

CHARTER ORDINANCE NO. SIXTY-SEVEN

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4211 AND K.S.A. 12-4212 WHICH RELATE TO THE DETENTION AND ARREST POWERS OF MUNICIPAL LAW ENFORCEMENT OFFICERS AND PROVIDING FOR THE ENACTMENT OF SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT THROUGH THE ENACTMENT OF AN ORDINARY ORDINANCE AND REPEALING EXISTING CHARTER ORDINANCE THIRTY-ONE.

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

SECTION 1. The City of Overland Park, Kansas by 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 provisions of K.S.A. 12-4211 and K.S.A. 12-4212 relating to the detention and arrest powers of municipal law enforcement officers filing criminal cases in the municipal court and providing for the enactment of substitute and additional provisions on the same subjects through the enactment of ordinary ordinance. Such referenced statutory provisions are applicable to this City but are not uniformly applicable to all cities.

SECTION 2. The Governing Body shall establish the detention and arrest powers of municipal law enforcement officers filing criminal cases in the municipal court in an ordinary ordinance.

SECTION 3. Existing Charter Ordinance Thirty-one is hereby repealed.

SECTION 4. This Ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official newspaper.

SECTION 5. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT 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 OVERLAND PARK 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 15th day of July, 1996.

Ed Eilert, Mayor

Charter Ordinance No. Sixty-Seven

ATTEST:

Norma Moffet, City Clerk

APPROVED AS TO FORM;

Michael R. Santos

Sr. Assistant City Attorney

Passed: 7/15/96

Published: 7/17/96

7/24/96

Effective: 9/23/96