

CHARTER ORDINANCES

C.O. No. 1	Repealed
C.O. No. 2	Repealed
C.O. No. 3	Recurbing, reguttering, resurfacing, repaving, including necessary drainage facilities, of the streets or alleys in the city of Olathe
C.O. No. 4	Repealed
C.O. No. 5	Repealed
C.O. No. 6	Enlarging, repairing, extending and improving of the system of the waterworks (Repeals 4)
C.O. No. 7	Fire and Police Department retirement systems
C.O. No. 8	Consideration of Ordinances at public meetings and final passage thereof
C.O. No. 9	Repealed
C.O. No. 10	Repealed
C.O. No. 11	Repealed
C.O. No. 12	Repealed
C.O. No. 13	Repealed
C.O. No. 14	Demand deposits of public moneys and certain duties of the city treasurer
C.O. No. 15	Methods of financing the acquisition or construction of public buildings
C.O. No. 16	Repealed
C.O. No. 17	Public Improvements
C.O. No. 18	Repealed
C.O. No. 19	Repealed
C.O. No. 20	Repealed
C.O. No. 21	Repealed
C.O. No. 22	Repealed
C.O. No. 23	Obtaining surety bonds for city officers and employees
C.O. No. 24	Limitation of tax levies in any one year and the aggregate city wide tax levy (Repeals 12)
C.O. No. 25	Service of uniform notices to appear and complaints filed with the Olathe Municipal Court
C.O. No. 26	Definitions for combined water works and sewage disposal systems
C.O. No. 27	Repealed
C.O. No. 28	Repealed
C.O. No. 29	Elections and tenure of commissioners, qualifications and vacancies, and duties of the mayor (Repeals 27)
C.O. No. 30	Repealed
C.O. No. 31	Conflict of Interest (Defeated by Election)
C.O. No. 32	Repealed
C.O. No. 33	Delay in payment of special assessments for public improvements in undeveloped areas
C.O. No. 34	Delay in payment of special assessments for public improvements in undeveloped areas (Amends Sections Three and Eight of C.O. No. 33)
C.O. No. 35	Licensing of plumbers (Repeals 18 and 22)
C.O. No. 36	Borrowing of money and issuance of bonds for general improvements (Repeals 19)
C.O. No. 37	Repealed.
C.O. No. 38	Repealed
C.O. No. 39	Provides substitute and additional provisions for the improvement of sidewalks (Repeals 37)
C.O. No. 40	Sidewalk Improvements (Defeated by Election)
C.O. No. 41	Repealed
C.O. No. 42	Exempts the city of Olathe from retailers' sales tax for construction services
C.O. No. 43	Amending Charter Ordinance 28 -- Form of Government (Failed)
C.O. No. 44	Exempting the city for K.S.A. 79-1950, limitations on tax levies. (Protested)
C.O. No. 45	Amending Charter Ordinance 28 to increase the terms of office for the mayor and council. (Protested)
C.O. No. 46	Increase the library's mill levy limitation to four mills (Repeals 32 and 38). (Defeated by Election)
C.O. No. 47	Amending Charter Ordinance 28 to increase the terms of office for the mayor and council. (Defeated by Election)
C.O. No. 48	Repealed.

- C.O. No. 49 Exempts the city from provisions regarding voter registration.
- C.O. No. 50 Repealed.
- C.O. No. 51 Amends Section Two of Charter Ordinance 25 regarding notices to appear and complaints filed with the Municipal Court.
- C.O. No. 52 Amends Charter Ordinance 28 to increase terms of office for the Mayor and Council. (Withdrawn/Failed)
- C.O. No. 53 Amending Charter Ordinance 28 to increase the terms of office for the mayor and council. (Defeated by Election)
- C.O. No. 54 Transportation Improvements Excise Tax.
- C.O. No. 55 Repealed.
- C.O. No. 56 Repealed.
- C.O. No. 57 Issuance of general obligation bonds for certain city improvements. (Protested/Withdrawn)
- C.O. No. 58 Repealed
- C.O. No. 59 Repealed
- C.O. No. 60 Repealed
- C.O. No. 61 Repealed
- C.O. No. 62 Repealed
- C.O. No. 63 Repealed.
- C.O. No. 64 Amends Section Two of Charter Ordinance No. 32 relating to an increase in the limitation on levying taxes from 2.5 mills to 4.0 mills for the Olathe Public Library in order to acquire, construct, equip and furnish, including paying debt service on obligations issued for such purposes, and to operate a library system in the City of Olathe and further repealing Charter Ordinance No. 38. (Defeated by Election)
- C.O. No. 65 Repealed
- C.O. No. 66 Repealed
- C.O. No. 67 Exempts the city from provisions related to costs associated with the Municipal Court. (Repeals 50)
- C.O. No. 68 Repeals Charter Ordinance No. 66 pertaining to allowing the sale of alcoholic liquor on Sunday.
- C.O. No. 69 Exempts the city from provisions regarding local alcoholic liquor fund; distribution of moneys; and providing substitute and additional provisions.
- C.O. No. 70 Exempts the city from provisions related to the Transient Guest Tax. (Repeals 63)
- C.O. No. 71 Exempts the city from provisions relating to work performed by the city and collection of costs.
- C.O. No. 72 Exempts the city from provisions regarding the designation of an official newspaper.
- C.O. No. 73 Exempts the city from provisions regarding record of transaction for pawnbroker loans and purchasing of precious metals.
- C.O. No. 74 Exempts the City of Olathe, Kansas from K.S.A. 13-1024a relating to borrowing of money and the issuance of bonds and repeals Charter Ordinances No. 60 and 65.
- C.O. No. 75 Exempts the city from provisions pertaining to limitations on certain tax levies repeals Charter Ordinances No. 32 and 38 (Olathe Public Library).
- C.O. No. 76 Exempts the city from K.S.A. 12-104a, 25-2108a, 25-2110a, and 25-2113; pertaining to provisions concerning the existing modified Mayor-Council-Manager form of government, elections and Governing Body vacancies and repealing Charter Ordinances No. 11, 28, 61, and 62.

CHARTER ORDINANCE NO. 1. Repealed 04/21/70.

CHARTER ORDINANCE NO. 2. Repealed 04/21/70.

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE RELATING TO THE RECURBING, REGUTTERING, RESURFACING, REPAVING, INCLUDING NECESSARY DRAINAGE FACILITIES, OF THE STREETS OR ALLEYS IN THE CITY OF OLATHE, KANSAS, AND EXEMPTING SAID CITY FROM PROVISIONS OF SECTIONS 12-681 AND 12-682, K.S.A., AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: That pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas, the City of Olathe, Kansas, hereby elects that Sections 12-681 and 12-682, K.S.A., shall not apply to said city and provides the following substitute and additional provisions on the same subject: That whenever in the judgment of the Governing Body of the City of Olathe, Kansas, it becomes expedient and of public necessity to recurb, regutter, resurface or repave, including necessary drainage facilities, any street or alley or any portion thereof when said street or alley has by reason of public travel thereon or by reason of the elements become in need of surface restoration or other construction and improvement, the Governing Body shall have the power to determine such need and when the Governing Body determines that the making of such improvements is deemed expedient, it may by resolution so declare the necessity therefor and cause said improvement to be made. The cost of said recurb, reguttering, resurfacing or repaving shall be borne by the city at large and the Governing Body is hereby empowered to issue general improvement bonds for the purpose of raising funds for making such improvements in an amount not exceeding the total cost of said improvement;

PROVIDED, that the total amount of bonds issued for such improvements in any one year shall not exceed an amount equal to one-half of one percent of the assessed tangible valuation of the city;

PROVIDED, FURTHER, that bonds for such improvements shall not be outstanding at any one time in an amount in excess of one and one-half percent of such assessed tangible valuation.

SECTION TWO: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED and APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 20th day of July, 1965.

CHARTER ORDINANCE NO. 4. Repealed 07/15/69.

CHARTER ORDINANCE NO. 5. Repealed 04/21/70.

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 4 RELATING TO THE ENLARGING, REPAIRING, EXTENDING AND IMPROVING OF THE SYSTEM OF THE WATERWORKS IN THE CITY OF OLATHE, KANSAS.

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

SECTION ONE: Charter Ordinance No. 4 heretofore passed on the 8th day of November, 1966, published on the 11th day of November and the 18th day of November, 1966, and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and it shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED and **APPROVED** by the Governing Body, not less than two-thirds of the members elect, voting in favor thereof the 15th day of July, 1969.

CHARTER ORDINANCE NO. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 13-14a01 THROUGH 13-14a14, INCLUSIVE, RELATING TO FIRE AND POLICE DEPARTMENT RETIREMENT SYSTEMS.

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

SECTION ONE: The City of Olathe, 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 exempts itself from K.S.A. 13-14a01 through 13-14a14, inclusive, relating to fire and police department retirement systems.

SECTION TWO: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 10th day of February, 1970.

SIGNED by the Mayor the 10th day of February, 1970.

