

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 ESKRIDGE, KANSAS, FROM THOSE PARTS OF K.S.A. 12-110b WHICH LIMIT THE ANNUAL TAX LEVY FOR A FIRE-FIGHTING EQUIPMENT FUND TO A MAXIMUM OF .50 MILL AND SPECIFY THE TYPES OF OBLIGATIONS IN WHICH SAID FUND MAY BE INVESTED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(4-4-66) (Repealed by C.O. No. 3)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THAT PART OF K.S.A. 1965 SUPP. 15-734 WHICH LIMITS THE ANNUAL TAX LEVY FOR FUNDS TO BE USED FOR THE PURPOSE OF PROVIDING FUNDS FOR REGRADING, REPAVING, REOILING, REMACADAMIZING, RESURFACING, REPAIRING, OR MAINTAINING ANY STREET OR ANY PORTION OF ANY STREET WHICH IS LOCATED WITHIN SUCH CITY TO TWO MILLS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR IN EACH DOLLAR OF ASSESSED TANGIBLE VALUATION.

Section 1. The City of Eskridge, 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 makes inapplicable to it that part of K.S.A. 1965 Supp. 15-734 which limits the annual tax levy for funds to be used for the purpose of providing funds for regrading, repaving, reoiling, remacadamizing, resurfacing, repairing, or maintaining any street or any portion of any street which is located within such city to two mills and provides substitute and additional provisions as hereinafter provided.

Section 2. The governing body of the City of Eskridge, Kansas, is hereby authorized and empowered to make an annual tax levy on all taxable tangible property in such city of not to exceed five mills on the dollar to be used for the purpose of providing funds for regrading, repaving, reoiling, remacadamizing, resurfacing, repairing, or maintaining any street or any portion of any street which is located within such city.

(5-1-67)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THOSE PARTS OF K.S.A. 12-110b WHICH LIMIT THE ANNUAL TAX LEVY FOR A FIRE-FIGHTING EQUIPMENT FUND TO A MAXIMUM OF .50 MILL AND SPECIFY THE TYPES OF OBLIGATIONS IN WHICH SAID FUND MAY BE INVESTED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Eskridge, Kansas, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempt itself from those parts of K.S.A. 12-110b which limit the annual tax levy for a fire-fighting equipment fund to a maximum of .50 mill and specify the types of obligations in which said fund may be invested which statute applies to said city but not uniformly to all cities, and the city hereinafter provides substitute and additional provisions on the same subject.

Section 2. The governing body is hereby authorized to make an annual tax levy of not to exceed five mills upon all the taxable tangible property in the city for the purpose of creating and providing a special fund to be used for the purchase of fire-fighting equipment for such city. The governing body is authorized to invest any portion of such special fire equipment fund which is not currently needed in any of the following: direct obligations of the United States government which are guaranteed as to principal by the United States government; temporary notes of the City of Eskridge, Kansas issued pursuant to K.S.A. 10-123; or no-fund warrants of the City of Eskridge, Kansas. The tax levy herein authorized shall be in addition to all other levies authorized or limited by law and shall be outside of the aggregate limitation provided by (K.S.A. 79-1952) (K.S.A. 1965 Supp. 79-1953). (4-16-68)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM K.S.A. 1973 SUPP. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF THE MAYOR AND COUNCILMEN, THEIR TERMS OF OFFICE AND FILLING OF VACANCIES.

Section 1. The City of Eskridge, 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. 1973 Supp. 15-201, 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. On the first Tuesday in April, 1977, there shall be elected a mayor and five councilmen. At said election the mayor and the two candidates for councilmen receiving the highest number of votes shall be declared elected for a term of four years. The candidates for councilmen receiving the next three highest number of votes shall be declared elected for a term of two years. Succeeding

elections for all such offices shall be for four year terms, or until the successors to such offices are qualified.

Section 3. In cases of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmen, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilman neglects or refuses to qualify within 30 days after his election, he shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining councilmen, appoint some suitable elector to fill said vacancy.

