

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. 254

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM K.S.A. 1967 SUPP. 79-1953; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REMOVING CERTAIN LIMITATIONS OF TAX LEVY.

Section 1. The City of Ogden, Kansas, a city of the third 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. 1967 Supp. 79-1953, and provide substitute and additional provisions as hereinafter set forth in this ordinance. K.S.A. 1967 Supp. 79-1953 is applicable to this city, but is not applicable uniformly to all cities of the third 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 Ogden, Kansas, is hereby authorized and empowered to levy taxes each year on each dollar 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 governments; police department; fire department; health and sanitation, including refuse collection and disposal; highways (all public traveled ways, including bridges); sewer maintenance; sewer treatment and disposal; parks; cemeteries; street lighting; restrooms; hydrant rental; forestry; military memorial maintenance).

Library Fund. (Providing the levy shall not exceed 2.00 mills).

Said governing body may levy an amount necessary to meet the requirements of its adopted budget.

(5-21-68)

CHARTER ORDINANCE NO. 3

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

Section 1. Exemption Election. The City of Ogden, Kansas, a city of third class, 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 from and make inapplicable to it the provisions of K.S.A. 12-4122, which is not uniformly applicable to all cities, the legislature having made special provisions applying to certain classes of cities in said enactment.

Section 2. Court Costs. In lieu of the provisions of K.S.A. 12-4112, the governing body of the City of Ogden, Kansas, hereby adopts the following provisions: "In all municipal court cases, where the accused person is found guilty, or the accused person pleads guilty or nolo contendere, such persons shall be assessed costs in the amount of \$8 for the administration of justice in the municipal court of the City of Ogden, Kansas, and in addition thereto the municipal judge of the City of Ogden, Kansas, is authorized and empowered to assess witness fees and mileage permitted and allowed pursuant to K.S.A. 12-4112.

(12-19-78)

CHARTER ORDINANCE NO. 4

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

Section 1. The City of Ogden, 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.

(6-15-88)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-106, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

(8-16-95) (Repealed by C.O. No. 14)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 1995 SUPP. 79-5028, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCREASING THE RATE LEVY LIMIT.

Section 1. The City of Ogden, Kansas, by the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas and as provided by K.S.A. 1995

Supp. 79-5036(a), hereby elects to exempt itself from the provisions of K.S.A. 1995 Supp. 79-5028. K.S.A. 1995 Supp. 79-5028 is part of an enactment commonly known as the Kansas property tax lid law, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The following is added to the provisions of K.S.A. 1995 Supp. 79-5028 and amendments thereto: (h) the levy of taxes by the governing body of the City of Ogden, Kansas, for the Law Enforcement Fund as authorized by K.S.A. 19-4443. (8-7-96)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 CONCERNING COURT COSTS IN MUNICIPAL COURT, AND PROVIDING ALTERNATIVES THEREFORE. (10-2-96) (Repealed by C.O. No. 11)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 15-209.

Section 1. Exemption. The City of Ogden, 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 certain provisions of K.S.A. 15-209 which apply to this city but does not apply uniformly to all cities.

Section 2. Residency. The building inspector appointed under this act does not need to be a qualified elector of said city.

Section 3. Same. All other requirements and mandates of K.S.A. 15-209, with the exception of Section 2 above, shall remain in full force and effect within the City of Ogden, Kansas. (12-4-96)

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS FROM THE PROVISIONS OF K.S.A. 79-5028, AND AMENDMENTS THERETO, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT INCREASING THE RATE LEVY LIMIT.

Section 1. The City of Ogden, Kansas, by the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas and as provided by K.S.A. 1995 Supp. 79-5036(a), hereby elects to exempt itself from the provisions of K.S.A. 79-5028 and amendments thereto. K.S.A. 79-5028 is part of an enactment commonly known as the Kansas property tax lid law, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The following is added to the provisions of K.S.A. 79-5028 and amendments thereto: (i) the levy of taxes by the governing body of the City of Ogden, Kansas, for the Capital Improvement Fund as authorized by K.S.A. 12-1,118. (10-21-98)

CHARTER ORDINANCE NO. 10

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2108a, RELATING TO THE HOLDING OF PRIMARY ELECTIONS WITHIN SAID CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THEREFORE.

Section 1. The City of Ogden, Kansas, under the authority of Article 12, Section 5, of the constitution of the State of Kansas, hereby exempts itself from, and makes inapplicable to it, the provisions of K.S.A. 25-2108a which applies to the city, but the provisions of which do not apply uniformly to all cities, and providing substitute and additional provisions on the same subject as hereinafter provided.

