

**CITY OF SHAWNEE**

**CHARTER ORDINANCE NO. 19**

**AN ORDINANCE PERTAINING TO PREPARATION AND SERVICE OF COMPLAINTS, NOTICES TO APPEAR AND WARRANTS, FURTHER PROVIDING FOR A NEW SECTION 2.28.070 OF THE SHAWNEE MUNICIPAL CODE PERTAINING TO THE SAME.**

**BE IT ORDAINED** by the Governing Body of the City of Shawnee, Kansas:

**SECTION 1.** WHEREAS, K.S.A. 12-4204 provides that a notice to appear may be signed by a Municipal Judge, the Clerk of the Municipal Court, the City Attorney or any law enforcement officer of the city, and

WHEREAS, K.S.A. 12-4207 provides that a notice to appear may be served by any law enforcement officer within the state and, if mailed, shall be mailed by a law enforcement officer of the municipality of its issuance or the Clerk of the Municipal Court, and

WHEREAS, K.S.A. 12-4113(g) defines a "complaint" as a sworn statement, or a written statement by a law enforcement officer, of the essential facts constituting a violation of an ordinance, and

WHEREAS, the Governing Body of the City of Shawnee, Kansas deems it advisable and necessary to additionally allow animal control officers, the Chief Codes Administrator and his or her designee, and the Fire Marshall to sign notices to appear, complaints, and be able to serve complaints and notices to appear.

**SECTION 2. PREPARATION AND SERVICE OF COMPLAINTS, NOTICES TO APPEAR, AND WARRANTS.**

In the event that the form of citation provided for in K.S.A. 12-4205, or amendments thereto, includes a written statement of the essential facts constituting a violation of an ordinance of the City of Shawnee, Kansas, as required by law and as prepared and signed by a law enforcement officer of the City of Shawnee, an animal control officer of the City of Shawnee, the Chief Codes Administrator of the City of Shawnee, the Fire Marshall of the City of Shawnee or other official designated by Section 2.28.070 of the Shawnee Municipal Code, or any amendments thereto, to enforce ordinances, then such citations, when filed with the Clerk of the Municipal Court, shall be deemed a lawful complaint for the purpose of prosecution.

Such a complaint so executed by such designated officials shall constitute a complaint as defined by K.S.A. 12-4113(g), or any amendments thereto, and said complaint shall be valid and proper without oath or affirmation. Complaints signed by any official not designated by Section 2.28.070 of the Shawnee Municipal Code as provided herein, shall be required to be sworn. In no event shall a warrant be issued unless the complaint giving rise to its issuance is supported by oath or affirmation.

A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer, animal control officer, the Chief Codes Administrator, Fire Marshall, or other official designated by Section 2.28.070 of the Shawnee Municipal Code, or any amendments thereto, to enforce ordinances upon the accused person, and the complaint shall forthwith 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. The City Attorney shall cause a notice to appear to be issued unless he or she has good reason to believe that the accused person will not appear in response to a notice to appear, in which case he or she may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the Municipal Judge or, in the absence of the judge, but pursuant to his written authorization, the Municipal Court Clerk or Assistant Clerk has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance, (b) the accused person committed such violation, and (c) the accused person will not appear in response to a notice to appear.

If the City Attorney fails either to cause a notice to appear or to request a warrant to be issued on a complaint initially filed in the Municipal Court, the Municipal Judge may, upon affidavits filed with him or her alleging the violation of an ordinance, order the City Attorney to institute proceedings against any person. Any such Municipal Judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the Municipal Judge pro tem appointed by the Municipal Judge to preside therein.

**SECTION 3.** Chapter 2.28 of the Shawnee Municipal Code is hereby amended by adding thereto a new Section 2.28.070 to read as follows:

**2.28.070 - Service of Complaints, Notices to Appear, and Warrants.**

The following officials or officers are hereby empowered pursuant to Charter Ordinance No. 19, to serve municipal complaints, notices to appear and warrants:

1. A law enforcement officer.
2. An animal control officer commissioned by the Chief of Police as a city police officer and having such powers and authority as allowed by law in the enforcement of Title 6 of the Shawnee Municipal Code.
3. The Chief Codes Administrator and his or her designee.
4. The City Fire Marshall, for purposes of enforcing Chapter 15.32 of the Shawnee Municipal Code, Chapter 15.36 of the Shawnee Municipal Code and Chapter 15.40 of the Shawnee Municipal Code, and amendments thereto, pertaining to the Uniform Fire Code, Fire Safety Regulations for Child Care Facilities and City Fire Zones.

