

CITY OF EDGERTON, KANSAS
CHARTER ORDINANCES

CHARTER ORDINANCE NO. 1
(Superseded by Charter Ordinance No. 4)

Exemption the City of Edgerton, Kansas from Section 15-201 of the 1961 Supplement to the General Statutes of Kansas, 1949, and Section 15-210 of the General Statutes of Kansas, 1949, and providing substitute and additional provisions on the same subject, providing for the election of the Mayor, Police Judge and Five Councilmen, Tie Vote, Their Terms office, Filling Vacancies and Certificates of Election.

CHARTER ORDINANCE NO. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM K.S.A. 15-709 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Section One. That the City of Edgerton, Kansas is a city of the third class and by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it K.S.A. 15-709 as the same applies only to cities of the third class, and to provide substitute and additional provisions as hereinafter set out.

Section Two. K.S.A. 15-709 is now applicable to cities of the third class and is as follows:

"That whenever the Governing Body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the Governing Body may include in the special assessments and in the bonds sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services; the actual cost of supervision and inspection; the cost and damages incurred in the condemnation of land; the expenses of legal publications, advertising and printing of bonds; the interest accrued on borrowed money during the period of construction, and the amount of any liability incurred as damages, unless covered by insurance: PROVIDED, That in no case shall the costs and expenses so added exceed fifteen percent of the contract price of the work."

Section Three. The City of Edgerton, Kansas, does hereby substitute the following section in lieu of K.S.A. 15-709:

"That whenever the Governing Body of any city of the third class shall issue bonds to pay the cost of work for which special assessments are authorized to be levied, the Governing Body shall include in the special assessments and the bonds to be sold to pay the special assessments, the following costs and expenses: The actual cost of engineering and legal services, the actual cost of supervision and inspection, the cost of damages incurred in condemnation of land, the expenses of legal publications, advertising and printing of bonds, the interest accrued on borrowed money during the

period of construction, cost of issuing temporary notes, the amount of any liability incurred as damages, unless covered by insurance, appraisers' fees, cost of spreading assessments, court costs, certificates of title and abstracts; PROVIDED, in no case shall any costs for said work and improvement be chargeable to the General Fund of said city, and the total cost, without limitation, shall be chargeable to the cost of the project and improvement and assessed as provided by law." (Effective Date – June 18, 1966)

CHARTER ORDINANCE NO. 3.
(Repealed by Charter Ordinance No. 6)

Exempting the City of Edgerton, Kansas from K.S.A. 79-1953 and providing substitute and additional provisions on the same subject, authorizing and limiting tax levies in any one year on each dollar of assessed tangible valuation and prescribing an aggregate for all city-wide tax levies.

CHARTER ORDINANCE NO. 4 (377)
(Repealed by Charter Ordinance No. 23, 2017)

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM SECTION 44 OF HOUSE BILL NO. 1709, OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 15-201, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION OF THE MAYOR AND COUNCILMEN, THEIR TERMS OF OFFICE AND FILLING OF VACANCIES, AND AMENDING ANY ORDINANCE AND/OR CHARTER ORDINANCE OF SAID CITY TO CONFORM TO THE PROVISIONS HEREOF.

Section 1. The City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it Section 44 of House Bill No. 1709, of the 1968 session of the Kansas Legislature, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city but is not applicable uniformly to all cities.

Section 2. The mayor and five councilmen shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified. Those members of the governing body elected in the year 1965 shall have a term expiring in 1969. Those members of the governing body elected in the year 1967 shall have a term expiring in 1971.

Section 3. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.

In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining councilmen, shall appoint some suitable elector to fill the vacancy until the next election for that office. In case any person elected as a councilman neglects or

refuses to qualify within thirty (30) days after his election, he shall be deemed to have refused the accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining councilmen appoint some suitable elector to fill said vacancy. (Effective Date – September 21, 1968)

CHARTER ORDINANCE NO. 5
(Repealed by Charter Ordinance No. 9)

Exempting the City of Edgerton, Kansas, from K.S.A. 1972 supplement 25-2107 and 25-2108 eliminating the necessity of holding primary elections in the City of Edgerton, Kansas.