Section 2. Regardless of the number of candidates who have filed for election for any city office, there shall be no necessity of a primary election, and every person who has filed for any city office shall be listed on the ballot and shall be voted on by the voters at the general election of city officers to be held on the first Tuesday in April. The person from among the candidates who receives the largest number of votes at such general election shall be declared the winner of said election. If more than one position is to be filled at said election, the person who receives the second largest number of votes at such general election shall be declared the winner for such second position. The same rule shall apply for any additional positions to be filled as a result of said election. (4-7-99)

CHARTER ORDINANCE NO. 11

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. SUPP. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AUTHORIZING THE ASSESSMENT OF COURT COSTS FOR CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF OGDEN, KANSAS. (4-7-99) (Repealed by C.O. No. 15)

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, 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, RELATING TO THE ESTABLISHMENT OF UTILITY CHARGES, THE BILLING AND COLLECTION OF THE SAME AND THE ESTABLISHMENT OF A LIEN AGAINST THE PROPERTY SERVED.

SECTION 1: The City of Ogden, Kansas, by the power invested 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, which applies to this City, but is part of an enactment which does not apply uniformly to all cities.
(7-21-04)

CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF OGDEN, KANSAS.

SECTION 1. Pursuant to K.S.A. 41-2911, the sale at retail of cereal malt beverage in the original package is allowed within the City of Ogden, KS on any Sunday, except Easter, between the hours of 1:00 p.m. and 8:00 p.m.

SECTION 2. Pursuant to K.S.A. 41-2911, the sale at retail of alcoholic liquor in the original package is allowed within the City of Ogden, KS on any Sunday, except Easter, between the hours of 1:00p.m. and 8:00p.m., and on Memorial Day, Independence Day, and Labor Day.

SECTION 3. AMENDMENT. That Section 3-213 of the Code of the City of Ogden, Kansas is hereby amended to read as follows:

BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations:

(a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided in subsection (e), no cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00a.m., or consumed between the hours of 12:30 a.m. and 6:00a.m.

(d) Except as provided in subsection (e), no cereal malt beverages may be sold or dispensed on Sunday except between the hours of 1:00 p.m. and 8:00 p.m. and no cereal malt beverages may be sold, dispensed or consumed on Easter Sunday at any time.

(e) Cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises, which are licensed pursuant to K.S.A 41-4701 et seq., and licensed as a club by the state Director of Alcoholic Beverage Control.

(f) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(g) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(i) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under the legal age for consumption.

(j) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(k) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(l) No licensee or agent or employee of the licensee shall employ any person under the legal age for consumption in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

SECTION 4. AMENDMENT. That Section 3-304 of the Code of the City of Ogden, Kansas is hereby amended to read as follows:

3-304. HOURS OF SALE. No person shall sell at retail any alcoholic liquor:

(a) On Sunday, except between the hours of 1:00 p.m. and 8:00p.m., however, no sales may occur on Easter Sunday, or on any Sunday that is also Christmas;

(b) On Thanksgiving or Christmas day.

(c) Before 9:00 a.m. and after 11:00 p.m. on any day when the sale thereof is permitted, except such times of sale shall be further restricted as set forth in subsection (a).

(10-4-06)

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NUMBER 5 OF THE CITY OF OGDEN, KS PERTAINING TO MEETINGS OF THE CITY COUNCIL AND ENACTING SUBSTITUTE PROVISIONS.

Section 1. Repeal. Charter Ordinance No. 5 of the City of Ogden KS, shall be and is hereby repealed.

Section 2. Regular and Special Meetings. The regular meetings of the City Council shall be held at such times as shall be prescribed by ordinance, but not less than once each month. Special meetings may be called by the mayor or acting mayor, on written request of any three members of the council, specifying the object and purpose of such meetings, which shall be read at the meeting and recorded in the journal of minutes of the meetings of the council. In all cases, it shall require three of the five councilmembers elect to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council, by ordinance, may have previously prescribed.

(9-3-08)

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112, CONCERNING COURT COSTS IN MUNICIPAL COURT, AND PROVIDING ALTERNATIVES THEREFORE.
(12-17-08) (Repealed by C.O. No. 19)

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-204, CONCERNING THE APPOINTMENT OF CITY OFFICERS, AND PROVIDING ALTERNATIVES THEREFORE.
(1-19-11) (Repealed by C.O. No. 18)

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KS FROM K.S.A.15-209 RELATED TO QUALIFICATIONS OF OFFICERS OF THE CITY AND PROVIDING SUBSTITUE PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Ogden, Kansas, a city of the third 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. 15-209 (and any amendments thereto), which is an enactment of the legislature applicable to the City, but which is not uniformly applicable to all cities of the State. The City further elects to provide substitute provisions as hereinafter set forth in this ordinance.

