

## 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 CARBONDALE, KANSAS FROM K.S.A. 79-5011 PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND AUTHORIZING A LEVY OF TAXES TO CREATE SEPARATE SPECIAL FUNDS FOR THE PURPOSES OF PAYING UTILITY SERVICE COSTS, EMPLOYEE BENEFITS, PUBLIC SAFETY COSTS, STREET MAINTENANCE AND IMPROVEMENT COSTS, AND PUBLIC RECREATION AND PLAYGROUND COST. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARBONDALE, KANSAS.

Section 1. The City of Carbondale, 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 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 said constitutional provision.

Section 2. The provisions of K.S.A. 79-5011 to 79-5016, inclusive, shall not apply to the levy of taxes by the City of Carbondale 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) 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 tax levy fund of the City or from any other tax supported fund;
- (g) Employee benefits whether paid from separate property tax levy fund of the City or from any other tax supported fund;
- (h) Public safety costs of police and fire protection whether paid from a separate property tax levy fund of the City or from any other tax supported fund;
- (i) Street maintenance and improvement 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 of the Kansas Statutes Annotated shall not apply to any taxes levied by the City of Carbondale, levied under the provisions of K.S.A. 1979 Supp. 40-2305, 1979 Supp. 74-4920, 1979 Supp. 40-2305, 1979 Supp. 74-4920, 1979 supp. 74-4967, 1979 Supp. 12-11a03, 1979 Supp. 12-1617h, or to any tax levies required for the payment of employee 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 Carbondale.

Amounts produced from any levy specified or authorized in this chapter 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 Carbondale is hereby authorized to levy a tax and create a special fund for each of the following purposes:

(a) Paying utility service costs which are defined to include payments made by the City to water, electric or natural gas systems, companies or utilities for the purpose of obtaining street lighting or traffic control signals or from 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 of Carbondale.

(b) Pay the City's share of the costs of employee benefits which shall include Social Security (FICA), Kansas Public Retirement System (KPERS), workmen's compensation benefits, employment security and unemployment compensation benefits and medical health and hospitalization insurance;

(c) Law enforcement and fire protection costs which shall include the City's cost for salaries, equipment, commodities and services necessary for the provision of police and fire protection services to the City of Carbondale.

(d) Pay street maintenance and improvement costs which shall include the City's costs for salaries, equipment, material, and commodities for services necessary for the repair and improvements of streets with the City of Carbondale.

(e) Installation, maintenance, and operation of the City's public recreation and playground facilities; said costs to include salaries, equipment, materials, commodities and service necessary for the provision, operations, and performance of the City's recreation facilities and programs; said fund to be in addition to that authorized Article 19 Chapter 12 of the Kansas Statutes Annotated.

(5-20-80)

## **CHARTER ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS, FROM SECTION 15-201 OF THE KANSAS STATUTES ANNOTATED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF MAYOR AND COUNCILMEMBERS, THEIR TERMS OF OFFICE AND THE FILLING OF VACANCIES.

Section 1. The City of Carbondale, Kansas by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to make to exempt itself from and make inapplicable to it K.S.A. 15-201, and to provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city but is not applicable but is not uniformly to all cities.

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 1987, there shall be elected a mayor and five council members. At the said election the mayor and the two candidates for council members receiving the highest number of votes shall be declared elected for a term of four years. The three candidates for council member 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 term or until the successors to such offices, are elected and qualified.

Section 3. In case of a vacancy in the council occurring by reason of resignation, death, 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 for the unexpired term of that council position. 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 vacancy shall exist. The mayor, may, with the consent of the remaining council members appoint a suitable elector to fill the vacancy for the unexpired term of that council position.

