinance and shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subsection (c)(3) of the constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electorate voting thereon. (4-3-95)

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF HORTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-1308 RELATING TO MEETING OF THE COMMISSIONERS OF A CITY OF A SECOND CLASS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING CHARTER ORDINANCE NO. 6.

Section 1. The City of Horton, Kansas under the authority of Article XII, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and to make inapplicable to it K.S.A. 14-1308 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. (a) The commission of the City of Horton, Kansas shall meet on each and every first and third Mondays of each month, and also on any fifth Monday occurring in any month, in regular meeting in the city hall of said city, with the meeting time to be set by ordinance, and take under advisement and act upon such business that may come before it, provided that if the regular meeting falls on a legal holiday, the meeting shall be held on the next succeeding business day.

(b) The majority of said commission shall consist of a quorum for the transaction of business, but no final action shall be taken in any manner respecting the department of any absent commissioner unless such business has been made a special order with notice to such commissioner, of such contemplated action, or unless such action is taken at a regular meeting of the commission.

Section 4. Ordinance No. 6 is hereby repealed.
(5-20-96)