

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 BLUE RAPIDS, KANSAS, FROM K.S.A. 1967 SUPP. 79-1953; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT; AND REMOVING CERTAIN LIMITATIONS OF TAX LEVY.

Section 1. The City of Blue Rapids, 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 provisions.

Section 2. The governing body of the City of Blue Rapids, 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; 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.

(3-4-69)

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS, FROM SECTION 15-201 OF THE KANSAS STATUTES ANNOTATED, AS AMENDED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF MAYOR AND FIVE COUNCILMEN, TIE VOTE, THEIR TERMS OF OFFICE, QUALIFYING,

FAILURE TO QUALIFY OR ACCEPT OFFICE, FILLING VACANCIES AND CERTIFICATES OF ELECTION.

Section 1. The City of Blue Rapids, Kansas, by the power invested in it by Article 12, Section 5, of the Constitutional of the State of Kansas, hereby elects to make inapplicable to it and exempt itself from Section 15-201, Kansas Statutes Annotated, as amended, which applies to said city but not uniformly to all cities, and provide substitute and additional provisions on the same subject as hereinafter provided.

Section 2. A regular city election shall be held on the first Tuesday in April of each odd-numbered year. At the regular city election in 1975, 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. The candidate elected mayor shall be declared elected for a term of four years. Succeeding elections for all such offices shall be for four year terms. At such succeeding elections the candidates for councilmen receiving the two or three (as the case may be) highest number of votes shall be declared elected. Whenever there is a tie vote for two or more candidates and it is necessary to determine which candidate received 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 in May following their election in April and they shall qualify by taking the oath of office and otherwise, if there be 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 councilman does not qualify within the required time, his office shall be declared to be vacant. In case of a vacancy in the office of councilman occurring by reason of failure or refusal to qualify, 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 office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, removal from the city, refusal or failure to qualify, the president of the council, or in the case of the mayor-elect's refusal or failure to qualify, the 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 mayor.

(4-4-74)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS, FROM THE PROVISIONS OF K.S.A. SUPPLEMENT 12-4100 AND 12-4412, AND PROVIDING FOR SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS, AUTHORIZING THE ASSESSMENT OF COURT COSTS FOR CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF BLUE RAPIDS, KANSAS, REQUIRING THE CITY ATTORNEY TO PROSECUTE SUCH

CASES IN THE MUNICIPAL COURT OF THE CITY OF BLUE RAPIDS, KANSAS,
AS ARE ORDERED BY THE MAYOR TO BE SO PROSECUTED.
(Repealed by C.O. No. 7)

CHARTER ORDINANCE NO. 4

A CHARTER ORDINANCE AUTHORIZING THE CITY OF BLUE RAPIDS,
KANSAS, TO LEVY TAXES TO CREATE A SPECIAL FUND FOR THE
PURPOSE OF PAYING UTILITY SERVICE COST.

Section 1. The City of Blue Rapids, 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 provisions of K.S.A. 79-5001 to 79-5016 (1977 Supp.), inclusive, to make said sections inapplicable as they apply to the limit of the levy of taxes by the City of Blue Rapids, Kansas, for the payment of utility service costs, whether they are paid from a separate property tax levy fund of the city or any other tax supported fund.

Section 2. The City of Blue Rapids, Kansas, is hereby authorized to levy a tax for the purpose of paying utility service costs. As used in this charter ordinance, "utility service cost" shall include payment 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. 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 1977 supplement to the Kansas Statutes Annotated.
(3-21-78)

CHARTER ORDINANCE NO. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS,
MARSHALL COUNTY, KANSAS FROM SECTION 79-5001 TO SECTION
79-5017, KANSAS STATUTES ANNOTATED AND ANY AMENDMENTS
THERE TO.

Section 1. That pursuant to the provision of Section 5, Article 12 of the Constitution of the State of Kansas, the City of Blue Rapids, Kansas Marshall County, Kansas, hereby elects to exempt itself from and make inapplicable to it Section 79-5001 to 79-5017 K.S.A. and amendments thereto which apply to said city, but the provisions of which do not apply uniformly to all cities.
(6-5-80)

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS, FROM THE PROVISIONS OF K.S.A. 75-1122, 10-1206, AND 12-866, EXEMPT SAID CITY FROM REQUIREMENT OF HAVING AN ANNUAL AUDIT.

Section 1. That this City of Blue Rapids, Kansas, a city of third class, who and by the 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. 75-1122, 10-1206 and 12-866, and makes said statutes inapplicable to the City of Blue Rapids thus exempting said city the requirement of having an annual audit.
(3-5-86)

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, 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 AND PRPEALING ALL PRIOR CHARTER ORDINANCES IN CONFLICT HEREWITH.

Section 1. The City of Blue Rapids, 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. 12-4112 which applies to this city, but is part on 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 contender or is found guilty. Court costs shall be \$15.00 per case and in addition thereto the municipal judge may assess witness fees and mileage as set forth in K.S.A. 12-4411.