**SECTION 4.** 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 requiring a referendum to be held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas.

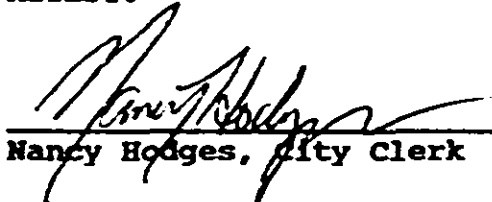
**SECTION 5.** The City Clerk or her designee, is hereby directed to publish this Ordinance once each week for two (2) consecutive weeks in the official city newspaper. If within sixty (60) days of the final publication a petition, signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election, shall be filed in the office of the City Clerk demanding that this ordinance be submitted to a vote of the electors, this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Passed by the Governing Body, not less than two-thirds (2/3) of the members elect voting in favor thereof, this 8<sup>th</sup> day of October, 1990.

Approved and signed by the Mayor this 8<sup>th</sup> day of October, 1990.

  
BOB BEST, Mayor

ATTEST:

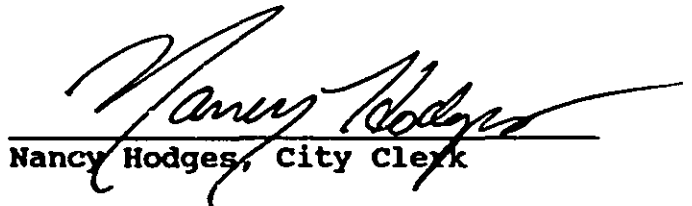
  
Nancy Hodges, City Clerk



APPROVED AS TO FORM AND LEGALITY:

Marvin E. Rainey, City Attorney

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 8<sup>th</sup> day of October, 1990; that the record of the final vote on its passage is found on page 3026 of Journal No. 29; and that it was published in the Journal Herald, the official city newspaper, on the 17<sup>th</sup>/24<sup>th</sup> day of October, 1990.

  
Nancy Hodges, City Clerk



STATEMENT OF ADOPTION

I do hereby certify that the above and foregoing Charter Ordinance No. 19 of the City of Shawnee, Kansas was passed by the Governing Body by not less than two-thirds of the members elect voting in favor thereof on the 8th day of October, 1990, the record of which is found on page 3026 of Journal No. 29; and that this charter ordinance was published once each week for two consecutive weeks, on October 17, 1990 and October 24, 1990 in the Journal Herald, the official newspaper of the City of Shawnee.

No petition demanding that such ordinance be submitted to a vote of the electors was filed with the City Clerk within sixty (60) days of the final publication of said ordinance; therefore this ordinance became effective December 24, 1990.

  
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Nancy Hodges, City Clerk



First Published in the Journal Herald on Wednesday,  
October 17, 1990 and Undersday, October 24, 1990.

CITY OF SHAWNEE

CHARTER ORDINANCE NO. 13

AN ORDINANCE PERTAINING TO INFORMATION AND SERVICE OF COMPLAINTS,  
NOTICES TO APPEAR AND WARRANTS, FURTHER PROVIDING FOR A NEW  
SECTION 2.20.070 OF THE SHAWNEE MUNICIPAL CODE PERTAINING TO THE  
SAME.

BE IT ORDAINED by the Governing Body of the City of Shawnee,  
Kansas:

SECTION 1. SHAWNEE, K.S.A. 12-4204 provides that a notice to  
appear may be signed by a Municipal Judge, the Clerk of the  
Municipal Court, the City Attorney or any law enforcement officer  
of the city, and

SECTION 2. SHAWNEE, K.S.A. 12-4207 provides that a notice to appear may  
be served by any law enforcement officer within the state and, if  
polled, shall be mailed by a law enforcement officer of the  
municipality of its issuance or the Clerk of the Municipal Court,  
and

SECTION 3. SHAWNEE, K.S.A. 12-4113(a) defines a "complaint" as a sworn  
statement, or a written statement by a law enforcement officer,  
of the essential facts constituting a violation of an ordinance,  
and

SECTION 4. The Governing Body of the City of Shawnee, Kansas  
deems it advisable and necessary to, additionally, allow municipal  
court officers, the Chief Code Administrator and his or her  
designee, and the Fire Marshall to sign notices to appear,  
complaints, and be able to serve complaints and notices to  
appear.

