

CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF WESTWOOD, KANSAS, FROM K.S.A. 12-4203(a) AND 12-4207 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO SERVICE OF COMPLAINTS AND NOTICES TO APPEAR FILED WITH THE WESTWOOD MUNICIPAL COURT.

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

SECTION ONE: The City of Westwood, 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. 12-4203(a) and 12-4207 relating to service of complaints filed in the municipal court, which enactment applies to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided. Such referenced provisions are part of the Kansas Code of Procedure for Municipal Courts, an enactment of the legislature which is applicable to the City of Westwood but not uniformly applicable to all cities.

SECTION TWO: Complaint; service; notice to appear or warrant; failure to issue. A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer or, in the case of a complaint together with a notice to appear, by a law enforcement officer, building official, property maintenance official, or other enforcement official upon the accused person, and forthwith, the complaint shall be filed with the municipal court, except that a complaint may be filed initially with the municipal court, and if so filed, a copy of the complaint shall forthwith be delivered to the city attorney.

SECTION THREE: Notice to Appear; Service. Notices to Appear shall be served upon the accused person 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 any law enforcement officer, building official, property maintenance official, or other enforcement official within the state and, if mailed, shall be mailed by a Westwood law enforcement officer or the Clerk of the Municipal Court. No provisions of this Charter Ordinance shall be construed to empower other officials 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 _____, 20____, a copy of the Complaint and Notice to Appear was mailed to _____, at _____, _____.


(Signature of law enforcement officer or Clerk of the Municipal 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 members elect voting in favor thereof, this 14th day of February, 2008.

SIGNED by the Mayor this 14th day of February, 2008.



Karen I. Johnson, Mayor

ATTEST:

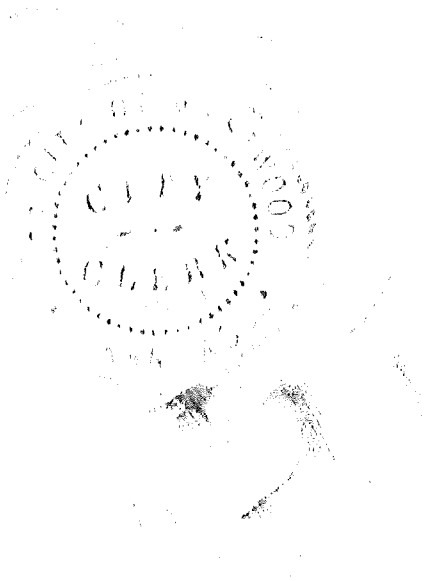


Kathleen McMahon, City Clerk

APPROVED AS TO FORM:



James R. Orr, City Attorney



AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss, Leslie Krekovich being first duly sworn, deposes and says: that she is a legal administrator of THE JOHNSON COUNTY SUN, a weekly newspaper printed in the State of Kansas, and published in and of general paid circulation in JOHNSON COUNTY, KANSAS, and that said newspaper is not a trade, religious or fraternal publication.

(First published in the Johnson County Sun on Thursday, February 21, 2008)
CHARTER ORDINANCE NO. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF WESTWOOD, KANSAS, FROM K.S.A. 12-4203(a) AND 12-4207 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO SERVICE OF COMPLAINTS AND NOTICES TO APPEAR FILED WITH THE WESTWOOD MUNICIPAL COURT.

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

SECTION ONE: The City of Westwood, 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. 12-4203(a) and 12-4207 relating to service of complaints filed in the municipal court, which enactment applies to said city but not uniformly to all cities, and provides substitute and additional provisions on the same subject as hereinafter provided. Such referenced provisions are part of the Kansas Code of Procedure for Municipal Courts, an enactment of the legislature which is applicable to the City of Westwood but not uniformly applicable to all cities.

SECTION TWO: Complaint; service; notice to appear or warrant; failure to issue. A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer or, in the case of a complaint together with a notice to appear, by a law enforcement officer, building official, property maintenance official, or other enforcement official upon the accused person, and forthwith, the complaint shall be filed with the municipal court, except that a complaint may be filed initially with the municipal court, and if so filed, a copy of the complaint shall forthwith be delivered to the city attorney.

SECTION THREE: Notice to Appear; Service. Notices to Appear shall be served upon the accused person 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 any law enforcement officer, building official, property maintenance official, or other enforcement official within the state and, if mailed, shall be mailed by a Westwood law enforcement officer or the Clerk of the Municipal Court. No provisions of this Charter Ordinance shall be construed to empower other officials 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 _____, 20____, a copy of the Complaint and Notice to Appear was mailed to _____, at _____.

(Signature of law enforcement officer or Clerk of the Municipal 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 members elect voting in favor thereof, this 14th day of February, 2008.

SIGNED by the Mayor this 14th day of February, 2008.

/S/ Karen I. Johnson, Mayor

ATTEST: /S/ Kathleen McMahon, City Clerk

APPROVED AS TO FORM: /S/ James R. Orr, City Attorney

(42508-2T)

ast 50 times a year; has been so published
city and state for a period of more than one
ce; and has been admitted at the post office
County as a second class matter.

and was published in the regular and entire
secutive weeks (weeks/days), the first
oresaid on the 21st day of
t publication being made on the following

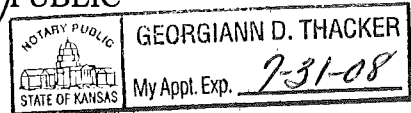
_____ 2008

_____ 2008

Leslie Krekovich

21, day of April 2008

Georgiann D. Thacker
NOTARY PUBLIC



+ 765

RECEIVED
APR 18 2008
CITY OF WESTWOOD

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss, Leslie Krekovich being first duly sworn, deposes and says: that she is a legal administrator of THE JOHNSON COUNTY SUN, a weekly newspaper printed in the State of Kansas, and published in and of general paid circulation in JOHNSON COUNTY, KANSAS, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for two consecutive weeks (weeks/days), the first Publication thereof being made as aforesaid on the 21st day of February, 2008, with subsequent publication being made on the following dates:

February 28, 2008 _____ 2008
_____, 2008 _____ 2008

Leslie Krekovich

Subscribed and sworn to before me this 16th day of April 2008

Georgiann D. Thacker
NOTARY PUBLIC

NOTARY PUBLIC
STATE OF KANSAS
GEORGIANN D. THACKER
My Appt. Exp. 7-31-08

My Commission Expires: _____

Printer's Fee 327.65

Additional Copies \$ _____

RECEIVED
APR 18 2008
CITY OF WESTWOOD

DEPART
BANK O
ccessor k
MISSOURI
K AN
ANY,
K,
RODGER
et al.,
/01002
apter 60
to Re
F SUIT
F KANSA
RODGER
C.; MAR
RODGER;
COUCI
JCH; LAI
CH; JOH
RYAN I
NFLOWE
LC; M&
CE SEI
LEAWOO
OCIATIO
own heir
administr
s, trustee
assigns
ed defe
unknov
any defe
known of
successor
iditors at
any defe
re existin
ormant of
e unknow
administr
s, trustee
cessors at
any defe
re or we
partnersh
guardiar
at
any defe
e minors
y legal d
he unknow