CHARTER ORDINANCE NO. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, FROM SECTIONS 79-5001 TO SECTION 79-5017 INCLUSIVE, KANSAS STATUTES ANNOTATED, AND ANY AMENDMENTS THERETO, AND REPEALING CHARTER ORDINANCE NO. 3 OF THE CITY OF EDGERTON, KANSAS.

Section One. That pursuant to the provisions of Article 12, Section 5, of the Constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas, hereby elects to exempt itself from and to make inapplicable to it Sections 79-5001 to 79-5017 inclusive, K.S.A., and amendments thereto, which apply to said city, but the provisions of which do not apply uniformly to all cities.

Section Two. That pursuant to provisions of Article 12, Section 5, of the Constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas hereby repeals Charter Ordinance No. 3 of said city which presently limits the tax rate to 25 mills. (Effective Date – February 15, 1980)

CHARTER ORDINANCE NO. 7
(Section 3 amended by Charter Ordinance No. 13)

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM SECTION 15-209 OF THE KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE PROVISIONS RELATING TO THE RESIDENCY REQUIREMENTS OF CITY OFFICERS AND EMPLOYEES.

Section I. Intent, Power to Enact. Whereas, the City of Edgerton, Kansas, finds it necessary, from time to time, to appoint officers or hire persons that live outside of the small city of the third class, the City of Edgerton, Kansas by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, exempts itself from and makes inapplicable to it K.S.A. 15-209 and provides substitute and additional provisions on the same subject as herein set forth in Section I through IV.

Section II. Elected Officers. All elected officers of the city, as provided by law, shall be residents of the City of Edgerton, Kansas. Elected officers of the city, by way of example include but are not limited to the City Council members.

Section III. Appointed Officials or Officers. All appointed officials or officers of the city shall be residents of the State of Kansas. Appointed officials or officers, by way of example, include but are not limited to the City Clerk, the City Treasurer, the City Engineer, the City Attorney, the Prosecuting Attorney, the Municipal Judge, the pro tempore Municipal Judge and law enforcement officers.

Section IV. Other Employees. All other employees who are not elected or appointed, but are hired from time to time on a week-to-week, month-to-month, or year-to-year basis, shall be residents of the State of Kansas. Employees by way of example include but are not limited to the consulting engineer for the city, the water maintenance supervisor and other miscellaneous general or part-term employees. (Effective Date – October 8, 1980)

CHARTER ORDINANCE NO. 8
(Repealed by Charter Ordinance No. 20)

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF SECTION 12-4110 AND SECTION 12-4112 OF THE KANSAS STATUTES ANNOTATED AS ADOPTED BY THE KANSAS LEGISLATURE; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; PRESCRIBING CONDITIONS UNDER WHICH THE CITY ATTORNEY FOR THE CITY OF EDGERTON SHALL PROSECUTE CASES HEARD BY THE MUNICIPAL COURT OF THE CITY OF EDGERTON, KANSAS AND AUTHORIZING AND SETTING THE ASSESMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF EDGERTON, KANSAS.

CHARTER ORDINANCE NO. 9

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 5 OF THE CITY OF EDGERTON, KANSAS PERTAINING TO PRIMARY ELECTIONS.

Section One. That pursuant to the provisions of Article 12, Section 5, of the Constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas hereby repeals Charter Ordinance No. 5 of said city which previously exempted the city from the requirements of holding primary elections. (Effective Date – April 9, 1995)

CHARTER ORDINANCE NO. 10

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 1996 SUPP. 79-5028, AND PROVIDING SUBSTITUTE AND

ADDITIONAL PROVISIONS ON THE SAME SUBJECT REMOVING ANY LIMITATIONS OF AGGREGATE TAX LEVIES.

Section 1. The City of Edgerton, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas and as provided by K.S.A. 1996 Supp. 79-5036(a), hereby elects to exempt itself from the provisions of K.S.A. 1996 Supp. 79-5028. K.S.A. 1996 Supp. 79-5028 is part of an enactment commonly known as the Kansas property tax lid law, which enactment applies to this city but does not apply uniformly to all cities.