Section 4. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for the office of mayor and a vacancy shall occur in the office of the council member becoming mayor.  
(11-18-85)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS FROM K.S.A.12-1907; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT TO PROVIDE FOR A RECREATION COMMISSION TREASURER, COMPENSATION FOR SAID TREASURER AND A RECREATION COMMISSION CONSISTING OF UP TO 11 MEMBERS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARBONDALE, KANSAS:

(7-6-87)

(Repealed by C.O. No. 10)

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

A CHARTER ORDINANCE EXEMPTING THE CIYT OF CARBONDALE, KANSAS, FROM THE PROVISIONS OF K.S.A. 1993 SUPP. 79-5028, AND PROVIDING SUBSTITUTE AND ADDITIONAL, PROVISIONS ON THE SAME INCREASING THE RATE LEVY.

Section 1. The City Of Carbondale 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. 1993 Supp. 79-5036(a), hereby elects to exempt itself from the provisions of K.S.A. 1993 Supp. 79-5028. K.S.A. 1993 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 hereby substituted for the provisions of K.S.A. 1993 Supp. 79-5028. The provisions of K.S.A. 79-5021 to 79-5033, inclusive, and amendments thereto, shall not limit the levy of taxes by the Governing Body of the City Of Carbondale for the Recreation Commission as authorized by K.S.A. 1993 Supp. 12-1927.

(04-03-95)

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

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE FROM PROVISIONS OF K.S.A. 79-1953, AS AMENDED AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

(05-04-98)

(Repealed by C.O. No. 11)

#### **CHARTER ORDINANCE NO. 5**

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 15-209 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO QUALIFICATION OF CITY OFFICERS.

Section 1: The City of Carbondale, Kansas, by the power vested in it by Article 12, Sections of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it certain provisions of K.S.A. 15-209 and providing substitute and additional provisions as hereinafter set forth in this Ordinance. Such referred provisions are either enactment or a part thereof which are applicable to this City but are inapplicable uniformly to all cities.

Section 2: The first sentence of K.S.A. 15-209 is hereby amended to read as follows as pertaining to the City of Carbondale, Kansas: The officers elected or appointed under this act shall be qualified electors of said City, except the city may appoint nonresidents as city attorney, municipal judge, city clerk, assistant city clerk, city treasurer, and as law enforcement officers when deemed; necessary, including the appointment of non-residents who also serve as city attorney, municipal judge or laws enforcement officers of another municipality or public agency.

PROVIDED, that nothing herein shall authorize the appointment of nonresidents of this state.

(09-03-02)

#### **CHARTER ORDINANCE NO. 6**

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS FROM SECTION 12-4112 OF THE KANSAS STATUTES ANNOTATED, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF CARBONDALE, KANSAS.

Section 1. The City of Carbondale, 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, and does exempt itself from the provisions of K.S.A.12-4112, in as much as said statute prohibits the collection of costs for the administration of justice in Municipal Courts. The remaining portions of K.S.A. 12-4112 shall not be affected by the passage of this Ordinance.

Section 2. Court costs. Each person guilty of a violation of the ordinances of the City of Carbondale, shall be assessed costs for the administration of justice in the Municipal Court of the City of Carbondale, Kansas, and such costs shall be determined by ordinance.

(07-07-03)

## CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-222 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 Carbondale, Kansas, under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, elects to and does hereby exempt 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 provides for a substitute provision on the subject of residence requirements for library board members for the Carbondale City Library.

Section 2. One (1) member may be appointed to the Library Board who is a resident of Ridgeway or Scranton Township. All remaining Library Board members shall be residents of the City of Carbondale, Kansas.  
(01-03-06)

## CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1758, AS AMENDED AND SUPPLEMENTED, AND PROVIDING FOR SUBSTITUTE PROVISIONS OF THE SAME SUBJECT RELATING TO PUBLIC BUILDING COMMISSIONS.

Section 1. Election to Exempt From Certain Statutes. The City of Carbondale, Kansas (the "City"), pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1758, as amended and supplemented, and to provide such substitute provisions as hereinafter set forth in this Charter Ordinance. Such statute is applicable to the City, but is part of an enactment which is not uniformly applicable to all cities.

