

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF GARDNER, KANSAS FROM K.S.A. 12-4207 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO SERVICE OF UNIFORM NOTICES TO APPEAR AND COMPLAINTS FILED WITH THE GARDNER MUNICIPAL COURT.

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

SECTION ONE: The City of Gardner, Kansas, by the power vested 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. 12-4207 relating to service of complaints filed in the Municipal Court, which applies to said City but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: Complaints and Notices to Appear; Service. Complaints and Notices to Appear shall be served upon the accused persons 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 Complaint and Notice to Appear may be served by a law enforcement officer, fire marshal or duly appointed Gardner building official, code enforcement officer or zoning officer within the state and, if mailed, shall be mailed by a Gardner law enforcement officer or the Clerk of the Municipal Court. No provisions of this Charter Ordinance shall be construed to empower fire marshals, building officials, code enforcement officers, zoning enforcement officers, court clerks or lake patrol officers with powers of arrest, search, detention or other powers of law enforcement officers, except as provided by law. Upon service by mail the law enforcement officer or Court Clerk 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 _____, 19____, a copy of the Complaint and Notice to Appear was mailed to _____, at _____, _____.

(Signature of law enforcement officer or Clerk of Court)

SECTION THREE: This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION FOUR: This is a Charter Ordinance and shall take effect sixty-one (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, 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, not less than two-thirds of the member elect voting in favor thereof, this 19th day of August, 1985.

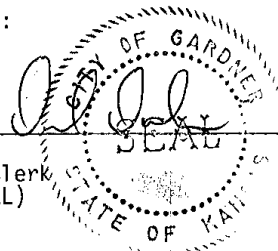
SIGNED by the Mayor this 19th day of August, 1985.

Rhyllia Thomen

Mayor

ATTEST:

[Signature]

City Clerk
(SEAL)


STATE OF KANSAS,
JOHNSON COUNTY, ss:

Bill Wipperman

being first duly sworn, deposes and says: That he is
Editor of The Gardner News, a
(name of newspaper)

weekly newspaper printed in the State of Kansas, and published
in and of general circulation in Johnson County, Kansas, with a
general paid circulation on a yearly basis in Johnson County,
Kansas, and that said newspaper is not a trade, religious or
fraternal publication.

Said newspaper is a weekly published at least weekly 50 times
a year; has been so published continuously and uninterruptedly
in said county and state for a period of more than five years
prior to the first publication of said notice; and has been admitted
at the post office of Gardner, KS. in said County
as second class matter.

That the attached notice is a true copy thereof and was published
in the regular and entire issue of said newspaper for 2

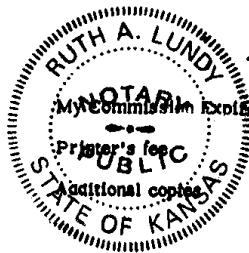
consecutive weeks, the first publication thereof being made as
aforesaid on the 21 day of Aug., 19 85,

with subsequent publications being made on the following dates:

Sept. 11, 19 85 _____, 19 _____
_____, 19 _____, 19 _____
_____, 19 _____, 19 _____

Bill Wipperman

Subscribed and sworn to before me this 13 day of
Sept., 19 85.



Ruth A. Lundy
Notary Public

July 28, 1988

(First Published in The Gardner News on
Wednesday, August 21, 1985)

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COURT.

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BODY OF THE CITY OF GARDNER,
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Section 5, of the Constitution of the State of
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relating to service of complaints filed in the
Municipal Court, which applies to said City but
not uniformly to all cities, and provides
substitute and additional provisions on the
same subject as hereinafter provided.

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persons 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
Complaint and Notice to Appear may be
served by a law enforcement officer, fire
marshal or duly appointed Gardner building
official, code enforcement officer or zoning
officer within the state and, if mailed, shall be
mailed by a Gardner law enforcement officer
or the Clerk of the Municipal Court. No
provisions of this Charter Ordinance shall be
construed to empower fire marshals, building
officials, code enforcement officers, zoning
enforcement officers, court clerks or lake
patrol officers with powers of arrest, search,
detention or other powers of law enforcement
officers, except as provided by law. Upon
service by mail the law enforcement officer or
Court Clerk 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 _____, 19____, a copy of the
Complaint and Notice to Appear was mailed
to _____ at _____

(Signature of law enforcement officer or Clerk
of Court)

SECTION THREE: This Charter Ordinance
shall be published once each week for two
consecutive weeks in the official City
newspaper.

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referendum held on the ordinance as 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, not less
than two-thirds of the member elect voting in
favor thereof, this 19th day of August, 1985.

SIGNED by the Mayor this 19th day of
August, 1985.

Phyllis Thomen
Mayor

Attest:
Del Dollal
City Clerk
(SEAL)

IN THE _____ COURT OF
JOHNSON COUNTY, KANSAS

_____, 19____
The within Proof of Publication approved.

Judge.