CHARTER ORDINANCE NO. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 12-3001 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE CONSIDERATION OF ORDINANCES AT PUBLIC MEETINGS AND FINAL PASSAGE THEREOF.

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

SECTION ONE: The City of Olathe, 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 exempts itself from K.S.A. 12-3001 which applies to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: All ordinances of the City of Olathe, Kansas, shall be considered at a public meeting of the Governing Body except where a statute provides a different procedure for an ordinance for a specific purpose. All ordinances may be passed finally on the day it is introduced; provided, no ordinance granting a franchise or special privilege shall ever be passed finally on the day it is introduced.

SECTION THREE: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 10th day of February, 1970.

SIGNED by the Mayor the 10th day of February, 1970.

CHARTER ORDINANCE NO. 9. Repealed 8/19/86.

CHARTER ORDINANCE NO. 10. Repealed 12/22/81.

CHARTER ORDINANCE NO. 11. Repealed 8/2/16.

CHARTER ORDINANCE NO. 12. Repealed 10/02/84.

CHARTER ORDINANCE NO. 13. Repealed 05/21/86.

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 13-2107, RELATING TO DEMAND DEPOSITS OF PUBLIC MONEYS AND CERTAIN DUTIES OF THE CITY TREASURER.

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

SECTION ONE: The City of Olathe, Kansas, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to make applicable to it and exempt itself from K.S.A. 13-2107 which applies to said city, but not uniformly to all cities.

SECTION TWO: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum is filed requiring a referendum be held on the ordinance as provided by Article 12, Section 5, Subdivision (c)(3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

SECTION THREE: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 3rd day of November, 1970.

SIGNED by the Mayor the 3rd day of November, 1970.

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 12-1737 AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT, RELATING TO THE METHODS OF FINANCING THE ACQUISITION OR CONSTRUCTION OF PUBLIC BUILDINGS; BOND ELECTIONS, WHEN; TAX LEVIES; ELECTIONS; INVESTMENT OF BUILDING FUNDS; AND INTEREST.

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

SECTION ONE: The City of Olathe, Kansas, by the power invested in it by Article 12 of Section 5 of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 12-1737 which applies to said city, but not uniformly to all cities, and provides a substitute provision on the same subject as hereinafter set forth in Section Two.

SECTION TWO: The Governing Body of the City of Olathe, Kansas, may for the purposes authorized and provided in K.S.A. 12-1736, and all acts supplemental and amendatory thereto:

- (a) Receive and expend gifts;
- (b) Receive and expend grants in aid of state or federal funds;
- (c) Issue bonds of the city;
- (d) Make an annual tax levy of not more than eight (8) mills upon all taxable tangible property in the City of Olathe, Kansas, for the purpose of creating a building fund to be used for the purposes authorized and provided in K.S.A. 12-1736, and all acts supplemental and amendatory thereto;
- (e) Issue no-fund warrants;

(f) Use moneys from the general operating fund or other appropriated budgeted fund when such is available;

(g) Use moneys received from the sale of public buildings or buildings and sites; or

(h) Combine any two or more of such methods of financing for the purposes herein authorized: Provided, the city shall first use funds received from the payment of insurance claims for damages sustained by any such public building before resorting to methods of financing herein authorized. An election upon the issuance of bonds under the authority of this ordinance shall be required for the purpose of acquiring or constructing city offices, public libraries, auditoriums, community or recreational buildings.

When an election upon the issuance of bonds is required, the question of the issuance of said bonds shall be submitted to a vote of the qualified electors of such city at a regular city election or at a special city election called for that purpose, and no such bonds shall be issued unless a majority of those voting on the question shall have declared by their votes to be in favor of the issuance of said bonds. Such bond election shall be called and held, and said bonds shall be issued in accordance with the provisions of the general bond law. No levies shall be made for the purpose of creating a building fund under the provisions of this charter ordinance until an ordinance authorizing the making of such levies shall annually be passed by the Governing Body of the city.

The levy herein authorized shall be in addition to and not limited by any other act authorizing or limiting the tax levies of the city. The city is hereby authorized to invest any portion of the special building fund which is not currently needed in direct obligations of the United States government maturing or redeemable at par and accrued interest within one (1) year from the date of purchase, the principal and interest whereof is guaranteed by the government of the United States, and in time certificates of deposit pursuant to Section 3.12.010 of the Olathe Municipal Code. All interest received on such investments shall upon receipt thereof be credited to the special building fund.

No-fund warrants issued under the authority of this ordinance shall be issued in the manner and form and bear interest and be redeemed as prescribed by Section 79-2940 of the General Statutes of 1949, and acts amendatory thereof, except that they may be issued without the approval of the State Board of Tax Appeals, and without the notation required by Section 79-2940 of the General Statutes of 1949. The Governing Body shall make a tax levy at the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by Article 19 of Chapter 79 of the General Statutes of 1949, and acts amendatory thereof, shall apply to such levies.

SECTION THREE: This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 21st day of March, 1972.

SIGNED by the Mayor this 21st day of March, 1972.

CHARTER ORDINANCE NO. 16. Repealed 10/16/79.

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE FROM THE PROVISION OF K.S.A. 13-1017, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE MAKING OF PUBLIC IMPROVEMENTS.

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

SECTION ONE: The City of Olathe, Kansas, a city of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt, itself from, and makes inapplicable to it, the provisions of K.S.A.. 13-1017, which apply to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement in any street, highway or public grounds, or of any public building or facility, or of any kind of public improvement in the City of Olathe, Kansas, shall be commenced or ordered by the Governing Body, or under its authority, a detailed estimate of the cost of such improvements, shall be made under oath by the city engineer (or some other competent person, appointed for such purposes by the Governing Body) and said estimate shall be submitted to the Governing Body for its action thereon.

SECTION THREE: Before any type of public improvements shall be commenced, the money to pay for the same must be available in the city treasury as provided by law; or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law.

SECTION FOUR: That this ordinance shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any street or facility; and "public improvement" as used herein shall not include the making or repairs or the maintenance of any building, street, sidewalk or other public facility or the making of any expenditures from the city budget for such purposes.

SECTION FIVE: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION SIX: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED and APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 2nd day of May, 1978.

SIGNED by the Mayor this 2nd day of May, 1978.

CHARTER ORDINANCE NO. 18 Repealed 08/15/89.

CHARTER ORDINANCE NO. 19. Repealed 09/04/90.

CHARTER ORDINANCE NO. 20. Repealed 03/17/87.

CHARTER ORDINANCE NO. 21. Repealed 05/21/86.

CHARTER ORDINANCE NO. 22. Repealed 08/15/89.

CHARTER ORDINANCE NO. 23

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 13-1805, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE OBTAINING OF SURETY BONDS FOR CITY OFFICERS AND EMPLOYEES.

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

SECTION ONE: The City of Olathe, 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 exempts itself from K.S.A. 13-1805 which applies to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: The Governing Body shall obtain a good and sufficient surety bond in the amount of \$500,000, giving blanket coverage of all city employees, conditioned for the faithful discharge of employee's duties, and saving the City of Olathe harmless from all loss caused by neglect of duty or malfeasance in office, or for the willful expenditure of any monies of such city in violation of law.

SECTION THREE: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 17th day of January, 1984.

SIGNED by the Mayor the 17th day of January, 1984.

CHARTER ORDINANCE NO. 24

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 12 RELATING TO THE LIMITATION OF TAX LEVIES IN ANY ONE YEAR AND THE AGGREGATE CITY-WIDE TAX LEVY.

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

SECTION ONE: That Charter Ordinance No. 12 of the City of Olathe, Kansas, heretofore passed on the 21st day of April, 1970, published on the 24th day of April and the 1st day of May, 1970, and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and it shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, of the Constitution of Kansas in which case the ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED and **APPROVED** by the Governing Body, not less than two-thirds of the members elect, voting in favor thereof the 2nd day of October, 1984.

SIGNED by the Mayor the 2nd day of October, 1984.

CHARTER ORDINANCE NO. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 12-4207 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO SERVICE OF UNIFORM NOTICES TO APPEAR AND COMPLAINTS FILED WITH THE OLATHE MUNICIPAL COURT.

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

SECTION ONE: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 12-4207 relating to service of complaints filed in the municipal court, which applies to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: Complaints and Notices to Appear; Service. Complaints and Notices to Appear shall be served upon the accused persons 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 Complaint and Notice to Appear may be served by a law enforcement officer, fire marshal or duly appointed Olathe building official, code enforcement officer or zoning enforcement officer within the state and, if mailed, shall be mailed by an Olathe law enforcement officer or the clerk of the municipal court. No provisions of this charter ordinance shall be construed to empower fire marshals, building officials, code enforcement officers, zoning enforcement officers or court clerks with powers of arrest, search, detention or other powers of law enforcement officers, except as provided by law. Upon service by mail the law enforcement officer or court clerk 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 _____, 19____, a copy of the Complaint and Notice to Appear was mailed to _____

at _____,
_____.

(Signature of Law Enforcement
Officer or Clerk of Court)

SECTION THREE: This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the member elect voting in favor thereof, this 18th day of December, 1984.