Section 2. Purpose and Function of the Public Building Commission. The City may create a public building commission (the "Commission") for the purpose of acquiring a site or sites within Osage County, Kansas (the "County") for construction, reconstruction, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, and for purchasing or otherwise acquiring such building or buildings or facilities. Such building or buildings or other facilities shall be maintained and operated for the affairs and activities of any federal, state, city, school district or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service within the County. Without in any way limiting the generality or scope of the foregoing, such buildings or facilities may specifically include buildings or other facilities of a recreational nature located or to be located within the County, including, but not limited to, swimming pools, amphitheatres, gazebos, band stands, athletic fields, shelter houses and recreational centers.  
(05-05-08)

### **CHARTER ORDINANCE NO. 9**

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE FROM THE PROVISIONS OF K.S.A. 66-1801 ET SEQ., THE KANSAS UNDERGROUND UTILITY DAMAGE PROTECTION ACT, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section 1. The City of Carbondale, 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.  
(11-02-09)

### **CHARTER ORDINANCE NO. 10**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 3 THAT EXEMPTED THE CITY OF CARBONDALE, KANSAS FROM K.S.A.12-1907 AS IT RELATED TO THE ESTABLISHMENT OF A RECREATION COMMISSION.

Section 1. The City of Carbondale, Kansas by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to repeal Charter Ordinance No. 3 which exempted itself from and make inapplicable to it K.S.A. 12-1907 (1986 Supp.), and provided substitute and additional provisions establishing for a Recreation Commission, the number of members of a Recreation Commission, the officers of the Commission, vacancies, and terms.  
(06-21-10)

### **CHARTER ORDINANCE NO. 11**

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 4A AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY.  
(6-4-12)  
(Repealed by C.O. No. 12)

## CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 11 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND SETTING MIL LEVY CAP.

Section 1. 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 Carbondale hereby elects to repeal existing charter ordinances related to tax levy rates for library operations. Charter Ordinance No. 11 of the City of Carbondale, establishing the levy rate for library operations, is hereby repealed.

Section 2. The Governing Body of the City of Carbondale, shall annually levy a tax for the equipping, operating and maintaining of the Carbondale Public Library within the legal limitations as provided in K.S.A. 12-1220 not to exceed 6.5 mils.

(9-4-  
12)

## CHARTER ORDINANCE NO. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, 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 FILING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 2

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

1. Section 1. The City of Carbondale, 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.

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

3. 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.

4. 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.

5. Section 5. In the 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 the election, the council member shall be deemed to have refused to accept the office and a vacancy shall exist. The mayor, with the consent of the remaining council members, appoints a suitable elector to fill the vacancy.

6. Section 6. In case 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 council member becoming mayor.

7. Section 7. 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 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 3% of the qualified electors of the City of Carbondale.

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

9. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

#### CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF CARBONDALE, KANSAS, FROM THE PROVISIONS OF L. 2015, CHAPTER 88, SECTION 71, RELATING TO THE FILLING OF GOVERNING BODY VACANCIES.

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

1. The City of Carbondale, 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. 1.2015, Chapter 88, Section 71, relating to the filling of governing body vacancies, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.



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

3. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

7/20/2020

(First published in the Osage County Chronicle, Published 8/16/2020 2020)  
CHARTER ORDINANCE NO. 15

**A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 12 AND PROVIDING SUBSTITUE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND SETTING MILL LEVY CAP.BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARBONDALE, KANSAS;**

SECTION 1. 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 Carbondale hereby elects to repeal existing charter ordinances specifically related to tax levy rates for library operations. Charter Ordinance No. 12 of the City of Carbondale, establishing the levy rate for library operations, is hereby repealed.

SECTION 2. The Governing Body of the City of Carbondale shall annually levy a tax for the equipping, operating and maintaining of the Carbondale Public Library within the legal limitations as provided in K. S. A. 12-1220 not to exceed 12 mills.

SECTION 3. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

SECTION 4. This Charter Ordinance shall take effect sixty-one days after its final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in Article 12, Section 5 of the Kansas Constitution, in which case this Charter Ordinance shall become effective, upon approval by a majority of the electors voting thereon.

Passed by the Governing Body of the City of Carbondale, Osage County, Kansas, not less than two-thirds voting in favor thereof, this July 20, 2020.

