

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 chapter 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. 611

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS, FROM THE PROVISIONS OF SECTIONS 15-601 AND 15-602 OF THE GENERAL STATUTES OF 1949, RELATING TO POWERS AND DUTIES OF THE CITY MARSHAL AND ASSISTANT MARSHAL; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. (5-7-62)

CHARTER ORDINANCE NO. 624

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS FROM THE PROVISIONS OF SECTION 15-512 OF THE GENERAL STATUTES OF 1949, RELATING TO JUDGMENTS IN THE POLICE COURT OF A CITY OF THE THIRD CLASS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. (2-4-63)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS, FROM SECTION 15-201 OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949, AND SECTION 15-210 OF THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ELECTION OF MAYOR, POLICE JUDGE, AND FIVE COUNCILMEN, TIE VOTES, THEIR TERMS OF OFFICE, QUALIFYING, FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION. (Repealed by C.O. No. 4)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS, FROM K.S.A. 79-5011; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE A SPE-

CIAL FUND FOR THE PURPOSE OF PAYING MUNICIPAL AIRPORT AND STREET MAINTENANCE COSTS.

Section 1. The City of Cimarron, 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. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 79-5011 is a part of an enactment of the legislature establishing an aggregate tax levy limitation 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 provision.

Section 2. The provisions of K.S.A. 79-5001 TO 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Cimarron 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) Special assessments charged against the city at large;
- (e) Municipal airport costs, whether paid from a separate property tax levy fund of the city or from any other tax supported fund;
- (f) Street maintenance costs, whether paid from a separate property tax levy fund of the city or from any other tax supported fund.

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 Cimarron levied under the provision of K.S.A. 40-2305, 74-4920, 74-4967, or 12-1617h, or to any tax levies required for the payment of employer contributions to any pension and 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 Cimarron.

Amounts produced from any levy specified or authorized by this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limitation under Article 650 of Chapter 79 of the Kansas Statutes Annotated.

Section 4. The City of Cimarron is hereby authorized to levy a tax for the purpose of paying municipal airport costs. As used in this charter ordinance, "municipal costs" shall include payments made by the city for water, electric, or natural gas for runway and taxiway purposes, and for lighting or traffic control signals, or for the operation or performance of any function or service by the city at the airport.

Section 5. The City of Cimarron is hereby authorized to levy a tax for the purpose of paying street maintenance and improvement costs. As used in this charter ordinance "street maintenance and improvement costs" shall mean the city's cost for salaries, equipment, materials, commodities and services necessary for the repair, maintenance and improvement of city streets.
(4-17-80)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS, FROM SECTION 44 OF HOUSE BILL NO. 1709, OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF THE MAYOR, COUNCILMEN, AND POLICE JUDGE, THEIR TERMS OF OFFICE AND THE FILLING OF VACANCIES.

Section 1. The City of Cimarron, 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 Section 44 of House Bill No. 1709, of the 1968 session of the Kansas Legislature, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city, but is not applicable uniformly to all cities.

Section 2. A regular city election shall be held on the first Tuesday in April in every odd numbered year. At the regular city election held in 1969, there shall be elected three councilmen for a four year term. At the election held in 1971, there shall be elected a mayor, two councilmen and a police judge for a four year term. Succeeding elections to be held every two years for all such officers whose term has expired, and shall be for four year terms.

Whenever there is a tie vote for two or more candidates and it is necessary to determine which candidate receives the office, the winner shall be determined by lot by the board of canvassers. The terms of the officers shall begin at the first regular meeting of the council succeeding their election, and they shall qualify by taking the oath of office and otherwise, if there by other qualifications prescribed, at any time after receiving notice of election and before or at the beginning of said meeting. If any person elected to the office of police judge or councilman does not qualify within the required time, he shall be deemed to have refused to accept the office and a vacancy shall exist and the mayor shall appoint, with the consent of a majority of the councilmen, in the case of the police judge, and with the consent of the remaining councilmen in the case of a councilman, a suitable elector of the city to fill the vacancy for the term to which the refusing person was elected. In case of a vacancy in the office of councilman occurring by reason of resignation, death, removal from the city, removal from office, or becoming mayor by reason of being president of the council, when a vacancy occurs in the office of mayor, the mayor shall appoint with the consent of a majority of the remaining councilmen, some suitable elector of the city to fill the vacancy until the expiration of the term of such of office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, removal from the city, or refusal to qualify or failure to qualify, the president of the council, or in the case of the mayor-elect's refusal or failure to qualify, the new president of the council, shall become mayor until the expiration of the term, and a vacancy shall occur in the office of the councilman becoming major.