SECTION 5. INFORMATION AND SERVICE OF COMPLAINTS, NOTICE TO  
APPEAR AND WARRANTS.

BE IT ENACTED that the form of citation provided for in  
K.S.A. 12-4206, or amendments thereto, includes a written  
statement of the essential facts constituting a violation of  
an ordinance of the City of Shawnee, Kansas, as required by  
law and as provided and signed by a law enforcement officer  
of the City of Shawnee, an official court officer of the  
City of Shawnee, the Chief Code Administrator of the City  
of Shawnee, or the Fire Marshall of the City of Shawnee or  
other official designated by Section 2.20.070 of the Shawnee  
Municipal Code, or any amendments thereto, to whom  
ordinances, then on citation, when filed with the Clerk  
of the Municipal Court, shall be deemed a lawful complaint  
for the purposes of prosecution.

Any complaint so submitted by such designated officials  
shall constitute a complaint as defined by K.S.A. 12-  
4113(a) or any amendments thereto, and said complaint shall  
be valid and enforceable, such or citation. Complaints  
signed by any official not designated by Section 2.20.070 of  
the Shawnee Municipal Code as provided herein, shall be  
subject to be given. If an officer shall a warrant be issued  
unless the complaint giving rise to its issuance is  
supported by oath or affirmation.

A copy of the complaint shall be served, together with a  
notice to appear or a warrant, by a law enforcement officer,  
municipal court officer, the Chief Code Administrator, the  
Fire Marshall, or other official designated by Section 2.20.070  
of the Shawnee Municipal Code, or any amendments thereto, to  
the person named upon the accused person, and the  
accused person 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 be filed with the City Attorney. The City  
Attorney shall cause a notice to appear to be issued unless  
he or she has good cause to believe that the accused person  
will not appear in response to a notice to appear, in which  
case he or she may request that a warrant be issued. Such  
warrant shall be issued if the complaint is positively sworn  
to by the Municipal Judge or, in the absence of the judge,  
not present or his written authorization, the Municipal  
Court Clerk or his/her designee has positive cause to believe  
that: (a) there has been the commission of a violation of a  
municipal ordinance; (b) the accused person committed such  
violation; and (c) the accused person will not appear in  
response to a notice to appear.

IF the City Attorney fails either to cause a notice to  
appear or to request a warrant to be issued on a complaint  
initially filed in the Municipal Court, the Municipal Judge  
may, upon application filed with him or her alleging the  
violation of an ordinance, order the City Attorney to  
initiate prosecution against any person. Any such  
Municipal Judge shall be disqualified from sitting in any  
case wherein that order was entered and is further  
precluded from commenting upon such case with the  
Municipal Judge who has approved by the Municipal Judge  
providing therein.

## The Journal Herald

11004 Johnson Drive  
Shawnee, KS 66203

### AFFIDAVIT OF PUBLICATION

STATE OF Kansas, Johnson County,ss:

Robin L. Roberts being first duly sworn, deposes  
and says that he is the publisher of The Journal  
Herald, a weekly newspaper printed in the State of  
Kansas, and published in and of general circulation  
in Johnson County, Kansas, with a general paid cir-  
culation on a weekly basis in Johnson County, Kan-  
sas and that said newspaper is not a trade, religious  
or fraternal publication.

Said newspaper is published weekly at least 50  
times a year, has been published continuously and  
uninterruptedly in said County and State for a period  
of more than five years prior to the first publication  
of said notice, and has been admitted to the post of-  
fice of Shawnee Mission, in said County as 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 240 consecutive weeks, the  
first publication thereof being made as aforesaid on  
the 17th day of Oct, 1990, with subse-  
quent publications being made on the following  
dates.

October 24 1990

\_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_ 19\_\_\_\_

Robin L. Roberts

Subscribed and sworn to before me this 31st

day of October 1990

Richard R. Roberts

Notary Public in and for  
Johnson County, Kansas

My commission expires R. ROBERTS

NOTARY PUBLIC  
STATE OF KANSAS  
My Commission Expires: 12-21-91

Notary Fee.....

Printers Fee.....

Total Charge..... 222.60