Section 2. The following is hereby substituted for the provisions of K.S.A. 1996 Supp. 79-5028: The provisions of K.S.A. 79-5021 through 79-5033, inclusive and amendments thereto, shall not limit the levy of taxes by the Governing Body of the City of Edgerton, Kansas. (Effective Date – April 29, 1997)

CHARTER ORDINANCE NO. 11
(Petition Filed – not effective)

Exempting the City of Edgerton, Kansas from the provisions of K.S.A. 41-712 and providing substitute and additional provisions on the same subject allowing the sale of alcoholic liquor on Sunday and certain holidays.

CHARTER ORDINANCE NO. 12

Charter Ordinance exempting the City of Edgerton, Kansas from all the provisions of K.S.A. 41-712 which prohibits alcoholic liquor sales on Sunday and certain holidays.

SECTION ONE: Exemption Election. The City of Edgerton, Kansas, by the powers vested in it by Article 12, Section 5(c) 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. 41-712. K.S.A. 41-712 is part of a legislative enactment commonly known as the Kansas Liquor Control Act enacted in Chapter 242 of the Session Laws of 1949. Such enactment is applicable to the City of Edgerton but is not uniformly applicable to all cities in the State of Kansas.

SECTION TWO: Exemption by Ordinance. The City of Edgerton may enact, by ordinary ordinance, substitute and provide additional provisions in lieu of those from which it hereby exempts itself.

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

SECTION FOUR: Effective Date. Pursuant to Article 12, Section 5(c)(3), the Governing Body intends to submit this charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of a regular

ordinance calling the election as for ordinances upon petition and this charter ordinance shall then become effective when approved by a majority of the electors voting hereon.

SECTION FIVE: Recording and Certification. Upon its effective date, the Charter Ordinance shall be recorded by the City Clerk in a book maintained for charter ordinances with a statement of the manner of the adoption and a certified copy shall be filed with the secretary of state of the State of Kansas. (July 22, 2004). Election on November 2, 2004; effective with Certification of Election Results by Johnson County Election Commissioner on November 9, 2004)

CHARTER ORDINANCE NO. 13
(Section 3 amended by Charter Ordinance No. 17)

A CHARTER ORDINANCE AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 7
RELATING TO RESIDENCY REQUIREMENTS FOR APPOINTED OFFICIALS OR OFFICERS

SECTION 1. Pursuant to the provisions of Article 12, Section 5, of the constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas hereby amends Section 3 of Charter Ordinance No. 7 to read as follows:

Section 3. Appointed Officials or Officers. All appointed officials or officers of the city shall be residents of the State of Kansas. Appointed officials or officers, by way of example, include but are not limited to the city clerk, the city treasurer, the city engineer, the city attorney, the prosecuting attorney, the municipal judge, the pro tempore municipal judge and law enforcement officers. Provided, however, that, notwithstanding the foregoing, if the official or officer is appointed to perform a service for the city involving a profession requiring the issuance of, and credentials for, a Kansas license to engage in such profession, and the officer or official holds such license and is in good standing with the issuer of such license, then nothing herein (including a residency requirement) shall prohibit the city from appointing such official or officer. (Effective Date – January 25, 2005)

CHARTER ORDINANCE NO. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-194 RELATING TO PROHIBITION OF CERTAIN EXCISE TAXES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO LEVY AN EXCISE TAX ON THE ACT OF PLATTING REAL PROPERTY OR RECEIVING A BUILDING PERMIT IN THE CITY, TO GRANT REBATES OF EXCISE TAXES PAID ON THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF PLATTING REAL PROPERTY OR RECEIVING A BUILDING PERMIT IN THE CITY FOR CONTRIBUTIONS PREVIOUSLY MADE FOR IMPROVEMENTS, TO GRANT CREDITS AGAINST EXCISE TAXES PAID ON THE ACT OF PLATTING REAL PROPERTY OR RECEIVING A BUILDING PERMIT IN THE CITY FOR CONTRIBUTIONS PREVIOUSLY

MADE FOR IMPROVEMENTS, AND TO GRANT EXEMPTIONS FROM SUCH TAXES, ALL PURSUANT TO ARTICLE 12, SECTION 5 OF THE CONSTITUTION OF THE STATE OF KANSAS

SECTION 1. The City of Edgerton, 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 K.S.A. 12-194, which provision 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 the City of Edgerton but are not uniformly applicable to all Kansas cities.