Section 3. Charter Ordinance No. 3 is hereby repealed.
(8-9-89)

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS FROM THE PROVISIONS OF K.S.A. 12-1222 RELATIVE TO RESIDENCE REQUIREMENTS OF LIBRARY BOARD MEMBERS AND PROVIDING A SUBSTITUTE PROVISION ON THE SUBJECT OF RESIDENCE REQUIREMENTS FOR LIBRARY BOARD MEMBERS.

Section 1. The City of Blue Rapids, Kansas, under the authority of Article 12, Section 5, of the constitution of the State of Kansas, elects to and hereby exempts itself from and make inapplicable to it, the provisions of K.S.A. 12-1222 relative to residence requirements for library board members, being part of an enactment

applicable to such city, but not applicable uniformly to all cities, and further provide for a substitution provision of the subject of residence requirements for library board members for the Blue Rapids Public Library.

Section 2. A majority of the members appointed to the library board shall be residents of the City of Blue Rapids, Kansas, with all members appointed to the library board being residents of Marshall County, Kansas, and having a Blue Rapids mailing address.

(4-4-90)

CHARTER ORDINANCE NO. 1861

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS FROM THE PROVISIONS OF K.S.A. 79-1953, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY.

Section 1. Exemption. 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 Blue Rapids hereby elects to exempt itself from and not make inapplicable to the City of Blue Rapids, the provisions as are set out in this ordinance. The provisions of the above mentioned statute apply to the City of Blue Rapids, but do not apply uniformly to all cities in Kansas.

Section 2. Tax Levy. The governing body of the City of Blue Rapids 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, or this ordinance. The governing body may levy an amount necessary to meet the requirements of its adopted budget.

Section 3. Library. The rate of levy for library purposes shall not exceed 3.027 mills.

(5-12-97)

CHARTER ORDINANCE NO. 1897

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS, FROM THE PROVISIONS OF K.S.A. 1990 SUPP. 79-5028, AS AMENDED BY 1991 HB 2222, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Blue Rapids, 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. 1990 Supp. 79-5036(a), hereby elects to exempt itself from the provisions of K.S.A. 1990 Supp. 79-5028, as amended by 1991 HB 2222. K.S.A. 1990 Supp. 78-5028, as amended by 1991 HB 2222, 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 hereby substituted for the provisions of K.S.A. 1990 Supp. 79-5028, as amended: The provisions of K.S.A. 1990 Supp. 79-5021 to 79-5034, inclusive, and amendments thereto, shall not limit the levy of taxes by the governing body of the City of Blue Rapids.
(2-8-99)

CHARTER ORDINANCE NO. 2044

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS FROM THE PROVISIONS OF K.S.A. 41-712 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.
(Repealed by C.O. No. 2066)

CHARTER ORDINANCE NO. 2051

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS FROM THE PROVISIONS OF SENATE BILL 328.

Section 1. The City of Blue Rapids, 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 the provisions of Senate Bill 328 that amends K.S.A. 12-631k, K.S.A. 12-860, K.S.A. 14-569 and K.S.A. 19-27,170 to prohibit certain cities from holding landlords or lessors liable for delinquent sewer and water bills, which enactment applies to this city but does not apply uniformly to all cities.
(7-14-04)

CHARTER ORDINANCE NO. 2066

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS, KANSAS FROM THE PROVISIONS OF K.S.A. 41-712 AND PROVIDING SUNDAY SALES OF PACKAGE LIQUOR AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Blue Rapids, 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, 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 following is hereby substituted for the provisions of K.S.A. 41-712, as amended: No person shall sell at retail any alcoholic liquor (1) on Easter Sunday, Thanksgiving Day or Christmas Day; or (2) before 9:00 a.m. or after 11:00 p.m. Monday through Saturday; or (3) before 12:00 noon or after 7:00 p.m. on Sunday.

(1-12-05)

CHARTER ORDINANCE NO. 2144

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

Section 1. The City of Blue Rapids, 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 of considering mayoral appointments.

(8-13-08)

CHARTER ORDINANCE NO. 2097

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

(Repealed by C.O. No. 2150)

CHARTER ORDINANCE NO. 2150

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE 2097 PERTAINING TO QUORUM REQUIREMENTS. WHEREAS, HOUSE BILL NO. 2947, AMENDS THE QUORUM REQUIREMENTS FOR PURPOSES OF THE KANSAS OPEN MEETING ACT.

Section 1. Charter Ordinance 2097 is hereby repealed.

(9-10-08)

CHARTER ORDINANCE NO. 2171

A CHARTER ORDINANCE EXEMPTING THE CITY OF BLUE RAPIDS FROM THE PROVISIONS OF K.S.A. 66-1081 ET SEQ., THE KANSAS UNDERGROUND UTILITY DAMAGE PROTECTION ACT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Blue Rapids, by virtue of the power vested in it by article 12, Section 5 of the Constitution of the State of Kansas, hereby elects and does exempt itself and make inapplicable to it K.S.A. 66-1801 through K.S.A. 66-1816, the enactment known as the Kansas Underground Utility Damage Protection Act, which enactment applies to this city, but does not apply uniformly to all cities.

Section 2. All underground water and wastewater facilities installed after July 1, 2008 shall be locatable.

Section 3. Any excavator may, prior to excavating, call the city and request that the city locate any underground wastewater and water facilities.
(9-9-09)