SIGNED by the Mayor this 18th day of December, 1984.

CHARTER ORDINANCE NO. 26

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-856 AND 12-860 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISION ON THE SAME SUBJECT RELATING TO DEFINITIONS FOR COMBINED WATER WORKS AND SEWAGE DISPOSAL SYSTEMS FOR CITIES UNDER 80,000 POPULATION AND THE RATES AND CHARGES; USE OF REVENUES; COLLECTIONS AND LIENS.

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

SECTION ONE: The City of Olathe, Kansas, by the power invested 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 the provisions of K.S.A. 12-856 and 12-860 and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not applicable uniformly to all cities.

SECTION TWO: For the purpose of this act the following words and phrases shall have the meanings ascribed to them in this section:

(a) "City" shall mean any city having a population of less than eighty thousand (80,000).

(b) "Waterworks system" shall mean a waterworks system owned and operated by a city.

(c) "Sewage disposal system" shall mean the sanitary sewers, pumping stations, sewage treatment plans, outfall sewers and any and all appurtenances necessary in the operation of the same owned and operated by a city.

(d) "Water and sewage system" shall mean a combination of a waterworks system and sewage disposal system.

(e) "Systems development charge" shall mean a charge levied on development to provide revenue to finance extra capacity facilities.

(f) "Extra capacity facilities" shall mean improvements to the public facilities of the city that provide increased capacity to serve new or expanded development as distinguished from replacement or restoration of facilities that have or may become worn or obsolete.

SECTION THREE. The Governing Body of the city shall have the power to establish and collect such rates and charges, including but not limited to minimum charges, charges for the availability of service, tap fees, disconnection fees, reconnection fees, system development charges and reasonable penalties for any delinquencies, for water and for the use of the sewage disposal system as shall be reasonable and sufficient to pay the cost of acquisition of property, operation, repairs, maintenance, extension and enlargement of the water and sewer system and improvements thereof and new construction and the payment of any bonds and the interest thereon as may be issued for such water and sewage system: Provided, no revenue shall be used for the payment of bonds payable primarily by assessments against property in sewer districts: Provided further, that such revenue may be used to pay revenue bonds or general obligation bonds payable by the city at large issued for either the waterworks system or sewage disposal system before the systems were combined or for the water and sewage system after they have been combined. The city is authorized to discontinue water service for any failure to pay the rates or charges fixed for either water service or the use of the sewage disposal system or both when due, and if there is sewage disposal system use without water service the charge may be certified as a lien against the property served and assessed as a tax by the county clerk or county assessor.

SECTION FOUR: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FIVE: This is a charter ordinance and shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved 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 the 20th day of August, 1985.

SIGNED by the Mayor the 20th day of August, 1985.

CHARTER ORDINANCE NO. 27. Repealed 08/19/86.

CHARTER ORDINANCE NO. 28. Repealed 8/2/16

CHARTER ORDINANCE NO. 29

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 27 RELATING TO THE ELECTIONS AND TENURE OF COMMISSIONERS, QUALIFICATIONS AND VACANCIES, AND DUTIES OF THE MAYOR.

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

SECTION ONE: That Charter Ordinance No. 27 of the City of Olathe, Kansas, heretofore passed on the 21st day of May, 1986, published on the 24th day of May and the 31st day of May, 1986, and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor of thereof, the 19th day of August, 1986.

SIGNED by the Mayor this 19th day of August, 1986.

CHARTER ORDINANCE NO. 30. Repealed 06/20/95.

CHARTER ORDINANCE NO. 31. Defeated by election 08/02/88.

CHARTER ORDINANCE NO. 32. Repealed 04/21/15.

CHARTER ORDINANCE NO. 33

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM K.S.A. 13-10, 135 THROUGH 13-10, 139, INCLUSIVE, RELATING TO DELAY IN PAYMENT OF SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS IN UNDEVELOPED AREAS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: The City of Olathe, Kansas, by the power vested 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 K.S.A. 13-10, 135 through and including 13-10, 139 relating to the delay in payment of special assessments for public improvements in undeveloped areas, which applies to said city but not uniformly to all cities, and provides the following substitute and additional provisions on the same subject.

SECTION TWO: Authority to Delay Assessments. Whenever the Governing Body may cause any public improvement to be constructed, the expense of which is chargeable to a benefit district, the Governing Body may in its discretion, authorize and provide for a delay in the payment of such assessments subject to the conditions and in the manner provided below:

SECTION THREE: Conditions for Delay--Amended October 4, 1988. (See Charter Ordinance No. 34.)

SECTION FOUR: Procedure to Grant Delay. Any property owner that may be, or is, included in any benefit district for public improvements, may request a deferment in the payment of special assessments for the costs of such public improvements, either concurrently with the creation of the district or at any time prior to the levy of special assessments. Such request shall be in writing and shall specifically detail how the property will meet the above-described standards for deferment. Such request shall be filed with the city clerk, who shall forward the request to the Governing Body for action.

If the Governing Body decides to grant the deferment, it shall do so by resolution, unless the request for deferment occurs concurrently with the levying of assessments, in which case the deferral shall be noted in the assessment ordinance.

SECTION FIVE: Assessment Ordinance Requirements. Ordinances levying special assessments for the cost of constructing public improvements upon property for which the city has granted a delay in payment shall state the words, "payment delayed", state the period of the delay, and shall state the recoupment charge for loss of use of city money. The city clerk shall certify such special assessments to the county clerk, and when levied, certified and become dues, shall be collected as other taxes.

SECTION SIX: Principal and Interest Payments During Delay Period. Whenever the Governing Body grants a delay in the payment of assessments, it shall provide for the payment of principal and interest of bonds issued for the payment of the costs of such improvement during the period for which such delay has been granted by the levy of a tax upon all of the taxable property of the city in the manner provided for the payment of bonds payable by the city at large. That portion of the bonds issued for the payment of the cost of constructing public improvements which are payable by the city at large during the period granted as a delay in the payment of assessments shall be considered bonds payable by the city at large and not bonds the costs of which are payable from special assessments.

SECTION SEVEN: Payments Due. All such delayed assessments shall become due and payable in the same installments as originally assessed at the time such property is sold, platted, or developed at the expiration of the designated period, or failure to pay the recoupment charge.

SECTION EIGHT: Recoupment Charge--Amended October 4, 1988. (See Charter Ordinance No. 34.)

SECTION NINE: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED and **APPROVED** by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 5th day of July, 1988.

CHARTER ORDINANCE NO. 34

A CHARTER ORDINANCE AMENDING SECTIONS THREE AND EIGHT OF CHARTER ORDINANCE NO. 33 RELATING TO DELAY IN PAYMENT OF SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS AND UNDEVELOPED AREAS.

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

SECTION ONE: That Section Three of Charter Ordinance No. 33 is hereby amended to read as follows:

"SECTION THREE: Conditions for Delay. The Governing Body may allow and provide for a delay in the payment of special assessments for the cost of constructing public improvements for a period of up to ten (10) years or until the property is sold, developed or platted if all of the following conditions are met:

- (a) The land upon which the special assessment is to be levied is located inside the city limits of Olathe.
- (b) The land is used for agricultural purposes. Agricultural purposes means that the land is being actively used for the growing of crops or the raising of livestock.
- (c) The land is undeveloped and unplatted.
- (d) The land is in excess of four (4) acres in size.
- (e) The land has a population density of less than one family per acre.
- (f) The land is not served by the public improvement. Not served by the public improvement means the following:

- (1) For sewers--buildings or structures on the property will not use the sewage facilities and do not need the facilities to meet health requirements;
- (2) For waterlines--structures on the property will not use the water improvements and have adequate potable water to meet property's need;
- (3) For streets--the street improvement is not necessary to provide access to existing buildings or structures, or if none exist, to the property itself;

- (g) The assessment would provide a hardship to the owner of the property; and
- (h) For the term of the delay and the collection period of assessments, the owner agrees to pay an amount designed to compensate the city for the carrying cost associated with paying the debt service on special assessments that have been delayed (recoupment costs). This amount will be calculated as follows: the total cumulative amount of assessments paid by the property owner shall be subtracted from the total cumulative amount expended by the city for principal and interest payments on the delayed assessments to determine the net amount expended by the city. The net amount expended shall be multiplied by an interest rate equal to the yield of the most recently issued ten (10) year treasury notes as listed in the Wall Street Journal on the day following the passage of the assessment ordinance."

SECTION TWO: That Section Eight of Charter Ordinance No. 33 is hereby amended to read as follows:

"SECTION EIGHT: Recoupment Charge. The recoupment charge shall be payable on an annual basis. The city treasurer shall calculate the amount due and shall send an invoice to the property owner for payment."

SECTION THREE: This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: This is a charter ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 4th day of October, 1988.

SIGNED by the Mayor this 4th day of October, 1988.