(9-7-76)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM K.S.A. 1976 SUPP. 79-5011; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE A SPECIAL FUND FOR THE PURPOSE OF PAYING UTILITY SERVICE COSTS.

SECTION 1. The City of Eskridge, 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. 1976 Supp. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance. K.S.A. 1976 Supp. 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. 1976 Supp. 79-5001 to 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Eskridge, 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) Utility service 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 1976 Supplement to the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Eskridge, levied under the provisions of K.S.A. 40-2305, 74-4920, 74-4967, 12-11a03, 13-1441, 12-1617H, 13-14, 100, and K.S.A. 1976 Supp. 13-14a02, 14-10a02, 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 Eskridge.

Amounts produced from any levy specified or authorized in this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the 1976 Supplement to the Kansas Statutes Annotated.

SECTION 4. The City of Eskridge is hereby authorized to levy a tax for the purpose of paying utility service costs. As used in this charter ordinance, "utility service costs" shall include payments made by the city to a water, electric or natural gas system, company or utility for the purpose of obtaining street lighting or traffic control signals or for the lighting, heating, cooling or supplying of water or energy to any city building or facility or for the operation or performance of any function or service by the City.

(6-6-77)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE PROVISIONS OF THE 1978 SUPPLEMENT TO KANSAS STATUTES, ANNOTATED 75-117, 75-1120, 75-1121 AND 75-1122, SO AS TO NOT REQUIRE SAID CITY TO MAINTAIN FIXED ASSET RECORDS AND ACCOUNTINGS.

Section 1. That the City of Eskridge, Kansas, a city of the third class, who and by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself and does hereby exempt itself from the provisions of K.S.A. 75-1117, 75-1120, 75-1121 and 75-1122, as amended by the 1978 supplements thereto, and makes said statutes inapplicable to said city insofar as said statutes require the City of Eskridge, Kansas, to maintain fixed asset records and accountings.

(1-7-80)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE PROVISIONS OF K.S.A. 1978 SUPP. 75-1122, SO AS TO EXEMPT SAID CITY FROM THE REQUIREMENT OF HAVING AN ANNUAL AUDIT.

Section 1. That the City of Eskridge, Kansas, a city of the third class, who and by virtue of the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to exempt itself and does hereby exempt itself from the provisions of K.S.A. 1978 Supp. 75-1122 and makes said statutes inapplicable to the City of Eskridge, thus exempting said city from the requirement of having an annual audit.

(9-2-80)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE PROVISIONS OF K.S.A. 41-719, WHICH PROHIBITS THE SALE OF ALCOHOLIC LIQUORS UPON PROPERTY OWNED BY THE CITY OF ESKRIDGE, KANSAS, AND PROVIDING A SUBSTITUTE ON THE SAME SUBJECT.

Section 1. The City of Eskridge, Kansas, under the authority of Article 12, Section 5 of the State of Kansas, hereby elects to exempt itself from and to make inapplicable to it the provisions of 41-719 which apply to said city, but which do not apply uniformly to all cities and to provide substitute provisions on the same subject.

Section 2. The governing body of said city hereby exempt the following described real property from the limitations and restrictions of K.S.A. 41-719 to wit:

That portion of the Northeast Quarter of Section Four (4), Township Fifteen (15), Range Eleven (11), specifically described as:

(a) The building located at Lake Wabaunsee commonly referred to as the "Lodge Building."

(b) All other provisions of K.S.A. 41-719 shall remain effective.
(4-6-81)

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE PROVISIONS OF K.S.A. 44-201 AND 44-203, SO AS TO EXEMPT SAID CITY FROM THE REQUIREMENT THAT EIGHT HOURS SHALL CONSTITUTE A DAY'S WORK FOR ALL LABORERS OR OTHER PERSONS EMPLOYED BY OR ON BEHALF OF SAID CITY, AND FURTHER THE REQUIREMENT THAT LABORERS, WORKMEN, MECHANICS AND OTHER PERSONS SO EMPLOYED WORKING TO EXCEED EIGHT HOURS PER CALENDAR DAY BE PAID ON THE BASIS OF EIGHT HOURS CONSTITUTING A DAY'S WORK.

