

CHARTER ORDINANCE NO. 28

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

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

Section 1. The City of Coffeyville, Kansas, 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. 12-4207 which applies to this City, but is part of an enactment which does not apply uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

Section 2. (a) For purposes of this Charter Ordinance, the term “City of Coffeyville officer or employee” shall mean a law enforcement officer, clerk of the municipal court or duly appointed representative, fire chief or duly appointed representative, animal control officer, chief building inspector or duly appointed representative, zoning inspector or official, or such other employee or agent of the City of Coffeyville as may be designated by ordinary ordinance. No provision of this Charter Ordinance shall be construed to empower the clerk of the municipal court, fire chief, animal control officer, chief building inspector, zoning inspector, or representatives of such officers or employees with the powers of arrest, search, detention or other powers of law enforcement officers, except as provided by law.

(b) A notice to appear authorized by K.S.A. 12-4206 or the ordinances of the City of Coffeyville shall be served upon the accused person 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.

(c) The notice to appear may be served by a City of Coffeyville officer or employee, within the state and, if mailed, shall be mailed by such City of Coffeyville officer or employee. Upon service by mail, the City of Coffeyville officer or employee 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 _____, 20____, a copy of the above and foregoing notice to appear was mailed to the following person at the following address: [NAME AND ADDRESS].


Signature of City of Coffeyville officer or employee

Section 3. The authority to issue a notice to appear by an employee or agent of the City who is not a sworn law enforcement officer as established by this Charter Ordinance shall only be authorized by an ordinary ordinance making reference to this Charter Ordinance and establishing such restrictions and procedures as the City Commission shall deem appropriate.

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

Section 5. 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.

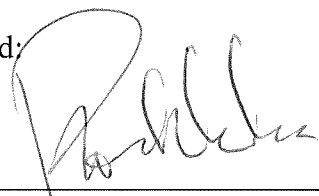
Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 23rd day of March, 2021.


Ann Marie Vannoster, Mayor

Attest:



Melissa Carter, City Clerk

Approved: 

Paul Kritz, City Attorney