SECTION 2. The City of Edgerton, 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 1, above:

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; (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act; or (d) levying an excise tax on the act of platting real property or receiving a building permit in the city, granting rebates of excise taxes paid on the privilege of engaging in the business of platting real property or receiving a building permit in the city for contributions previously made for improvements, granting credits against excise taxes paid on the act of platting real property or receiving a building permit in the city for contributions previously made for improvements, and granting exemptions to such taxes. 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. (Effective Date – March 29, 2005)

CHARTER ORDINANCE NO. 15
(Repealed by Charter Ordinance No. 19)

Exempting the City of Edgerton, Kansas, from provisions of K.S.A. 15-106 pertaining to meetings and the quorum needed for transaction of business by the Governing Body

CHARTER ORDINANCE NO. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM SECTION 15-209 OF THE KANSAS STATUTES ANNOTATED AND PROVIDING SUBSTITUTE PROVISIONS RELATING TO APPOINTMENT OF CITY OFFICERS

SECTION 1. Pursuant to the provisions of Article 12, Section 5, of the constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas exempts itself from and makes inapplicable to it the portion of K.S.A. 15-204 requiring that the City Clerk be an officer appointed by the Mayor each year.

SECTION 2. Upon the effective date of this Charter Ordinance, the City Clerk shall be classified as a full time employee of the City, subject to all of the rules and regulations governing other full time employees of the City and provided the same benefits as such other employees receive, and shall not be appointed by the Mayor each year. (Effective Date – August 26, 2008)

CHARTER ORDINANCE NO. 17

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 13 TO REMOVE REFERENCE TO THE CITY CLERK AS BEING AN APPOINTED OFFICER OF THE CITY

SECTION 1. Pursuant to the provisions of Article 12, Section 5, of the constitution of the State of Kansas, the City of Edgerton, Johnson County, Kansas hereby amends Charter Ordinance 13 to read as follows:

Section 3. Appointed Officials or Officers. All appointed officials or officers of the city shall be residents of the State of Kansas. Appointed officials or officers, by way of example, include but are not limited to, the city treasurer, the city attorney, the prosecuting attorney, the municipal judge, the pro tempore municipal judge and law enforcement officers. Provided, however, that, notwithstanding the foregoing, if the official or officer is appointed to perform a service for the city involving a profession requiring the issuance of, and credentials for, a Kansas license to engage in such profession, and the officer or official holds such license and is in good standing with the issuer of such license, then nothing herein (including a residency requirement) shall prohibit the city from appointing such official or officer. (Effective date - August 26, 2008)

CHARTER ORDINANCE NO. 18
(Charter Ordinance Voided – No Ordaining Clause)

Repealing Charter Ordinance 15 pertaining to the number of Councilmembers needed to constitute a quorum to conduct business

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO. 16 PERTAINING TO THE NUMBER OF COUNCILMEMBERS NEEDED TO CONSTITUTE A QUORUM TO CONDUCT BUSINESS

SECTION 1. Pursuant to the provisions of Article 12, Section 5, of the constitution of the State of Kansas, the City of Edgerton, Kansas does hereby repeal Charter Ordinance No. 15, which Ordinance required that four of the five council members be present to conduct business. Once this Ordinance becomes effective, the City will abide by the statutory requirement of having three council members present at any meeting to conduct business. (Effective date – April 7, 2009)

CHARTER ORDINANCE NO. 20

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF SECTION 12-4110 AND SECTION 12-4112 OF THE KANSAS STATUTES ANNOTATED AS ADOPTED BY THE KANSAS LEGISLATURE; AND PROVIDING

SUBSTITUTE AND ADDITIONAL PROVISION ON THE SAME SUBJECT; PRESCRIBING CONDITIONS UNDER WHICH THE CITY ATTORNEY FOR THE CITY OF EDGERTON SHALL PROSECUTE CASES HEARD BY THE MUNICIPAL COURT OF THE CITY OF EDGERTON, KANSAS; AND AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF EDGERTON, KANSAS AND FURTHER REPEALING CHARTER ORDINANCE NO. 8.

Section 1. The City of Edgerton, Kansas, a city of the third class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt and does exempt itself from and makes it inapplicable to it, Section 12-4110 of the Kansas Statutes Annotated as adopted by the Kansas Legislature which are not uniformly applicable to all cities, the legislature having made special provisions applying to certain classes of cities in said enactment.