Section 2. Qualifications of officers; how vacancies filled. The officers elected or appointed by the City shall be qualified electors of the City, except the City may appoint nonresidents as city clerk, city attorney, municipal judge and as law enforcement officers when deemed necessary, including the appointment of nonresidents who also serve as city clerk, city attorney, municipal judge or law enforcement officers of another municipality or public agency: Provided, That nothing herein shall authorize the appointment of nonresidents of this State. The city attorney shall be a qualified elector of the county in which the City is located or of an adjoining county. The removal from the City of any officer elected or appointed under this act who is required to be a qualified elector thereof, shall occasion a vacancy in such office. All vacancies in office, except in the officers of mayor and councilman, may be filled until the next regular time for appointment by appointment by the governing body. Every appointment to office, and the date thereof, shall be entered on the journal of proceedings of the council.
(9-5-11)

CHARTER ORDINANCE NO. 18

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KS FROM THE PROVISIONS OF K.S.A. 15-204, CONCERNING THE APPOINTMENT OF CITY OFFICERS, AND PROVIDING ALTERNATIVES THEREFORE.

Section 1. The City of Ogden, Kansas, is a city of the third class, and by the power vested in it by Article XII, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does hereby exempt, itself from, and makes inapplicable to it, the provisions of K.S. A. 15-204, which applies to this City, but not uniformly to all cities of the State of Kansas.

Section 2. The following positions shall be officers of the City: Municipal Judge of the Municipal Court, City Clerk, City Treasurer, City Attorney, and such other officers deemed necessary by the Governing Body. The duties and pay of the various officers shall be regulated by ordinance. Officers shall be appointed by a majority vote of the total membership of the Governing Body whenever a vacancy occurs in such office. Officers may be removed by a majority vote of the total membership of the Governing Body, and may be suspended at any time by the Mayor.
(12-19-12)

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112, CONCERNING COURT COSTS IN MUNICIPAL COURT, AND PROVIDING ALTERNATIVES THEREFORE.

Section 1. The City of Ogden, Kansas, is a city of the third class, and by the power vested in it by Article XII, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does hereby exempt, itself from, and makes inapplicable to it, the provisions of K.S.A. 12 4112, which applies to this City, but not uniformly to all cities of the State of Kansas.

Section 2. Whenever a defendant, in a case before the Municipal Court of the City of Ogden, Kansas, is convicted of a violation of a municipal ordinance, or ordinances, or enters into a Diversion Agreement concerning a violation thereof, said defendant shall be assessed court costs in the following amounts, to-wit: for violations, as designated by the Ogden City Code or by the Uniform Public Offense Code, or by the ordinances establishing such violation, the sum of \$116; for all other violations, the sum of \$59. In addition, for every violation, the defendant shall be assessed a Municipal Court technology fee in the sum of \$10. When a single case involves violations of the Ogden City Code or the Uniform Public Offense Code, as well as other violations, the court costs for Ogden City Code and the Uniform Public Offense Code violations shall apply. Said sum shall be in addition to any fine that is imposed by the court for said violation. In addition, the judge of the Municipal Court, in cases where a defendant is placed on probation or parole following conviction of an offense in Municipal Court, shall have the authority to impose upon such defendant a probation/parole supervision fee in a sum not to exceed \$100. The City Attorney, or the Municipal Prosecutor, where a defendant enters into a diversion agreement that requires supervision of the Court Services Officer, shall have the authority to impose upon such defendant a diversion supervision fee in a sum not to exceed \$100. The supervision fees provided for herein shall be in addition to any fines or costs otherwise imposed.

Section 3. The provisions of Section 2 of this ordinance shall not apply to convictions for the violation of any ordinance prohibiting or restricting the parking of motor vehicles with the city.

Section 4. Whenever a defendant is assessed court costs pursuant to this Charter Ordinance, said sum shall not be deemed to include any assessments imposed by the state of Kansas, pursuant to K.S.A. 12-4116, K.S.A. 12-4117, or any other applicable statute, rule or regulation. Any such assessments shall be imposed by the Court, pursuant to the applicable statute, rule or regulation, shall be in addition to the court costs assessed pursuant to this Charter Ordinance; and, the Court Services Officer of the Municipal Court shall remit the appropriate assessments received to the state treasurer, pursuant to law.
(11-6-13)

CHARTER ORDINANCE NO. 20

A CHARTER ORDINANCE EXEMPTING THE CITY OF OGDEN, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4113(g), 12-4202, 12-4203, 12-4204, 12-4205a AND 12-4207, AND ANY AMENDMENTS THERETO, WHICH RELATE TO THE PREPARATION, FILING AND SERVICE OF COMPLAINTS AND NOTICES TO APPEAR IN MUNICIPAL COURT; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECTS.

