

## **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 PHILLIPSBURG, KANSAS FROM SECTION 79-1952 OF THE GENERAL STATUTES, SUPPLEMENT OF 1963, THE SAME BEING HOUSE BILL 130 OF THE LAWS OF THE STATE OF KANSAS, ENACTED BY THE LEGISLATURE OF 1963, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED TANGIBLE VALUATION AND PRESCRIBING AN AGGREGATE FOR ALL CITYWIDE TAX LEVIES.

(Repealed by C.O. No. 3)

### **CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, KANSAS, FROM SECTION 32 OF CHAPTER 274 OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 14-201; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF OFFICERS.

Section 1. The City of Phillipsburg, 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 32 of Chapter 274, 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. There shall be elected on the first Tuesday in April of each odd-numbered year a mayor, city treasurer and one-half the number of councilmen as hereinafter set forth in this section. The mayor and city treasurer shall hold their offices for a term of two years or until their successors are qualified. There shall be two councilmen elected from each ward within the city, and except as otherwise provided herein, they shall hold their offices for a term of four years or until their successors are qualified. One councilman from each ward shall be elected in one odd-numbered year and the remaining councilman in each ward shall be elected in the following odd-numbered year. Councilmen elected in 1968 shall have terms expiring in 1971. Councilmen elected in 1967 shall have terms expiring in 1969.

Section 3. The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a city marshal-chief of police, city clerk, city attorney, and may appoint policemen and such other officers as they may deem necessary. Officers so appointed and confirmed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council shall by ordinance specify their duties and compensation, and by ordinance may abolish any officer created by them whenever they may deem it expedient. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered.  
(12-02-68)

### **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, 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 SPECIAL FUND FOR THE PURPOSE OF PAYING UTILITY SERVICE COSTS.

(A protest petition was filed and the city elected not to call an election, therefore the ordinance never took effect.)

### **CHARTER ORDINANCE NO. 3 (08-04-75)**

A CHARTER ORDINANCE OF THE CITY OF PHILLIPSBURG, KANSAS, TO REPEAL THE LIMITING OF TAX LEVIES.

Section 1. That Charter Ordinance No. 1 of the Code of the City of Phillipsburg, Kansas, 1971 is hereby repealed.  
(08-04-75)

### **CHARTER ORDINANCE NO. 4**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, 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 SPECIAL FUND FOR THE PURPOSE OF PAYING STREET MAINTENANCE AND RECONSTRUCTION COSTS.

(A protest petition was filed and the city elected not to call an election, therefore the ordinance never took effect.)

## **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, KANSAS, FROM THE PROVISIONS OF THE 1978 SUPPLEMENTS TO KANSAS STATUTES ANNOTATED 75-1117, 75-1120, 75-1121 and 75-1122, SO AS TO NOT REQUIRE THE CITY OF PHILLIPSBURG TO MAINTAIN FIXED ASSET RECORDS AND ACCOUNTINGS.

Section 1. That the City of Phillipsburg, Kansas, a city of the second 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 unapplicable to said city insofar as said statutes require the City of Phillipsburg, Kansas, to maintain fixed asset records and accountings.  
(12-15-80)

## **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, 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 SPECIAL FUND FOR THE PURPOSE OF PAYING UTILITY SERVICE COSTS.

Section 1. The City of Phillipsburg, 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 the constitutional provision.

Section 2. The provision of K.S.A. 79-5011 to 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Phillipsburg for 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) Rent due under any lease with a public building commission;
- (e) Special assessments charged against the city at large;
- (f) 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 provision of Article 50 of Chapter 79 or the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Phillipsburg, levied under the provisions of K.S.A. 40-2305, 74-4920, (74-49a67), (12-11a03), (13-1441 or 12-1617h) or (13-49,100), and K.S.A. 1977 Supp. (13-14a02), (14-10a02), or to any tax review 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 Phillipsburg.

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 Kansas Statutes Annotated.

Section 4. The City of Phillipsburg 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.

(05-03-82)

### **CHARTER ORDINANCE NO. 3 (05-06-85)**

A CHARTER ORDINANCE RELATING TO THE IMPOSITION AND COLLECTION OF MUNICIPAL COURT COSTS AND RELATED FEES.

Section 1. That the City of Phillipsburg hereby elects to exempt itself from the provisions of K.S.A. 12-4112, pursuant to Article 12, Section 5(c)(1), of the Kansas constitution.

Section 2. That in lieu of K.S.A. 12-4112, the City of Phillipsburg is authorized to adopt by regular ordinance, a schedule of court costs and fees to be charged and collected in all actions and cases filed and docketed in the municipal court or traffic bureau.

Section 3. All court costs and fees provided for by this charter ordinance are to be collected by the municipal court, or clerk and shall be paid into the general fund of the City of Phillipsburg.

(05-06-85)

### **CHARTER ORDINANCE NO. 7**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-440, WHICH REQUIRES THAT BEFORE THE CITY COUNCIL, OF A SECOND CLASS CITY, SHALL MAKE ANY CONTRACT FOR BUILDING BRIDGES OR SIDEWALKS OR FOR ANY WORK ON STREETS, OR FOR ANY OTHER WORK OR IMPROVEMENT, AN ESTIMATE OF THE COST THEREOF SHALL BE MADE BY THE CITY ENGINEER AND SUBMITTED TO THE COUNCIL; AND NO CONTRACT SHALL BE ENTERED INTO FOR ANY WORK OR IMPROVEMENT FOR A PRICE EXCEEDING SUCH ESTIMATE.

Section 1. That the City of Phillipsburg, Kansas, by the authority granted cities in Article 12 of Section 5 of the constitution of the State of Kansas, hereby elects to exempt itself and make inapplicable to it K.S.A. 14-440 and all amendments thereto, which apply to said city, of which provisions thereof do not apply uniformly to all cities. (10-16-89)

### **CHARTER ORDINANCE NO. 8**

A CHARTER ORDINANCE EXEMPTING THE CITY OF PHILLIPSBURG, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1952, RELATING TO LIMITATIONS ON CERTAIN TAX LEVIES IN CITIES OF THE SECOND CLASS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Phillipsburg, 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 make inapplicable to it K.S.A. 79-1952 establishing certain tax levy limitations. Such referenced provisions apply to this city but do not apply uniformly to all cities.

Section 2. The following is hereby substituted for the provisions of K.S.A. 79-1952: The governing body of the City of Phillipsburg, Kansas, is hereby authorized and empowered to levy taxes in each year for the general fund and other city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of the city for any of the following-named purposes in excess of the following-named rates:

Library - 5.00 mills.

Airport: Joint operation as provided by K.S.A. 3-101 - .50 mill.

Highway Connecting Link: county secondary as provided by K.S.A. 68-582 - 1.00 mill.

Industrial Development: As provided by K.S.A. 12-1617h - 1.00 mill.

Memorial Buildings: As provided by K.S.A. 73-407 - .50 mill.

Noxious Weeds: As provided by K.S.A. 2-1318 - 1.00 mill.

Deficiency levy for chemicals and materials - .50 mill.

Refuse Collection: As provided by K.S.A. 12-2104 - 1.00 mill.

(06-04-90)