Section 2. In lieu of Kansas Statutes Annotated 12-4110, the Governing Body of the City of Edgerton, Kansas, hereby adopts the following provision:

The City Attorney of Edgerton, in person or by his assistants such as the named prosecuting attorney, shall prosecute all contested cases in the Municipal Court, and shall appear to prosecute such other cases as the Judge of the Municipal Court of the City of Edgerton shall deem necessary.

Section 3. In lieu of Kansas Statutes Annotated 12-4112, the Governing Body of the City of Edgerton, Kansas hereby adopts the following provision:

The Municipal Court Judge by Administrative Order shall establish and assess court costs to the defendant for each and every case that shall result in a conviction in the Municipal Court.

Section 4. Charter Ordinance No. 8 is hereby repealed upon the effective date of this Charter Ordinance.

Section 5. This Charter Ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c) (3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective if approved by the majority of the electors voting thereon. (Effective Date – March 25, 2014)

CHARTER ORDINANCE NO. 21

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF SUB-PARAGRAPH (a) OF K.S.A. 12-1697, WHICH RELATES TO THE LEVY OF A TRANSIENT GUEST TAX, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH SUCH TRANSIENT GUEST TAX MONIES MAY BE SPENT; AND EXEMPTING THE CITY FROM THE PROVISIONS OF 12-16,101 RELATED TO ESTABLISHMENT OF A CONVENTION AND TOURISM COMMITTEE; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS

Section 1. The City of Edgerton, Kansas, by the power vested in it by Article 121, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of sub-paragraph (a) of K.S.A. 12-1697 relating to the levy of a transient guest tax, to the maximum rate thereof, and to the purposes for which such transient guest tax monies may be spent. Such referenced subparagraph (a) of K.S.A. 12-1697 is applicable to the City but not uniformly applicable to all cities.

Section 2. The City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby exempts itself from the provisions of K.S.A. 12-16,101 which provides provisions governing a City appointed convention and tourism committee. Such referenced statute is applicable to this City but not uniformly applicable to all cities.

Section 3. In order to provide revenues to promote tourism and conventions, the Governing Body of the City of Edgerton, Kansas, does hereby authorize a transient guest tax 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. The transient guest tax revenues may be used, upon review and approval of the Governing Body, to fund economic development activities, promotion of tourism and conventions, marketing efforts for the City, and community events or celebrations held in the City. (Effective Date – December 22, 2015)

CHARTER ORDINANCE NO. 22

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-617 *ET SEQ.* AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO SEWER IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

Section 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-618, K.S.A. 12-619, K.S.A. 12-621 and K.S.A. 12-624, and shall be governed by the substitute and additional provisions contained herein.

Section 2. Authorization of Sewer Improvements; Bonds. The City shall have the authority to build, construct, improve, repair or purchase sewer improvements, including the acquisition of land or an interest therein necessary therefor, or the costs of any decommissioning related thereto, within or without the limits of the City, to serve the City, including but not limited to the following: sewer mains, interceptor sewers, pumping stations, sewers, sewer service lines, drains, outlets and disposal works. The City may issue its general obligation bonds (the "Bonds") to pay the costs of such improvements when authorized to do so by the adoption of a resolution by the governing body of the City describing the type of sewer improvement to be provided for and the amount of Bonds to be issued. The Bonds shall be issued, sold, delivered and

retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

Section 3. Severability. 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. (Effective Date – June 27, 2016)

CHARTER ORDINANCE NO. 23

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 4.

Section 1. The City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this city, but is part of an enactment which does not apply uniformly to all cities.

Section 2. The Governing Body shall consist of a Mayor and five Council members to be elected to terms as set forth herein. The Mayor and Council members shall be residents and qualified electors of the City of Edgerton, Kansas.

Section 3. Those Governing Body positions with terms expiring in April 2017, shall expire on the second Thursday in January of 2018, when the city officials elected in the November 2017 general election take office. Those Governing Body positions with terms expiring in April 2019, shall expire on the second Thursday in January of 2020, when the City officials elected in the November 2019 general election take office.

