

A CHARTER ORDINANCE EXEMPTING THE CITY OF ABILENE, 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 ABILENE MUNICIPAL COURT.

Be It Ordained By The Governing Body of the City of Abilene, Kansas:

Section One: The City of Abilene, 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 Abilene building official, code enforcement officer or zoning officer within the state and if mailed, shall be mailed by an Abilene 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 of 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 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 24th day of June, 1985.



Elvin J. Bailey
ELVIN J. BAILEY
Mayor

ATTEST:
Mildred E. Hanson
MILDRED E. HANSON
City Clerk