

CHARTER ORDINANCE NO. THIRTY

(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM SECTIONS 12-4202 and 12-4215 OF THE KANSAS STATUTES ANNOTATED PERTAINING TO COMPLAINTS AND NOTICES TO APPEAR AS PROVIDED FOR IN THE CODE OF PROCEDURE FOR MUNICIPAL COURTS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; REPEALING CHARTER ORDINANCE NO. TWENTY-FOUR.

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

SECTION 1. The City of Overland Park, 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 12-4205 of the Kansas Statutes Annotated, and provide substitute and additional provisions therefor. Sections 12-4202 and 12-4205 of the Kansas Statutes Annotated are part of the Code of Procedure For Municipal Courts, Kansas Statutes Annotated 12-4101 et seq., an enactment of the legislature which is applicable to the City of Overland Park, but not uniformly applicable to all cities, and the legislature has not established classes of cities for the purpose of imposing limitations on procedures in municipal courts.

SECTION 2. A complaint shall be in writing and shall be signed by the complainant. More than one violation may be charged in the same complaint. A complaint shall be deemed sufficient if in substantially the form of the complaint set out in Section 3 below or in substantially the following form:

IN THE MUNICIPAL COURT OF THE CITY OF OVERLAND PARK, KANSAS  
8500 Antioch, Overland Park, Kansas 66212

The City of Overland Park  
vs.

(Accused Person)

of lawful age, being first duly sworn on oath, for complaint against the above shown accused person alleges and states:

That on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the said \_\_\_\_\_, within the corporate limits of the above named City and State did then and there in violation of the ordinances of said City unlawfully, \_\_\_\_\_

Complainant

Ordinance violated: \_\_\_\_\_

Notice issued for the accused person's appearance on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ .M.,

OR  
Warrant issued-appearance bond requirement per warrant is..... \$ \_\_\_\_\_

Sworn to positively before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Judge - Notary Public

My appointment expires: \_\_\_\_\_

Charter Ordinance No. Thirty

The foregoing provisions notwithstanding, and notwithstanding the provisions of Kansas Statutes Annotated 12-4113(g), or any amendments thereto, whenever a law enforcement officer issues a complaint for the violation of any City ordinance, and such complaint includes information required by law and is signed by the officer preparing the same, then such complaint shall be deemed lawful for purposes of prosecution under this Act even though the same has not been sworn to before a Municipal Judge, Court Clerk, Assistant Court Clerk, or Notary Public.

**SECTION 3.** In all cases a complaint and notice to appear may be made in the form of the "Uniform Complaint and Notice to Appear" which shall be deemed sufficient if in substantially the following form:

**UNIFORM COMPLAINT AND NOTICE TO APPEAR**

State of Kansas )  
 County of Johnson ) ss  
**CITY OF OVERLAND PARK** )

No.

In the Municipal Court of Overland Park

**COMPLAINT**

The Undersigned, being duly sworn, complains that on \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ a.m.  
 \_\_\_\_\_ p.m.

NAME \_\_\_\_\_  
 (Last) PLEASE PRINT (First) (Middle)

STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

AGE \_\_\_\_\_ Birth Date \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

HT \_\_\_\_\_ WT \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_

Chauf./Driv Lic No \_\_\_\_\_

Did unlawfully at \_\_\_\_\_  
**OVERLAND PARK, KANSAS**

<b>TRAFFIC</b>
Operate a vehicle to wit Model: _____ Color: _____ Make _____
Veh Lic no _____ Veh Lic _____ State _____
By ( ) Speeding _____ mph in _____ mph zone <input type="checkbox"/> School Zone
( ) Other traffic violation: _____
<b>OTHER VIOLATIONS (NON-TRAFFIC):</b>
All in Violation of O.P.M.L.

Signature of Officer \_\_\_\_\_ Bodge No \_\_\_\_\_  
 (or Complainant)

Sworn to positively before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Municipal Judge/Court Clerk (Asst)/Notary Public

**NOTICE TO APPEAR**

The City of Overland Park, Kansas to the above-named Accused Person:  
 You are hereby summoned to appear in Court Room \_\_\_\_\_, Municipal  
 Court of Overland Park, Kansas at 8800 Antioch, on the \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. to answer the above complaint.  
 If you fail to appear a warrant may be issued for your arrest.

Dated \_\_\_\_\_, 19\_\_\_\_

Signature of Officer (Complainant) \_\_\_\_\_

I agree to appear in said Court at said time and place

Signature of Accused Person \_\_\_\_\_

**RETURN OF SERVICE**

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_, the notice to appear was served, mailed or delivered

Law Enforcement Officer

NAME: LAST FIRST MIDDLE COURT NO.

The foregoing provisions notwithstanding, and notwithstanding the provisions of Kansas Statutes Annotated 12-4113 (g), or any amendments thereto, whenever a law enforcement officer issues a Uniform Complaint and Notice to Appear for the violation of any City ordinance, and such Uniform Complaint and Notice to Appear includes information required by law and is signed by the officer preparing the same, then such Uniform Complaint and Notice to Appear shall be deemed lawful for purposes of prosecution under this Act even though the same has not been sworn to before a Municipal Judge, Court Clerk, Assistant Court Clerk, or Notary Public.

SECTION 4. Charter Ordinance No. Twenty-Four is hereby repealed.

SECTION 5. This ordinance shall be published once every week for two consecutive weeks in the official City newspaper.

SECTION 6. 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 Kansas, in which case the ordinance shall become effective as 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 August, 1983.

Ed Eilert  
Mayor

ATTEST:  
Bernice Crummett  
City Clerk

APPROVED AS TO FORM:  
Karen Arnold-Burger  
Assistant City Attorney

Passed: 8/15/83  
Published: 8/17/83  
8/24/83  
Effective: 10/23/83

*Entire ordinance repealed by Charter Ordinance No. Forty-Four*