CHARTER ORDINANCE NO. 35

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCES NO. 18 AND 22 PERTAINING TO THE LICENSING OF PLUMBERS DOING WORK IN THE CITY OF OLATHE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS;

SECTION ONE: That Charter Ordinance No. 18 of the City of Olathe, Kansas, heretofore passed on the 16th day of October, 1979, published on the 2nd day of November, 1979, and the 9th day of November, 1979; and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: That Charter Ordinance No. 22 of the City of Olathe, Kansas, heretofore passed on the second day of October, 1983, published on the 22nd and 29th days of October, 1983, and effective sixty-one (61) days thereafter is hereby repealed.

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

SECTION FOUR: This is a charter ordinance and it shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED and **APPROVED** by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 15th day of August, 1989.

SIGNED by the Mayor this 15th day of August, 1989.

CHARTER ORDINANCE NO. 36

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 19 RELATING TO THE BORROWING OF MONEY AND THE ISSUANCE OF BONDS FOR GENERAL IMPROVEMENTS.

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

SECTION ONE: That Charter Ordinance No. 19 of the City of Olathe, Kansas, relating to the borrowing of money and the issuance of bonds for general improvements, heretofore passed on the 17th day of June, 1980, and published on the 20th and 27th days of June, 1980, and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: This ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION THREE: This is a charter ordinance and it shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, of the Constitution of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED and **APPROVED** by the Governing Body, not less than two-thirds of the members elect, voting in favor thereof the 4th day of September, 1990.

SIGNED by the Mayor the 4th day of September, 1990.

CHARTER ORDINANCE NO. 37. Repealed 05/07/91.

CHARTER ORDINANCE NO. 38. Repealed 04/21/15.

CHARTER ORDINANCE NO. 39

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 37 EXEMPTING THE CITY OF OLATHE, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-1008d TO 13-1008h, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE IMPROVEMENT OF SIDEWALKS.

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

SECTION ONE: That Charter Ordinance No. 37 of the City of Olathe, Kansas, exempting the City from the provisions of K.S.A. 13-1008d to 13-1008h, and providing substitute and additional provisions relating to the improvement of sidewalks, heretofore passed on the 5th day of February, 1991, published on the 9th and 16th day of February, 1991, is hereby repealed.

SECTION TWO: This Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION THREE: This is a Charter Ordinance and it shall take effect sixty-one (61) days after the final publication, unless a sufficient petition for a referendum is filed and a referendum held on the Ordinance as provided in Article 12, Section 5, of the Constitution of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect, voting in favor thereof the 7th day of May, 1991.

SIGNED by the Mayor the 7th day of May, 1991.

CHARTER ORDINANCE NO. 40. Defeated by election 11/05/91.

CHARTER ORDINANCE NO. 41. Repealed 08/20/02

CHARTER ORDINANCE NO. 42

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM THE PROVISIONS OF THE SECOND SENTENCE OF THE SECOND PARAGRAPH OF K.S.A. 12-189 AS AMENDED BY SECTION NO. 2 OF CHAPTER 251 OF THE 1992 SESSION LAWS OF KANSAS, AND FROM THE PROVISIONS OF THE FIRST SENTENCE OF K.S.A. 12-191; RELATING GENERALLY TO THE COUNTYWIDE AND CITY RETAILERS' SALES TAX; RELATING TO THE APPLICATION OF SUCH TAX TO CERTAIN SALES; RELATING TO THE EXEMPTION OF CERTAIN SALES FROM THE APPLICATION OF SUCH TAX; AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR AND AN ADDITIONAL PROVISION EFFECTIVE JANUARY 1, 1993, EXEMPTING GROSS RECEIPTS RECEIVED FROM THE SERVICE OF INSTALLING OR APPLYING TANGIBLE PERSONAL PROPERTY IN CONNECTION WITH THE ORIGINAL CONSTRUCTION OF A BUILDING OR FACILITY OR THE CONSTRUCTION, RECONSTRUCTION, RESTORATION, REPLACEMENT OR REPAIR OF A BRIDGE OR HIGHWAY FROM IMPOSITION OF THE CITY OF OLATHE'S CITY-WIDE RETAILERS' SALES TAX.

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

SECTION ONE: The City of Olathe, 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 the provisions of the second sentence of the second paragraph of K.S.A. 12-189 as amended by Section No. 2 of Chapter 251 of the 1992 Session Laws of Kansas, which sentence reads as follows:

Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not uniformly applicable to all cities.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION ONE, above:

Such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to Olathe city-wide retailers' sales tax insofar as such laws and rules and regulations may be made applicable, except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, and except that, effective January 1, 1993, the City of Olathe's city-wide retailers' sales tax shall not be imposed upon gross receipts received from the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

SECTION THREE: The City of Olathe, 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 the provisions of the first sentence of K.S.A. 12-191, which sentence reads as follows:

All retail transactions consummated within a county or city having a retail sales tax, which transactions are subject to the Kansas retailers' sales tax, shall also be subject to such county or city retail sales tax, except as otherwise expressly provided in K.S.A. 12-190, and amendments thereto.

Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not uniformly applicable to all cities.

SECTION FOUR: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions for those provisions exempted from in SECTION THREE, above:

All retail transactions consummated within the City of Olathe, Kansas, which transactions are subject to the Kansas retailers' sales tax, shall also be subject to the City of Olathe's city-wide retailers' sales tax, except that, effective January 1, 1993, the City of Olathe's city-wide retailers' sales tax shall not be imposed upon gross receipts received from the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

SECTION FIVE: This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION SIX: THIS IS A CHARTER ORDINANCE AND IT SHALL TAKE EFFECT SIXTY-ONE (61) DAYS AFTER FINAL PUBLICATION UNLESS WITHIN SIXTY (60) DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OLATHE EQUAL TO NOT LESS THAN TEN PERCENT (10%) OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OLATHE DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof the 20th day of October, 1992.

SIGNED by the Mayor the 20th day of October, 1992.

CHARTER ORDINANCE NO. 43. Failed 2/3/93.

CHARTER ORDINANCE NO. 44. Protested 10/11/93.

CHARTER ORDINANCE NO. 45. Protested 6/27/94.

CHARTER ORDINANCE NO. 46. Defeated by election 8/2/94.

CHARTER ORDINANCE NO. 47. Defeated by election 11/8/94.

CHARTER ORDINANCE NO. 48. Repealed 2/5/03

CHARTER ORDINANCE NO. 49

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2303, 25-2309 AND 25-2709 AND AMENDMENTS THERETO.

WHEREAS, House Bill No. 2079 was enacted by the 1996 legislature, is a nonuniform enactment, and places significant mandates on cities of the first and second class in Kansas.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Exemption. The City of Olathe 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. 25-2303, 25-2309 and 25-2709 and amendments thereto, which apply to this city but do not apply uniformly to all cities.

SECTION TWO: Publication. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION THREE: Effective Date. This Charter Ordinance shall take effect sixty-one (61) days after 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 Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof this 16th day of July, 1996.

SIGNED by the Mayor this 16th day of July, 1996.

CHARTER ORDINANCE NO. 50. Repealed 12/21/04.

CHARTER ORDINANCE NO. 51

A CHARTER ORDINANCE AMENDING SECTION TWO OF CHARTER ORDINANCE NO. 25 RELATING TO SERVICE OF UNIFORM NOTICES TO APPEAR AND COMPLAINTS FILED WITH THE OLATHE MUNICIPAL COURT.

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

SECTION ONE: That Section Two of Charter Ordinance No. 25 is hereby amended to read as follows:

"SECTION TWO: Complaints and Notice to Appear; Service. Complaints and Notices to Appear shall be served upon the accused persons 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 complaint and Notice to Appear may be served by a law enforcement officer, community service officer, fire marshal, building official, code enforcement officer, zoning enforcement officer or park ranger within the state and, if mailed, shall be mailed by an Olathe law enforcement officer or the Clerk of the Municipal Court. No provisions of this Charter Ordinance shall be construed to empower building officials, code enforcement officers, zoning enforcement officers, community service officers, park rangers or court clerks with powers of arrest, search, detention or other powers of law enforcement officers, except as provided by law. Upon service by mail, the law enforcement officer or court clerk 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 here certifies that on the ____ day of _____, 19____, a copy of the Complaint and Notice to Appear was mailed to _____, _____, _____.

(Signature of law enforcement officer or Clerk of the Court)"

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

SECTION THREE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision(c)(3), of the Constitution of the State of Kansas, in which case the ordinance shall be come effective if approved by a majority of the electors voting thereon.

PASSED by the Governing Body, not less than two-thirds of the member elect voting in favor thereof, this 5th day of August, 1997.

SIGNED by the Mayor this 5th day of August, 1997.

CHARTER ORDINANCE NO. 52. Passed 5/19/98. Reconsidered – Withdrawn/Failed 8/3/98.

CHARTER ORDINANCE NO. 53. Defeated by Election 11/3/98.