Section 1. The City of Ogden, 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 itself the provisions of K.S.A. 12-4113(g), 12-4202, 12-2403, 12-4204, 12-4205a and 12-4207, and any amendments thereto. Such referenced provisions are part of the Kansas code of Procedure for Municipal Courts, an enactment of the legislature, which is applicable to the City of Ogden but not uniformly applicable to all cities.

Section 2. Definitions.

a. "City Officer" shall mean those individuals filling positions, designated as a City Officer by the Mayor and the position has been confirmed as a City Officer by resolution of the Governing Body. Said City Officers shall have the authority to investigate violations of City ordinances, order compliance with those ordinances, and issue complaints and notices to appear, pursuant to the provisions hereof.

b. "Complaint" means a sworn written statement, or a written statement by a law enforcement officer or a City Officer, of the essential facts constituting a violation of a City ordinance.

Section 3. Complaint; requirements; form. A complaint shall be in writing and shall be signed by the complainant. More than one violation may be charged in the same complaint. A complaint shall be deemed sufficient if in substantially the following form:

IN THE MUNICIPAL COURT OF OGDEN, KANSAS

The City of Ogden, Kansas

vs.

_____, (Accused Person)

_____, the undersigned, complains that on or about the ___ day of _____, A.D., 20___, in the City of Ogden, County of Riley, and State of Kansas, _____ did then and there unlawfully _____ in violation of Section ___ of Ordinance No. ___ of the City of Ogden.

Complainant

*Sworn to positively before me, this ___ day of _____, A.D., 20__

Officer authorized to administer oaths

(This complaint is not required to be sworn if it is signed by a law enforcement officer or a City Officer.)

Whenever a law enforcement officer or City Officer issues a complaint for the violation of any City ordinance, and such complaint includes information required by this Charter Ordinance, and is signed by the officer preparing the same, then such complaint shall be deemed lawful for purposes of prosecution under this Charter Ordinance, even though the same has not been sworn to before a Municipal Judge, Court Clerk, Assistant Court Clerk, or Notary Public.

Section 4. In all cases a complaint and notice to appear in Municipal Court may be set forth on a combined form, which shall be deemed sufficient if it contains the information set forth in both Section 3 and Section 5 of this Charter Ordinance, and where applicable, the information required by subsection (b) of K.S.A. 8-2106, and amendments thereto.

Section 5. Notice to appear; contents; form. A notice to appear shall describe the offense charged, shall summon the accused person to appear, shall contain a space in which the accused person may agree, in writing, to appear at a time not less than five (5) days after such notice to appear is given, unless the accused personal shall demand an earlier hearing. A notice to appear may be signed by a municipal judge, the cleric of the municipal court, the city attorney, any law enforcement officer, or a City Officer. A notice to appear shall be deemed sufficient if in substantially the following form:

IN THE MUNICIPAL COURT OF OGDEN, KANSAS

The City of Ogden, Kansas

vs.

_____, (Accused Person)

(Address)

NOTICE TO APPEAR

The City of Ogden, Kansas, To The Above Named Accused Person:

You are hereby summoned to appear before the Municipal of Ogden, Kansas on the _____ day of _____, 20__, at __ o'clock __. m., to answer a complaint charging you with_____.
If you fail to appear a warrant will be issued for your arrest.

Dated _____, 20__

Officer authorized to administer oaths

Title of Official

I agree to appear in said Court at said time and place.

Signature of Accused Person

RETURN

The undersigned hereby certifies that on the _____ day of _____ 20__, the notice to appear was served, mailed or delivered.

Law Enforcement Officer/City Officer

Section 6. Same; service; return. The notice to appear 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. A notice to appear may be served by any law enforcement officer or City Officer and, if mailed, shall be mailed by a law enforcement officer, City Officer or the cleric of the municipal court. Upon service by mail, the law enforcement officer, City Officer or the clerk of the municipal court 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 a notice to appear was mailed to _____ at _____.

Signature of Law Enforcement Officer/
City Officer/Clerk of Municipal Court

Section 7. Same; how used; issuance of warrant; refusal to issue; effect. A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer or City Officer upon the accused person, and forthwith, the complaint shall be filed with the municipal court. A complaint may also be filed initially with the municipal court, and if so filed, a copy of the complaint shall forthwith be delivered to the City Attorney. The City Attorney shall cause a notice to appear to be issued, unless he or she has good reason to believe that the accused person will not appear in response to the notice to appear, in which case the City Attorney may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the municipal judge has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance, (b) the accused person committed such violation and (c) the accused person will not appear in response to a notice to appear.

If the City Attorney fails to cause a notice to appear to be served, and also fails to request a warrant to be issued, on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with him or her alleging the violation of an ordinance, order the City Attorney to institute proceedings against the accused person. Any such municipal judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the municipal judge pro-tem appointed to preside therein.

(2-2-16)