

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 MARYSVILLE, KANSAS, FROM K.S.A. 79-1952; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REMOVING CERTAIN LIMITATIONS OF TAX LEVY.

Section 1. The City of Marysville, Kansas, 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 itself from, and make inapplicable to it, K. S. A. 79-1952, and provide substitute and additional provisions as hereinafter set forth in this ordinance. K.S.A. 79-1952 is applicable to this 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 limitations and prohibitions under said constitutional provision.

Section 2. The Governing Body of the City of Marysville, 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); Parks; Cemeteries; Parking Meters; Street Lighting; Rest Room; Hydrant Rental; Airport Maintenance; Forestry; Military Memorial Maintenance.

Library Fund (providing the levy shall not exceed 3.00 mills).

Said Governing Body may levy an amount necessary to meet the requirements of its adopted budget.

(06-24-68)

CHARTER ORDINANCE NO. 2

(Repealed by C.O. No. 7)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING A TRACT OF CITY OWNED REALTY FROM THE GENERAL PROHIBITION OF K.S.A. 41-719.

Section 1. That the City of Marysville, Kansas, a city of the second class, who and by virtue of the power vested in it by Article 12, Section 5, does hereby exempt itself from the provisions of K.S.A. 41-719 insofar as the City owned property, which is legally described as follows:

Lots Ten (10), Eleven (11) and Twelve (12), in Block Ten (10), Ballard and Morrall's Addition to the City of Marysville, Marshall County, Kansas,

is concerned, and makes said statute, which is not uniformly applicable to all Cities, inapplicable to the afore-described tract in the City of Marysville, Kansas.
(08-15-83)

CHARTER ORDINANCE NO. 4

(Repealed by C.O. No. 16)

CHARTER ORDINANCE NO. 5

(Repealed by C.O. No. 12)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-103 AND 14-201, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Marysville, 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. 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. The provisions of K.S.A. 14-103 shall hereby read:

The City of Marysville shall be divided into four wards, as equal in population as practicable, and numbered Ward 1, Ward 2, Ward 3 and Ward 4. The territory of each ward shall be contiguous and compact. Boundaries of each ward in existence at the time of passage of this ordinance shall remain in effect. Any change to these boundaries shall be by ordinance.

Section 3. The provisions of K.S.A. 14-201 shall hereby read:

On the first Tuesday in April, 1989, there shall be elected a mayor, city treasurer and eight (8) council members. Each ward shall have two council members who shall be chosen by the qualified electors of their respective wards.

The top vote getter in each ward shall be elected for a term of four years. The second highest votes getter in each ward shall be elected for a term of two years. On the first Tuesday in April, 1991, and every two years thereafter, council members shall be elected for a four-year term of office.

Section 4. On the first Tuesday in April, 1989, there shall be elected a mayor and city treasurer from said city who shall hold their office for a term of two years. On the first Tuesday in April, 1991, and every two years thereafter, the mayor and city treasurer shall be elected for a two-year term of office.

Section 5. (Repealed and Amended by C.O. No. 8)
(07-13-87)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4112 RELATING TO THE ASSESSMENT OF COURT COSTS IN MUNICIPAL COURT AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Marysville, by virtue of 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 K.S.A. 12-4112 which applies to this city. but is part of an enactment which does not apply uniformly to all cities.

Section 2. The provisions of K.S.A. 12-4112 shall hereby read:

Court costs may be assessed against the accused person for the administration of justice in any municipal court case where the accused person pleads guilty or nolo contendere or is found guilty. Costs shall be assessed as provided by city ordinance and in addition thereto the municipal judge may assess witness fees and mileage as set forth in K.S.A. 12-4411.

Section 3. If it appears to the municipal court that prosecution was instituted with probable cause and from malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his or her motives for instituting the prosecution. If upon hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed against the complaining witness or other person initiating the prosecution.

Section 4. Charter Ordinance No. 2 is hereby repealed.
(07-10-89)

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE MODIFYING SECTION 5 OF CHARTER ORDINANCE NO. 8 WHICH EXEMPTED THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201 RELATING TO THE APPOINTMENT OF CITY OFFICERS AND PROVIDED SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT.

Section 1. The City of Marysville, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby modifies Section 5 of Charter Ordinance No. 8 which exempted the City of Marysville from the provisions of K.S.A. 14-201 relating to the appointment of City officers and provided substitute and additional provisions on the same subject.