CHARTER ORDINANCE NO. 54

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194; RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES; AND PROVIDING A SUBSTITUTE AND ADDITIONAL PROVISION AUTHORIZING THE CITY OF OLATHE, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATTING REAL PROPERTY AND BUILDING IN THE CITY, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATTING REAL PROPERTY OR BUILDING PREVIOUSLY MADE FOR CERTAIN TRANSPORTATION IMPROVEMENTS, TO GRANT EXEMPTIONS, AND TO PLEDGE THE REVENUES THEREFROM FOR TRANSPORTATION IMPROVEMENTS IN THE CITY.

SECTION ONE: The City of Olathe, 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 applicable to it the provisions of K.S.A. 12-194, which provisions reads as follows:

No city or county shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and a compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act. No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

Such referenced provisions are either enactments or a part thereof which are applicable to this city but are not uniformly applicable to all cities.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section One above.

The City of Olathe, Kansas, shall not levy or impose an excise tax or a tax in the nature of an excise, other than a retailers' sales tax and compensating use tax, upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service, but the provisions of this section shall not be construed as prohibiting the city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupational tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; or (c) levying any occupation tax or license fee imposed by the city prior to the effective date of this ordinance; or (d) levying an excise tax on the act of platting real property in the City, granting credits against excise taxes paid on the act of platting real property in the City for contributions previously made for transportation improvements, granting exemptions, and pledging revenues therefrom for transportation improvements in the City.

SECTION THREE: That this Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FOUR: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Olathe equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk of Olathe demanding an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a 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 15th day of December, 1998.

SIGNED BY THE MAYOR this 15th day of December, 1998.

CHARTER ORDINANCE NO. 55. Repealed 2/5/03

CHARTER ORDINANCE NO. 56. Repealed 2/5/03

CHARTER ORDINANCE NO. 57. Protested 7/24/01. Withdrawn

CHARTER ORDINANCE NO 58. Repealed 8/20/02.

CHARTER ORDINANCE NO. 59. Repealed 8/20/02.

CHARTER ORDINANCE NO. 60. Repealed 3/3/15.

CHARTER ORDINANCE NO. 61. Repealed 8/2/16.

CHARTER ORDINANCE NO. 62. Repealed 8/2/16.

CHARTER ORDINANCE NO. 63. Repealed 8/19/2008.

CHARTER ORDINANCE NO. 64. Defeated by Election 3/9/2004.

CHARTER ORDINANCE NO. 65. Repealed 3/3/2015.

CHARTER ORDINANCE NO. 66. Repealed October 18, 2005.

CHARTER ORDINANCE NO. 67

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 50; FURTHER EXEMPTING THE CITY OF OLATHE, KANSAS FROM K.S.A. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE ASSESSMENT OF COSTS ASSOCIATED WITH THE MUNICIPAL COURT.

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

SECTION ONE: Charter Ordinance No. 50 heretofore passed on the 17th day of December, 1996, published on the 7th and the 14th days of January, 1997, and effective sixty-one (61) days thereafter, is hereby repealed.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to make inapplicable to it and exempts itself from K.S.A. 12-4112 relating to municipal court costs, fees and assessments, which apply to said city but not uniformly to all cities, and to establish substitute and additional provisions on the same subject as hereinafter provided.

SECTION THREE:

1. There is hereby established the following schedule of costs, assessments and fees, for the administration of justice in the Municipal Court of Olathe, Kansas:

- (a) Costs may be assessed against each accused person in any case in which the accused person has failed to appear in court or to satisfy the financial or other requirements of the court's order. These costs shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) and amendments thereto. The court may assess these costs for each case in which the person failed to appear or to make satisfaction regardless of the disposition of the case for which the complaint was originally issued;
- (b) A monitoring fee may be assessed against a defendant in any case in which the Municipal Court Judge orders said defendant placed on probation or parole;
- (c) A monitoring fee may be assessed against a defendant in any case in which the defendant is placed on diversion or given a suspended sentence;
- (d) Costs may be assessed for the operation of the victim assistance program. All complaints against an individual arising from the same incident shall be treated as one case in determining this assessment. Original charges of parking and safety belt violations are excluded from this assessment;
- (e) A fee may be assessed for processing a motion for expungement or motion to set aside judgment or for entry of a nunc pro tunc order;
- (f) A fee may be assessed against the defendant upon conviction in each case for which the Municipal Court Judge appoints counsel. All complaints against an individual arising from the same incident shall be treated as one case in determining this assessment;
- (g) Costs may be assessed against persons convicted of or diverted from ordinance violations, excepting original charges of parking and safety belt violations, for the provision of user technology assistance;
- (h) A fee may be assessed for fingerprinting persons as required by statute;
- (i) A daily incarceration cost may be assessed against a defendant for each day of incarceration pursuant to an order of the Municipal Court Judge;
- (j) Costs may be assessed for the operation of a community service program;
- (k) Costs may be assessed for the processing of returned checks; and
- (l) Costs, assessments and fees shall be assessed as may be required by state statutes.

2. All of the above-named court costs, assessments and fees shall be established by resolution of the Governing Body. Such costs, assessments and fees may be revised as necessary by adoption of a new resolution. Copies of the current resolution establishing court costs, assessments and fees shall be on file in the offices of the City Clerk and the Municipal Court Clerk.

3. Such costs, assessments and fees may be assessed as part of a judgment, diversion agreement, or order and, if assessed, shall be collected by the Municipal Court Clerk.

4. The costs, assessments and fees assessed pursuant to this section shall be separate from and in addition to any other costs, assessments, fees, fines, restitution, penalties or judgments imposed.

SECTION FOUR: This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION FIVE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Olathe equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk of Olathe demanding an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a 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 21st day of December, 2004.

SIGNED by the Mayor this 21st day of December, 2004.

CHARTER ORDINANCE NO. 68

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 66 PERTAINING TO ALLOWING THE SALE OF ALCOHOLIC LIQUOR ON SUNDAY.

WHEREAS, the City of Olathe approved Charter Ordinance No. 66 allowing for the retail sale of alcoholic liquor on Sundays; and

WHEREAS, 2005 Kansas Session Laws, Chapter 201 made the Liquor Control Act uniform throughout the State, thereby voiding Charter Ordinance No. 66.

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

SECTION ONE: Charter Ordinance No. 66 heretofore passed on the 17th day of August, 2004, published on the 24th and 31st days of August, 2004, and effective sixty-one (61) days thereafter, is hereby repealed.

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

SECTION THREE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless within sixty (60) days of its final publication a petition signed by a number of electors of the City of Olathe equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk of Olathe demanding an election on the Charter Ordinance, in which case the Charter Ordinance shall become effective only if and when approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body of the City of Olathe, Kansas by not less than two-thirds of the members elect voting in favor, thereof, this 18th day of October, 2005.

SIGNED by the Mayor this 18th day of October, 2005.

CHARTER ORDINANCE NO. 69

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS FROM THE PROVISIONS OF K.S.A. 79-41a04 (d) PERTAINING TO THE LOCAL ALCOHOLIC LIQUOR FUND; DISTRIBUTION OF MONEYS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: The City of Olathe, Kansas by 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. 79-41a04(d) which applies to this City but not uniformly to all cities.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions from which it is exempted pursuant to Section One above:

The City Treasurer, upon receipt of any moneys distributed by the State as part of the local alcoholic liquor fund, shall deposit the full amount in the City treasury and shall credit one third (1/3) of the deposit to the general fund of the City, one third (1/3) to a special parks and recreation fund in the City treasury and one third (1/3) to a special alcohol and drug programs fund in the City treasury. Moneys in such special funds shall be under the direction and control of the Governing Body of the City. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services, programs and facilities whose principal purpose is alcoholism and drug abuse prevention and education; capital expenditures for services or programs whose principal purpose is alcoholism and drug abuse prevention and education; alcohol and drug detoxification; intervention in alcohol and drug abuse including law enforcement activities; or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

SECTION THREE: This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION FOUR: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 2nd day of May, 2006.

SIGNED by the Mayor this 2nd day of May, 2006.

CHARTER ORDINANCE NO. 70

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1696, RELATING TO DEFINITIONS PERTAINING TO TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1697 (a) RELATING TO THE LEVY OF TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1698 (e), RELATING TO CITY TRANSIENT GUEST TAX FUND; FROM ALL THE PROVISIONS OF K.S.A. 12-16,101, RELATING TO A COMMITTEE TO MAKE RECOMMENDATIONS FOR PROGRAMS AND EXPENDITURES; AND FROM ALL THE PROVISIONS OF K.S.A. 12-16,113, RELATING TO AN ANNUAL ACCOUNTING OF EXPENDITURES; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND FURTHER REPEALING CHARTER ORDINANCE NO. 63.