Section 4. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such Governing Body positions whose terms have expired. A Mayor and two Council members shall be elected at one election, and the remaining three Council members shall be elected at the succeeding election. The Mayor and all Council members shall have four year terms. The determinations of what year a term is up for election shall relate back to those members of the Governing Body elected in the year 1965 having a term that expired in 1969 and those members of the Governing Body elected in the year 1967 having a term that expired in 1971.

Section 5. In case of a vacancy in the Council occurring by reason of resignations, death, or removal from office or from the City, the Mayor, by and with the advice and consent of the remaining Council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a Council member neglects or refuses to qualify within 30 days after election, the Council member shall be deemed to have refused to accept the office and a vacancy shall exist. The Mayor may, with the consent of the remaining Council members, appoint a suitable elector to fill the vacancy.

Section 6. In case of a vacancy in the office of Mayor, the president of the Council shall become Mayor until the next regular election for that office and a vacancy shall occur in the office of the Council member becoming Mayor.

Section 7. In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for City office elected at large by having filed on their behalf, a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by five of the qualified electors of the City of Edgerton. (Effective Date May 9, 2017)

CHARTER ORDINANCE NO. 24

A CHARTER ORDINANCE AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 23 OF THE CITY OF EDGERTON, KANSAS TO ACCURATELY REFLECT THE EXPIRATION OF CITY COUNCILMEMBER TERMS

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

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution, hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter referred to as the "State," may by charter ordinance elect, in the manner prescribed in the Constitution, that the whole or any part of any enactment of the State legislature applying to such city shall not apply to such city unless such enactment is of statewide concern applicable uniformly to all cities, is otherwise applicable uniformly to all cities or unless such enactment prescribes limits of indebtedness; and

WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect until sixty (60) days after its final publication; provided, however, if within sixty (60) days of its final publication 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 of such city demanding that such ordinance be submitted to a vote of the electors, such charter ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, on May 9, 2017 the City of Edgerton passed Charter Ordinance No. 23 which exempted the City from the provisions of K.S.A. 15-201 relating to the election of officers, their terms and transition to November elections; and

WHEREAS, the City of Edgerton, Kansas, incorrectly listed the expiration day of certain councilmember's terms as "the second Thursday in January of 2018" and "the second Thursday in January of 2020" in Section 3 of Charter Ordinance No. 23; and

WHEREAS, a Charter Ordinance can only be amended by subsequent Charter Ordinance; and

WHEREAS, the governing body of the City of Edgerton wishes to amend Section 3 of Charter Ordinance No. 23 to accurately reflect the correct day upon which those terms will expire.

NOW THEREFORE, BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS THAT:

Section 1. The Governing Body of the City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby amends Section 3 of Charter Ordinance No. 23 to read as follows:

Section 3. Those Governing Body positions with terms expiring in April 2017 shall expire on the second Monday in January of 2018 when the City officials elected in the November 2017 general election take office. Those Governing Body positions with terms expiring in April 2019 shall expire on the second Monday in January 2020 when the City officials elected in the November 2019 general election take office.

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

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed. In that event, a referendum will be held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED AND APPROVED by the Governing Body of the City of Edgerton, Kansas, not less than two-thirds of the members elect voting in favor thereof, this 9th day of November, 2017.

CHARTER ORDINANCE NO. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Edgerton, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1736, 12-1737 and 12-1738 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 et seq.) relating to public buildings and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and to provide substitute and additional provisions therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

SECTION 1. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and hereby makes inapplicable to it the provisions of K.S.A. 12-1736, 12-1737 and 12-1738, and does hereby provide the following substitute and additional provisions in place thereof.

SECTION 2. "Public building and facility" shall mean any structure, building or facility owned, or to be owned by the City, including, but not limited to off-street parking facilities, city offices, city maintenance facilities, public libraries, auditoriums, airport facilities and related improvements, public safety, fire, and police facilities, health care facilities, community buildings, recreational buildings or public meeting facilities.

SECTION 3. The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facility and procure any necessary site therefor by gift, purchase or condemnation and may design, alter, repair, reconstruct, remodel, renovate, replace or make additions to, furnish and equip a public building or facility. The authority herein conferred may also be exercised jointly or in cooperation

with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the City and the governing body of such cooperating governmental unit or units. The City may lease any public building or facility to another party, upon such terms and conditions as the governing body may deem to be in the best interest of the City.