Section 2. Section 5 of Charter Ordinance No. 8 is hereby amended to read:

Section 5. Appointments:

(a) The Mayor shall appoint by and with the consent of not less than 5 affirmative votes of the Council, a city, clerk, city marshal-chief of police, and city administrator. These officers so appointed and confirmed shall hold their office for an indefinite period of time and until their successors are appointed and qualified. Officers so appointed may be terminated at any time, with cause, and as provided by Chapter 1, Article 7, of the City Code, upon 5 affirmative votes of the council members. The City Clerk, City Marshal-Chief of Police and City Administrator holding office at the time of passage of this ordinance shall be retained in office and the provisions here before stated shall subsequently apply.

(b) The Mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court and city attorney and may appoint any other officers deemed necessary or as provided by ordinance. 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 may, by ordinance, specify the duties and compensation of an officer and may, by ordinance, abolish an office created by them whenever they may deem it expedient.

(c) The governing body may maintain 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.

Section 3. Section 5 of Charter Ordinance No. 8 is hereby repealed.
(08-28-95)

CHARTER ORDINANCE NO. 10
(Repealed by C.O. No. 12)

CHARTER ORDINANCE NO. 11

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2303, 25-2309 AND 25-2709 AND AMENDMENTS THERETO.

Section 1. EXEMPTION: The City of Marysville, by virtue of 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 K.S.A. 25-2303, 25-2309 and 25-2709 and amendments thereto, which apply to this city but do not apply uniformly to all cities.
(07-08-96)

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NOS. 5 AND 10 AND EXEMPTING THE CITY OF MARYSVILLE FROM THE PROVISIONS OF K.S.A. 79-1952 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY.

Section 1. In accordance with the authority granted to cities by K.S.A. 79-5036(a), as amended, and Section 5 of Article 12 of the Kansas Constitution, the City of Marysville hereby elects to exempt itself from and to make inapplicable to the City of Marysville the provisions as are set out in this ordinance. The provisions of the above mentioned statute apply to the City of Marysville, but do not apply uniformly to all cities in Kansas.

Section 2. The governing body of the City of Marysville is hereby authorized and empowered to levy taxes in each year for the general fund and other city purposes. Said purposes shall include all of the operations of the city except as limited by the provisions of Section 3 of this ordinance. The governing body may levy an amount necessary to meet the requirements of its adopted budget.

Section 3. The rate of levy for library purposes shall not exceed seven (7) mills.

Section 4. Charter Ordinance Nos. 5 and 10 are hereby repealed.
(07-15-96)

CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE PERTAINING TO THE PURCHASE, REPAIR OR REPLACEMENT OF CERTAIN EQUIPMENT, APPARATUS OR MACHINERY; BORROWING MONEY AND ISSUING GENERAL OBLIGATION BONDS OF THE CITY; EXEMPTING THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-110a ET SEQ. AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City by the power vested in it by Article 12. Section 5, Subparagraph (c)(3) of the Constitution of the State of Kansas, hereby elects to

exempt itself from and make inapplicable to it the provisions of the Act and to provide substitute and additional provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions are either enactments or a part or parts thereof that are applicable to this city but are not applicable uniformly to all cities.

Section 2. The City does hereby provide substitute and additional provisions in place of those found at K.S.A. 12-110c as follows:

(a) The City may by appropriate resolution, authorize the repair, replacement or acquisition of equipment, apparatus or machinery necessary for law enforcement, ambulance, emergency medical service, and fire protection purposes and may provide for the payment of the cost thereof by the issuance of general obligation bonds of the City; and

(b) The general obligation bonds of the City issued for such purposes shall not be subject to the notice protest period and referendum requirements, or limitations on maturity, as provided in K.S.A. 12-110a et seq.

(c) Whenever it is determined that general obligation bonds of the City should be issued for the purposes authorized herein, the governing body of the city shall adopt an ordinance authorizing such issuance citing Article 12, Section 5, Subparagraph (c)(3) of the Constitution of the State of Kansas and this Charter Ordinance. Such general obligation bonds shall be authorized by the governing body without further action, but shall be issued, sold and delivered in compliance with the provisions of K.S.A. 10-101 et seq., when such provisions are not in conflict with the ordinance.

(d) In the event it is determined that the project authorized pursuant hereto should be funded in whole or in part by the issuance of the City's general obligation bonds, the City is hereby authorized to issue temporary notes from time to time by resolution in an amount not exceeding the amount of general obligation bonds to be issued to pay the costs of the project. Such issuance, as permitted hereunder, shall be further authorized and limited to the same extent as is the issuance of temporary notes pursuant to K.S.A. 10-123, as amended.