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

SECTION ONE: The City of Olathe, Kansas, a city of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from all the provisions of K.S.A. 12-1696, which applies to said city, but not uniformly to all cities, and provides the following substitute and additional provisions on the same subject:

“As used in this act, the following words and phrases have the meaning respectively ascribed to them herein:

(a) ‘Activities’ mean planning, organizing, implementing, equipping, furnishing, staffing and managing of programs;

(b) ‘Business’ means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court;

(c) ‘Economic development promotion’ means (1) activities to attract the location or relocation of industrial or commercial enterprises into the community through marketing efforts, including advertising and incentives; (2) activities designed to encourage retention and expansion of existing industrial or commercial enterprises in the community; (3) convention and tourism promotion activities designed to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel and support of those activities and organizations which encourage increased lodging facility occupancy; and (4) construction and management of a full service hotel and conference center located within the Corporate Ridge Office Park at the southeast corner of K-10 Highway and Ridgeview Road (“Hotel & Conference Center”); and (5) annual payment of the six percent (6%) transient guest tax generated at the Hotel & Conference Center to the operator of the Hotel & Conference Center for a period of twenty (20) years, beginning 2010, to pay expenses of the Hotel & Conference Center in exchange for the economic development investment generated by the Hotel & Conference Center to the community;

(d) ‘Hotel, motel, or tourist court’ means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for the accommodation of such guests;

(e) ‘Person’ means an individual, firm, partnership, corporation, joint venture or other association of persons;

(f) 'Transient guest' means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;"

SECTION TWO: The City of Olathe, Kansas, 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, and makes inapplicable to it, the provisions of K.S.A. 12-1697(a), and provides the following substitute and additional provisions on the same subject:

“(a) In order to provide revenues to promote economic development, the Governing Body of the City is hereby authorized to levy a transient guest tax at not to exceed the rate of six percent (6%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court.”

SECTION THREE: The City of Olathe, Kansas, 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, and makes inapplicable to it, the provisions of K.S.A. 12-1698(e), and provides the following substitute and additional provisions on the same subject:

“(e) All such monies received by the city treasurer from disbursements from the city transient guest tax shall be credited to the City’s general fund, but shall be deposited into the ‘Economic Development Promotion Account’ and shall only be expended for economic development promotion pursuant to the terms of an agreement or agreements with the Olathe Chamber of Commerce approved by the Governing Body of the City for economic development promotion services.”

SECTION FOUR: The City of Olathe, Kansas, 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, and makes inapplicable to it, the provisions of K.S.A. 12-16,101, and provides the following substitute and additional provisions on the same subject:

“(a) The Olathe Chamber of Commerce shall establish an Economic Development Advisory Council to make recommendations to the Olathe Chamber of Commerce Board of Directors and the Governing Body of the City concerning the programs and expenditures for economic development promotion. Such council shall be composed of the Mayor of Olathe, or a duly authorized representative; the Olathe City Manager, or duly authorized representative; the President of the Olathe Chamber of Commerce, who shall act as its secretary; and up to eighteen additional members selected pursuant to the terms of Bylaws of the Economic Development Advisory Council and which Bylaws have been specifically approved by the Governing Body.

(b) The Olathe Chamber of Commerce shall establish a Convention and Visitors Bureau Advisory Council to make recommendations to the Olathe Chamber of Commerce Board of Directors and the Governing Body of the City concerning the programs and expenditures for economic development promotion in the area of tourism and conventions, including management and conduct of sporting events. Such council shall be composed of the Mayor of Olathe, or duly authorized representative; the City Manager, or duly authorized representative; the President, or a designated employee, of the Olathe Chamber of Commerce, who shall act as its secretary; and up to eighteen additional members selected pursuant to the terms of Bylaws of the Convention and Visitors Advisory Council and which Bylaws have been specifically approved by the Governing Body.”

SECTION FIVE: The City of Olathe, Kansas, 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, and makes inapplicable to it, the provisions of K.S.A. 12-16,113, and provides the following substitute and additional provisions on the same subject:

“The Olathe Chamber of Commerce shall provide the separate accounting of the receipt and disbursement of all funds from the Economic Development Promotion Account, and shall provide to the City, or, in the alternative, cooperate with the City in obtaining, at the sole expense of the Olathe Chamber of Commerce, the services of the City’s independent auditor to provide to the City its audited financial statements, which shall include an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles by September 1st of each year. In the event no such accounting is provided within such time period, funds shall not be provided to the entity from the Economic Development Promotion Account unless and until the accounting is provided.”

SECTION SIX: Charter Ordinance No. 63 is hereby repealed.

SECTION SEVEN: This Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION EIGHT: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 19th day of August, 2008.

SIGNED by the Mayor this 19th day of August, 2008.

CHARTER ORDINANCE NO. 71

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1673, RELATING TO WORK PERFORMED BY CITY AND COLLECTION OF COSTS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: The City of Olathe, Kansas, a city of the first class, by the power invested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from all the provisions of K.S.A. 12-1673, which applies to said city, but not uniformly to all cities, and provides the following substitute and additional provisions on the same subject:

A. The Governing Body of the City of Olathe, in addition to any other authority provided by law, may provide for and charge all or any part of the cost of:

(1) any work performed by the City which is deemed necessary as a result of the failure of any person to perform any work which has been made his or her duty to perform by law or ordinance;

(2) any special buy in fees or assessments that have been imposed upon property pursuant to an agreement between a property owner (or their successors, heirs or assigns) and the City for the construction of sewer lines, water lines, or streets, whereby the project was funded by the City and paid for by City funds and the property owner (or their successors, heirs, or assigns) has agreed to reimburse the City for such costs; or

(3) any fees imposed by City ordinance or charter ordinance for development purposes, including, but not limited to, system development fees, to allow a developer or property owner to pay said fees in equal installments over an extended period of time.

B. Such service assessment shall be made by ordinance which may be adopted not less than thirty (30) days after a written statement of the costs has been given the owner or other person(s) responsible for payment of the assessment. Prior to the adoption of the ordinance, the charge may be paid without interest to the City Treasurer. All such moneys shall be credited as a reimbursable item to the fund created by K.S.A. 12-1674 from which the cost of such services by the City are paid or payable. Any ordinance levying a service assessment shall be recorded in the Johnson County Land Records.

C. Any service assessment may be paid in one (1) installment or, if the Governing Body deems it advisable, over a period of not to exceed ten (10) years in equal annual installments.

D. The Governing Body may let any of the aforesaid service work to contract or order the work to be done by its own personnel.

E. All unpaid service assessments shall be certified by the City Clerk to the County Clerk with interest on the unpaid installments at a rate fixed by the Governing Body of the City, which shall not exceed ten percent (10%) per annum. Such service assessment shall be levied by the County Clerk upon the property concurrently with general property taxes, and any revenue received therefrom shall be paid to the City in the same manner as taxes of the City are collected and paid.

F. No suit to set aside any service assessment shall be brought after the expiration of thirty (30) days from the publication of the ordinance fixing said assessments.”

SECTION TWO: This Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION THREE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 19th day of July, 2011.

SIGNED by the Mayor 19th day of July, 2011.

CHARTER ORDINANCE NO. 72

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS FROM THE PROVISIONS OF K.S.A. 64-101(a) AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: The City of Olathe, Kansas by 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. 64-101(a), which applies to this City but not uniformly to all cities.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby enacts the following substitute and additional provisions in lieu of those provisions exempted in Section One above:

“The Governing Body shall designate from time to time by resolution one or more newspapers as the official newspaper or newspapers of the City for publication of legal notices, advertisements or publications of any kind which may be required to be published in the official City Newspaper by the laws of the State of Kansas or the City.

Any newspaper that is an official City newspaper on the effective date of this Charter Ordinance shall continue to be an official City newspaper unless or until such time as the Governing Body shall adopt a resolution providing otherwise. Any publication in any newspaper, which at the time of the publication was an official City newspaper, shall be valid notwithstanding the adoption subsequent to the publication of a resolution changing the designation of the official City newspaper.”

SECTION THREE: This is a Charter Ordinance and shall take effect sixty-one (61) days after its final publication unless a sufficient petition for a referendum is filed within sixty (60) days and a referendum is held on the ordinance as provided in Article 12, Section 5, Subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 7th day of February, 2012.

SIGNED by the Mayor this 7th day of February, 2012.

CHARTER ORDINANCE NO. 73

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS FROM THE PROVISIONS OF K.S.A. 16-716 RELATING TO RECORD OF TRANSACTION FOR PAWNBROKER LOANS AND PURCHASING OF PRECIOUS METALS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION ONE: The City of Olathe, Kansas, a city of the first class, by the power invested 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. 16-716, which applies to said city, but not uniformly to all cities, and provides the following substitute and additional provisions on the same subject:

“Record of Transaction.

a. At the time of making a loan, a pawnbroker shall enter in a book or electronic storage system kept for that purpose:

(1) The date, duration, amount and charges of every loan made by the Pawnbroker;

(2) A full and accurate description of the property pledged;

(3) The pledgor’s full name (first, middle, and last), address (which shall include the street address and not merely a Post Office box number), sex, date of birth, and the identifying number from the pledgor’s driver’s license, military identification card, passport or personal identification license (the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement), and a legible photocopy of the identification card or document containing such identifying number.

b. At the time of purchasing precious metal, a precious metal dealer shall enter in a book or electronic storage system kept for that purpose:

(1) The date of the purchase;

(2) A full and accurate description of each item purchased, including any identifying letters, numbers or marks on the item;

(3) The seller’s full name (first, middle, and last), address (which shall include the street address and not merely a Post Office box number), sex, date of birth, and the identifying number from the seller’s driver’s license, military identification card, passport or personal identification license (the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement), and a legible photocopy of the identification card or document containing such identifying number.

c. The record required by this section shall be maintained by the pawnbroker or precious metal dealer at the pawnbroker’s or dealer’s place of business for not less than one year following the date of the transaction.”