SECTION 4. The governing body of the City may, for the purposes hereinbefore authorized and provided: (a) Receive and expend gifts; (b) receive and expend grants-in-aid of state or federal funds; (c) issue general obligation bonds of the City; (d) levy ad valorem property taxes pursuant to applicable limits; (e) issue no-fund warrants; (f) use moneys from the general operating fund or other appropriate budgeted funds when

available; (g) use moneys received from the sale of public buildings or facilities or portions thereof; (h) use moneys provided to the City for off-street parking purposes; (i) combine any two or more such methods of financing for the purposes herein authorized.

SECTION 5. 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 6. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) 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 City 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 with at least a two-thirds (2/3) vote of the entire governing body of the City of Edgerton, Kansas, on August 22, 2019 and SIGNED by the Mayor.

CHARTER ORDINANCE NO. 26

A CHARTER ORDINANCE EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A 25-2120, AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 23 OF THE CITY OF EDGERTON, KANSAS TO ACCURATELY REFLECT THE EXPIRATION DATE AND START DATE OF CITY COUNCILMEMBER TERMS AND REPEALING CHARTER ORDINANCE NO. 24

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

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution, hereinafter referred to as the "Constitution," cities of the State of Kansas, hereinafter referred to as the "State," may by charter ordinance elect, in the manner prescribed in the Constitution, that the whole or any part of any enactment of the State legislature applying to such city shall not apply to such city unless such enactment is of statewide concern applicable uniformly to all cities, is otherwise applicable uniformly to all cities or unless such enactment prescribes limits of indebtedness; and

WHEREAS, pursuant to the Constitution, no charter ordinance shall take effect until sixty (60) days after its final publication; provided, however, if within sixty (60) days of its final publication 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 of such city demanding that such ordinance be submitted to a vote of the electors, such charter

ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon; and

WHEREAS, on May 9, 2017 the City of Edgerton passed Charter Ordinance No. 23 which exempted the City from the provisions of K.S.A. 15-201 relating to the election of officers, their terms and transition to November elections; and

WHEREAS, Section 3 of Charter Ordinance No. 23, listed the expiration day of certain councilmember's terms as "the second Thursday in January of 2018" and "the second Thursday in January of 2020"; and

WHEREAS, on November 9, 2017 the City of Edgerton passed Charter Ordinance No. 24 which amended Section 3 of Charter Ordinance No. 23 to reflect term expiration dates of "the second Monday in January" in order to comply with K.S.A. 25-2120;

WHEREAS, subsequent to the passage of Charter Ordinance No. 24, the Kansas Legislature passed SB 105, amending K.S.A. 25-2120 to allow cities to establish the commencement date for terms of office by Resolution, "on or after December 1 following certification of the election and no later than the second Monday in January following certification of the election"; and

WHEREAS, the City wishes to exempt itself from the terms of the amended K.S.A. 25-2120 and not establish commencement dates by Resolution but instead amend Charter Ordinance No. 23 and repeal Charter Ordinance No. 24 to establish the same; and

WHEREAS, a Charter Ordinance can only be amended by subsequent Charter Ordinance; and

WHEREAS, the governing body of the City of Edgerton wishes to exempt itself from K.S.A. 25-2120 and amend Section 3 of Charter Ordinance No. 23 to accurately reflect the correct day upon which councilmembers terms will begin and expire.

NOW THEREFORE, BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS THAT:

Section 1. The Governing Body of the City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby amends Section 3 of Charter Ordinance No. 23 to read as follows:

Section 3. Those Governing Body positions with terms expiring in April 2017 shall expire on the second Monday in January of 2018 when the City officials elected in the November 2017 general election take office. Those Governing Body positions with terms expiring in April 2019 shall expire on the date of the first council meeting held in December 2020 when the City officials elected in the November 2019 general election take office. Thereafter, all City officials elected in November elections shall take office at the first council meeting held in the

month of December, at which time the term of the prior official's office shall expire.

Section 1. The Governing Body of the City of Edgerton, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby repeals Charter Ordinance No. 24.

Section 3. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 4. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed. In that event, a referendum will be held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

PASSED AND APPROVED by the Governing Body of the City of Edgerton, Kansas, not less than two-thirds of the members elect voting in favor thereof, this 26th day of September, 2019.