(1-6-69)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS, FROM A PORTION OF K.S.A. 15-204; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SUBJECT OF APPOINTMENT OF A MARSHAL, CHIEF OF POLICE, OR POLICEMAN; AND AUTHORIZING THE APPOINTMENT OF A MARSHAL, CHIEF OF POLICE, OR POLICEMAN BY MOTION OF THE CITY GOVERNING BODY OF THE CITY OF CIMARRON.

Section 1. The City of Cimarron, 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 a small portion of K.S.A. 15-204, that part being appointment of a marshal, chief of police, or a policeman, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 15-204 is a part of an enactment of the Legislature establishing appointment of city officers but it is not part of a uniform enactment of the legislature in that it is not applicable uniformly to all cities, but rather applicable to cities of the third class only.

Section 2. The provisions of K.S.A. 15-204 applying to a marshal, chief of police, or policeman and that these persons may be appointed by the mayor with the consent of the council are hereby repealed. This method shall no longer be the method of appointing for a marshal, chief of police, or policeman in the City of Cimarron.

Section 3. The determination and selection of a marshal, chief of police, or policeman in the City of Cimarron after the effective date of this ordinance shall be by a majority vote of the councilmembers after a motion and second of that body. A majority of all the members of the council may remove any such officer. The duties and pay of the various officers provided for in this section shall be regulated by ordinance.

(9-10-84)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON, KANSAS FROM THE PROVISIONS OF K.S.A. 15-106, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE NUMBER OF COUNCILMEMBERS REQUIRED FOR A QUORUM.

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

Section 1. The City of Cimarron, 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 makes inapplicable to it the provisions of K.S.A. 15-106 and provides substitute and additional provisions as hereinafter set forth in this Ordinance.

Section 2. At all meetings of the City Council, attendance of four/fifths (4/5) of the members of said council shall constitute a quorum for the transaction of business. This ordinance shall exempt the City from a portion of K.S.A. 15-106, which states "a majority of the members of said board shall constitute a quorum for the transaction of business." The remainder of K.S.A. 15-106 is not affected by this ordinance.

Section 3. This enactment shall not change the number of votes required to make a decision which remains as a majority vote.

Section 4. The City Clerk of the City of Cimarron, Kansas is directed to publish this ordinance once each week for two consecutive weeks in the official city newspaper.

Section 5. This is a Charter Ordinance that shall take effect sixty-one (61) days after its final publication unless a sufficient petition for referendum is filed and referendum held on the ordinance as provided by 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 two-thirds (2/3) vote of the City Council of the City of Cimarron, Kansas this 1 day of Aug., 1994.

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF CIMARRON FROM THE PROVISIONS OF K.S.A. 79-1953, AS AMENDED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

Section 1. The City of Cimarron, by the power vested in it by Article 12, §5 of the Constitution of the State of Kansas, hereby elects to exempt itself from the provisions of K.S.A. 79-1953 as amended, which enactment applies to this City but does not apply uniformly to all cities in Kansas.

Section 2. The provisions of K.S.A. 79-1953, together with amendments thereto, shall not limit the levy of taxes by the Governing Body of the City of Cimarron for library purposes, PROVIDED HOWEVER, that the rate of levy for library purposes shall not exceed six (6) mills.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 4. This Charter Ordinance shall take effect 61 days after 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, § 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval 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 4th day of January, 1999.

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 7.
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CIMARRON,
KANSAS:

Section 1. The City of Cimarron, by the power vested in it by Article 12, §5 of the constitution of the State of Kansas, hereby elects to repeal Charter Ordinance No. 7.

Section 2. This Charter Ordinance shall be published once each week for two consecutive weeks in *The Jacksonian*, the official City newspaper.

Section 3. This Charter Ordinance shall take effect 61 days after final publication hereof unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, §5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a 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 6th day of August, 2007.