SECTION TWO: This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION THREE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the Charter Ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-third of the members elect voting in favor thereof, this 15th day of October, 2013.

SIGNED by the Mayor this 15th day of October, 2013.

CHARTER ORDINANCE NO. 74

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS FROM K.S.A. 13-1024a RELATING TO THE BORROWING OF MONEY AND THE ISSUANCE OF BONDS FOR GENERAL IMPROVEMENTS AND THE LAND THEREFOR AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; FURTHER REPEALING CHARTER ORDINANCES NO. 60 AND 65.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The City of Olathe, Kansas, a City of the first 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, and make inapplicable to it, the provisions of K.S.A. 13-1024a, which apply to said City, but not uniformly to all cities, and provide substitute and additional provisions on the same subject as hereinafter provided.

SECTION TWO: For the purpose of paying for any street, sidewalk or pedestrian way improvement, storm water control improvement, parking improvement, bridge, viaduct, public building or structure, including the land necessary therefor, within or without the City; for lands for public parks and recreation facilities and developing the same, within or without the City; or for the acquisition, establishment, improvement, repair or extension of any streetlights, waterworks, sanitary sewer facilities, electric light plant or other public utility plant owned by the City, and for the purpose of rebuilding, adding to, extending or acquiring land therefor from time to time, within or without the City; for the acquisition of equipment, vehicles or other personal property to be used in relation to any of the improvements authorized herein; all as the necessities of the City may require, the City may borrow money and issue bonds or other obligations of the City for such purposes. Provided, that the City may issue bonds for the purpose of paying for any of the improvements mentioned in this Charter Ordinance and the land necessary therefor without such bonds having been authorized by a vote of the people.

SECTION THREE: This Charter Ordinance shall supercede Charter Ordinances No. 60 and 65, and upon effectiveness of this Charter Ordinance, Charter Ordinances No. 60 and 65 are hereby repealed. Notwithstanding the foregoing, any projects previously authorized under the authority of Charter Ordinances No. 60 and 65 are hereby deemed to be authorized under the provisions of this Charter Ordinance upon its effective date.

SECTION FOUR: If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION FIVE: This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty-one (61) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the Clerk, demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this 3rd day of March, 2015.

SIGNED by the Mayor this 3rd day of March, 2015.

CHARTER ORDINANCE NO. 75

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1218, 12-1219, 12-1220, 12-1222, 12-1225, 12-1226, 12-1227, 12-1254, 12-1255 AND 12-1258; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS BY ORDINARY ORDINANCE; AND FURTHER REPEALING CHARTER ORDINANCE NOS. 32 AND 38.

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

SECTION ONE: The City of Olathe, 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 from and make inapplicable to it all the provisions of K.S.A. 12-1218, 12-1219, 12-1220, 12-1222, 12-1225, 12-1226, 12-1227, 12-1254, 12-1255 and 12-1258, and amendments thereto, which each apply to said city, but not uniformly to all cities.

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to provide substitute and additional provisions on the same subjects by ordinary ordinance.

SECTION THREE: Charter Ordinance Nos. 32 and 38 are hereby repealed.

SECTION FOUR: This Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION FIVE: This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 21st day of April, 2015.

SIGNED by the Mayor this 21st day of April, 2015.

CHARTER ORDINANCE NO. 76

A CHARTER ORDINANCE RECODIFYING THE EXISTING FORM OF GOVERNMENT OF THE CITY OF OLATHE, KANSAS AS THE MODIFIED MAYOR-COUNCIL-MANAGER FORM; EXEMPTING THE CITY OF OLATHE, KANSAS FROM K.S.A. 12-104a, 25-2108a, 25-2110a, and 25-2113; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS CONCERNING THE EXISTING MODIFIED MAYOR-COUNCIL-MANAGER FORM OF GOVERNMENT, ELECTIONS AND GOVERNING BODY VACANCIES FOR THE CITY OF OLATHE, KANSAS; ALSO REPEALING CHARTER ORDINANCES 11, 28, 61, AND 62.

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

**ARTICLE I
STATUTES MADE INAPPLICABLE**

The City of Olathe, 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 the provisions of K.S.A. 12-104a, 25-2108a, 25-2110a, and 25-2113 and provide substitute and additional provisions in this charter ordinance and by ordinary ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this City but are not part applicable uniformly to all cities.

**ARTICLE II
GOVERNING BODY**

SECTION 2.1: Composition.

(A) The Governing Body of the City of Olathe, Kansas, shall consist of a Mayor and two (2) Councilmembers elected at large and four (4) Councilmembers elected by wards. At the regular City election in 2017, and each regular City election thereafter, each person elected to the Governing Body shall be elected to serve a four (4) year term.

(B) At the regular City election in 2017, there shall be elected the Councilmember for at large position 1 and the Councilmembers for wards 3 and 4.

(C) At the regular City election in 2019, there shall be elected a Mayor, the Councilmember for at large position 2, and the Councilmembers for wards 1 and 2.

SECTION 2.2: Wards.

(A) The Governing Body shall, by ordinance, divide the City into four (4) wards to be numbered one to four. Such wards shall be as nearly equal in population and as compact and contiguous as is practical. Dividing lines between wards shall follow precinct boundaries. Every ten (10) years the Governing Body of the City shall review ward boundaries and shall adjust such boundaries, if necessary, to reflect approximately equal population following the most recent census of population taken by the United States bureau of the census.

(B) Candidates to the Council from a ward shall be residents of the ward for which they seek election and shall continue to reside in the ward during their term of office. Qualified voters signing a petition for the candidacy of a person to a Council ward position shall be residents of such ward. Only the qualified voters of a ward shall vote for candidates for a Council ward position.

(C) Changes of ward boundaries that result in a Councilmember no longer residing in the ward from which such Councilmember was elected shall not shorten the term of such member. Such Councilmember shall continue to represent the ward from which such councilmember was elected until the expiration of such Councilmember's term.

SECTION 2.3: General Powers. All powers of the City shall be vested in the Governing Body, except as the Constitution and the Statutes of Kansas or this charter ordinance may otherwise provide. The Governing Body shall provide for the performance of all duties and obligations imposed on the City by law. The Governing Body shall adopt such codes, rules and regulations as may be necessary for the establishment of proper authority and direction for the administration of the affairs of the City. The Governing Body shall employ a City manager as provided in Article IV of this charter ordinance, an Internal Auditor, and the Municipal Court Judge or Judges. The Governing Body shall set priorities for budget preparation and adopt the annual budget of the City. It shall be the duty of the Governing Body to be the policy-making body of the City, to pass all ordinances, resolutions and contracts needful for the welfare of the City, to provide for such offices as shall be necessary to carry out the provisions of this charter ordinance and determine salaries for the same.

SECTION 2.4: Mayor.

The Mayor shall be the titular head of the City and shall preside at all meetings of the Council. The Mayor shall sign all ordinances and resolutions passed by the Council and shall have all voting privileges of a Councilmember.

It shall be the duty of the Mayor to sign all contracts authorized by the Governing Body before the City shall be liable thereon. He or she shall represent the City Governing Body at all official City functions, and shall be the official representative of the Governing Body at all meetings, conferences and negotiations relating to policy matters involving other governmental units and shall recommend Governing Body action relating thereto.

The Mayor shall be the official representative of the Governing Body at all conferences and meetings with citizens' groups and organizations interested in promoting the welfare and development of the City, and shall recommend Governing Body action relative thereto. The Mayor may inform the Governing Body concerning questions of policy, and may make policy recommendations to the Governing Body. The Mayor shall be empowered to call special meetings as provided by law.

SECTION 2.5: Salaries. The Governing Body shall by ordinance fix the salaries of the members of the Governing Body.

SECTION 2.6: Qualifications and Vacancies.

(A) All members of the Governing Body shall be citizens of the United States and qualified electors of the City and must reside in the City at the time of election and reside in the City during the period he or she remains in office. The removal from the City of any member shall occasion a vacancy in such office. The office of a Councilmember shall become vacant upon the member's death, resignation, removal from office, or forfeiture of office in any manner authorized by law.

(B) When there is a vacancy in the office of Mayor, the Mayor pro tem, upon being qualified, shall become Mayor until the next regular City election and until a Mayor has been duly elected.

(C) A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, by majority vote of the remaining members of the Governing Body as provided in subsection (D), unless the vacant position is subject to the next regular City election and the vacancy occurs within ninety (90) days of the date for filing for such election, as provided for in state law, the Governing Body shall not fill the vacancy and the vacancy shall be filled through such regular election.