Section 3. If any provision or provisions of this Charter Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Charter Ordinance that can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter Ordinance are severable.

Section 4. The provisions of this Charter Ordinance are supplemental to and alternative to all other statutes and ordinances relating to such equipment, apparatus or machinery and the issuance of bonds for the payment of the cost thereof and, subject to the limitations hereof shall not be construed to prevent the City from using other available statutes or ordinances.

(09-16-02)

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, 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 LEN AGAINST THE PROPERTY SERVED.

Section 1. The City of Marysville, 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 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, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.
(08-23-04)

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS, FROM K.S.A. 12-16,101 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Marysville, 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. 12-16,101 and to provide substitute and additional provisions as hereinafter set forth in the charter ordinance. K.S.A. 12-16,101 is a part of an enactment of the legislature applicable to this City but not applicable uniformly to all cities.

Section 2. The provisions of K.S.A. 12-16,101 is hereby substituted to read as follows: Upon levying a transient guest tax, the governing body of the City of Marysville shall establish a Convention and Tourism Committee to make recommendations concerning the programs and expenditures for promotion of conventions and tourism. The Mayor of the City of Marysville, with the consent and approval of the city council, shall appoint ten (10) members, who shall be residents of the City of Marysville or residents who live within the three-mile extraterritorial area, to such committee. Of the initial membership, four shall serve for one year, three for two years and three for three years. Thereafter, the members of said committee shall be selected in the same manner as the member he or she is succeeding and the term of office of each shall be three years. Whenever a vacancy occurs in the membership of said committee, an elector shall be selected to fill such vacancy in the same manner as and for the unexpired term

of the member he or she is succeeding. The Mayor shall annually appoint a chairman and the committee shall elect a secretary who shall keep an accurate record of the minutes and proceedings of each meeting and shall make such minutes available to the governing body upon request.

Section 3. Charter Ordinance No. 4 is hereby repealed.
(06-12-06)

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 41-712(a) AND PROVIDING SUBSTITUTE PROVISIONS, AS DESCRIBED IN K.S.A. 41-712(b).

Section 1. The City of Marysville, 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 the provisions of K.S.A. 41-712(a), part of an enactment known as the Liquor Control Act, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The provisions of K.S.A. 41-712(b) is hereby substituted for the provisions of K.S.A. 41-712(a):

No person shall sell at retail any alcoholic liquor (1) on Sunday (2) on Easter Sunday, Thanksgiving Day or Christmas Day; or (2) before 9:00 a.m. or after 11:00 p.m. on any day when the sale is permitted.
(06-23-08)

CHARTER ORDINANCE NO. 18

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS FROM THE PROVISIONS OF SECTION 4 OF 2008 HOUSE BILL NO. 2217 AS CODIFIED IN 2008 SESSION LAWS, CHAPTER 163, SECTION 4.

Section 1. The City of Marysville, 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 the provisions of Section 4 of 2008 House Bill No. 2217 as codified in the 2008 Session Laws, Chapter 163, Section 4, as it pertains to the procedure for considering mayoral appointments.
(08-11-08)

CHARTER ORDINANCE NO. 19

CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF SUB-PARAGRAPH (a) OF K.S.A. 12-1697, WHICH RELATE TO THE LEVY OF A TRANSIENT GUEST TAX, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH SUCH

TRANSIENT GUEST TAX MONIES MAY BE SPENT; AND PROVIDING
SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.

- Section 1. The City of Marysville, 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 and make inapplicable to it the provisions of paragraph (a) of K.S.A. 12-1697, relating to the levy of a transient gas tax, to the maximum rate thereof, and to the purposes for which such transient guest tax monies may be spent. K.S.A. 12-1697(a) is part of an enactment which is applicable to City of Marysville, Kansas, but is not applicable uniformly to all cities.
- Section 2. In order to provide revenues to promote tourism and conventions, a transient guest tax of five percent (5%) shall be levied in the City of Marysville, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel, or tourist court.
- Section 3. The "Transient Guest Tax Fund" of the City of Marysville, previously established by Resolution 1986-6 shall remain in effect to which all monies received by the City Treasurer from disbursements of the transient guest tax shall be credited. The money so received shall only be expended for convention and tourism promotion.
- Section 4. Any ordinance or resolution or parts thereof that are in conflict herewith are repealed.

(07-15-10)