Section 1. That the City of Eskridge, Kansas, a city of the third class, who and by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself and does hereby exempt itself from the provisions of K.S.A. 44-201 and 44-203 and makes said statutes in applicable to the City of Eskridge, thus exempting said city from the requirement that eight hours shall constitute a day's work for all laborers or other persons employed by or on behalf of said city, and further, the requirement that laborers, workmen, mechanics and other persons so employed working to exceed eight hours per calendar day be paid on the basis of eight hours constituting a day's work.
(9-6-83)

CHARTER ORDINANCE NO 10

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

(Repealed by C.O. No. 11)

CHARTER ORDINANCE NO. 11

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

Section 1. The City of Eskridge, 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. 15-209, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The Ordinances of the City of Eskridge, Kansas, are hereby amended to provide as follows:

Appointment of Officers. The mayor, with the consent of the Council, at the first regular meeting of the Council in May of each year, may appoint the following City officers; a Clerk, a Treasurer, a Judge of the Municipal Court, a Marshall, Law Enforcement Officers, a City Attorney, and such other officers as deemed necessary. All such officers shall qualify in the manner as provided by Ordinance and shall have and perform the duties required by this and other Ordinances of the City and the laws of Kansas. Every appointment to office, and the date thereof, shall be entered in the journal of proceedings of the Council.

Section 3. The Ordinances of the City of Eskridge, Kansas, are hereby amended to provide as follows:

Qualifications: Officers, Employees. No person shall be eligible to any appointed office unless he or she shall reside within the City of Eskridge or within seven (7) miles of the limit of said City, except for the city attorney, municipal judge and law enforcement officers when deemed necessary. 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 said city is located or of an adjoining county.

(6-16-97)

CHARTER ORDINANCE NO. 12

AN ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE MUNICIPAL COURT COST ASSESSMENT PROHIBITION AS SET FORTH AT K.S.A. 12-4101 et seq.

WHEREAS, K.S.A. 12-4112 provides that no person shall be assessed costs for the administration of justice in any municipal court case except for witness fees, mileage and judicial education assessment.

WHEREAS, the Governing Body of the City of Eskridge desires to assess court costs to provide for the economic and efficient operation of the city's municipal court.

WHEREAS, Article 12, Section 5, of the constitution of the State of Kansas empowers cities to determine their local affairs and government and provides for the enactment of charter ordinances to exempt cities from certain legislative enactments which are not uniformly applicable to all cities; and that K.S.A. 12-4101 et seq. is not uniformly applicable to all cities and is thus subject to this charter ordinance.

Section 1. That it is deemed and hereby declared necessary that the City of Eskridge assess court costs in municipal court actions to provide for the economic and efficient operation of the City of Eskridge municipal court. Court costs shall be as established by the Governing Body of the City of Eskridge by separate ordinance.

Section 2. That the provisions of K.S.A. 12-4112 so far as they prohibit the assessment of costs in municipal court proceedings are hereby made inapplicable to the City of Eskridge, but in all other respects said statute shall remain applicable.

Section 3. That this charter ordinance is being enacted by the City of Eskridge pursuant to powers reserved to such city in Article 12, Section 5 of the constitution of the State of Kansas.

(6-21-99)

CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF ESKRIDGE, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 4.

Section 1. The City of Eskridge, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The governing body shall consist of a mayor and five council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Eskridge, Kansas.

Section 3. Those governing body positions with terms expiring in April 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in

January of 2020, when the city officials elected in the November 2019 general election take office.

Section 4. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. A mayor and two council members shall be elected at one election, and the remaining three council members shall be elected at the succeeding election. The mayor and all council members shall have four year terms.

Section 5. In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

Section 6. In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for city office elected at large by having had filed on their behalf, a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by two of the qualified electors of the City of Eskridge.

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