(D) When the Governing Body is required to fill any vacancy, the Governing Body shall proceed to fill such vacancy and only the position originally vacated pursuant to this section as follows:

(1) At the first Council meeting immediately following the occurrence of a Council vacancy, the Governing Body shall announce to the public that it is accepting applications for the position of Councilmember; announce the date by which all applications must be submitted; announce whether it is an at large position or a ward position and announce that applications shall be submitted to the Olathe City Clerk.

The Governing Body shall accept applications for a period of thirty (30) days from the date the vacancy is announced. All applications shall be deemed to be open public records under the Kansas Open Records Act, K.S.A. 45-221 et seq., and amendments thereto.

(2) The Governing Body shall interview all qualified applicants for the vacant Council position. The Governing Body shall conduct all such interviews in an open public meeting.

(3) Within sixty (60) days of accepting applications, the Governing Body shall either:

- (a) Elect by majority vote a candidate from the public list of applicants, or
- (b) Announce the Governing Body has rejected all candidates.

(4) If all candidates are rejected, the Governing Body shall restart the process described in this subsection until either such vacancy is filled pursuant to this subsection or the vacancy remains until the time that such position is to be filled by regular City election in accordance with the provisions of subsection (C).

SECTION 2.7: Biennial Organization Meeting. At its first regular meeting in January after a biennial City election, the Governing Body shall:

(A) Establish by resolution a regular schedule of meeting times and dates for the next two (2) years.

(B) Elect one of its members as Mayor pro tem who, in the absence or disability of the Mayor, shall become acting Mayor. Such Councilmember shall retain all voting rights and other prerogatives as a Councilmember while acting as Mayor, except that such acting Mayor shall have only one vote.

SECTION 2.8: Prohibitions.

(A) No Governing Body member shall hold any other City office or City employment during the term for which the member was elected to the Governing Body. No former Governing Body member shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which the member was elected.

(B) Neither the Governing Body nor any of its individual members shall in any manner direct, supervise or require the appointment, promotion, transfer, assignment, demotion, discipline, lay off, suspension, discharge, or removal of any officers or employees whom the City manager is empowered to appoint. Governing Body members may express their view and fully and freely discuss with the City manager anything pertaining to appointment, promotion, transfer, assignment, demotion, suspension, discharge, and removal of such appointive officers and employees.

(C) No member of the Governing Body shall directly interfere with the conduct of any department, except at the express direction of the Council. The Council and its members as individuals shall deal with appointive officers and employees solely through the City manager, but they may request basic information necessary for Council work.

SECTION 2.9: Governing Body Rules of Procedure.

(A) The Governing Body shall meet regularly twice a month, or more often if the public business requires. A call signed by a majority of the Governing Body shall be sufficient warrant for a special meeting. Regular or special meetings shall always be open to the public.

(B) The Governing Body shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings.

(C) Four (4) members of the Governing Body shall constitute a quorum. All the Governing Body actions on the passage of ordinances shall be taken by the affirmative vote of four (4) or more members unless a greater or lesser number of votes is required by this charter ordinance, by the Statutes of Kansas, or by the Constitution of Kansas. All resolutions, motions, contracts, and other business may be adopted or passed by a majority vote of a quorum, except as otherwise required by law. The votes of all Governing Body members shall be recorded in the journal.

ARTICLE III ELECTIONS

SECTION 3.1: Nonpartisan. City elections shall be nonpartisan. Laws applicable to elections occurring at the same time as City elections shall apply to City elections to the extent that the same are not in conflict with the provisions of this charter ordinance.

SECTION 3.2: Primaries. A primary election shall be held if needed to reduce the number of candidates for any office in the general election to two (2) candidates. The two (2) candidates receiving the greatest number of votes for any office shall advance to the general election. In the event there are not more than two (2) candidates for any one office, there shall be no primary election and the names of such candidates shall be placed on the general election ballot.

ARTICLE IV CITY MANAGER

SECTION 4.1: Appointment, Qualifications, Compensation. The Governing Body shall appoint a City manager to serve at the pleasure of the Governing Body and shall establish compensation of the City manager. The City manager shall be appointed solely on the basis of executive, managerial, and administrative qualifications as demonstrated by a verified record of training and experience in public administration and shall have an annual job review by the Governing Body. The City manager need not be a resident of the City at the time of appointment, but must reside in the City while in office. The terms and conditions of employment of the City manager shall be reduced to writing, and approved by the Governing Body as a memorandum of employment; provided, the Governing Body shall retain the power to remove the City manager from office upon reasonable notice at their pleasure.

SECTION 4.2: Acting City Manager. By written notice filed with the Governing Body, the City manager may designate, subject to approval of the Governing Body, a qualified appointive administrative officer to exercise the powers and perform the duties of City manager during any temporary absence or disability of the City manager.

SECTION 4.3: Powers and Duties of the City Manager. The City manager shall be the chief administrative officer of the City, and shall be responsible to the Governing Body for administration of all City affairs placed in his or her charge by or under this charter ordinance. The City manager shall:

- (A) Provide assistance and advice to the Governing Body as needed.
- (B) After appropriate consultation with the Governing Body, prepare and submit a recommended annual budget to the Governing Body for final adoption, and be responsible for the administration of the budget after it goes into effect.
- (C) Make recommendations to the Governing Body on all matters concerning the welfare of the City.
- (D) Ensure that all ordinances, resolutions, codes, regulations, rules, policies, directions, and acts of the Governing Body are faithfully enforced, administered, and executed.
- (E) Appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge or remove all appointive officers and employees of the City, except an Internal Auditor and the Municipal Court Judge or Judges, who shall be appointed, disciplined, laid off, suspended, discharged or removed by the Governing Body. The City manager may authorize any appointive officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates of that officer.
- (F) Direct and supervise the administration of all offices and all appointive officers and employees of the City, except the Internal Auditor and the Municipal Court Judge or Judges who shall be directed and supervised by the Governing body.
- (G) Attend all Governing Body meetings and have the right to take part in discussions but without the right to vote.
- (H) Assist the Governing Body in the preparation of meeting agendas, ordinances, resolutions, rules, regulations, and policies and in such other matters as may be required by the Governing Body.

(I) Submit to the Governing Body and make available to the public periodic and annual reports on the financial and administrative affairs of the City and keep the Governing Body advised of the financial conditions and needs of the City.

(J) Prepare and submit to the Governing Body recommendations for a capital development and financing program for the City.

(K) Make such other reports as the Governing Body may require concerning the operations of City offices.

(L) Have such other powers and duties consistent with this charter ordinance as the Governing Body may prescribe.

ARTICLE V ADMINISTRATION

Administrative departments shall be created by the Governing Body as the public business may demand. All appointments shall be made by the City manager based upon qualification and merit. All department heads shall be ready at all times to furnish the City manager with such information as the City manager may require.

ARTICLE VI ABANDONMENT

A proposition to abandon this form of government must first be submitted to a vote of the qualified electors of the City in the manner provided by K.S.A. 12-184.

Any petition for the submission of a proposition hereunder shall be headed "Petition for a Special Election of the City of Olathe, Kansas, to Vote on the Abandonment of the Mayor-Council-City Manager Form of Government."

ARTICLE VII CONTINUITY OF GOVERNMENT

SECTION 7.1: Ordinances to Remain in Force. All ordinances, resolutions, policies, rules, and regulations in force at the time this charter ordinance takes full effect, which are not inconsistent with the provisions of this charter ordinance, shall remain and be in force until altered, modified, or repealed by or under authority of this charter ordinance.

SECTION 7.2: Pending Actions and Proceedings. No action or proceeding, civil or criminal, brought by or against the City or any appointive or elective officer or employee thereof, and which is pending at the time this charter ordinance shall take effect, shall be affected or abated by the adoption of this charter ordinance or by anything therein contained.

SECTION 7.3: Continuation of Contracts, Public Improvements and Taxes. All contracts and memoranda of agreement entered into by the City, or for its benefit prior to the taking full effect of this charter ordinance, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter ordinance takes full effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the City which are uncollected at the time this charter ordinance becomes fully effective, shall continue in full force and effect and shall be collected as if no change has been made.

ARTICLE VIII REPEAL OF CHARTER ORDINANCES

Charter Ordinances No. 11, 28, 61, and 62 of the City of Olathe are hereby repealed.

**ARTICLE IX
SEVERABILITY**

If a court of competent jurisdiction should hold any section or part of this charter ordinance invalid, such holding shall not affect the remainder of this charter ordinance nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter ordinance invalid, or if a change in the Constitution of the State of Kansas or in the Statutes of Kansas or applicable federal law, renders a part of this charter ordinance invalid or inapplicable, the Council may take such appropriate action as will enable the City government to function properly.

**ARTICLE X
PUBLICATION OF CHARTER ORDINANCE**

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

**ARTICLE XI
EFFECTIVE DATE OF CHARTER ORDINANCE**

This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 2nd day of August, 2016.

SIGNED by the Mayor this 2nd day of August, 2016.