

TITLE 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.09
CITY MANAGER/GOVERNING BODY

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ARTICLE I. GENERAL PROVISIONS

2.09.060 Officer to perform duties of City Manager.

The City Manager shall have the power to designate a city official as acting City Manager to perform any and all duties of the office of City Manager whenever he shall be absent from his office or the community by reason of illness, vacation, business or any other reason, for a period of more than one day.

(History: Ord. ACM-799 §1, 74; ACM-404 §1, 66)

2.09.070 Application of 2.09.060.

In the event the City Manager is incapacitated or for any other reason is unable to designate an acting City Manager or the City Manager is absent from his office due to illness, extended leave, vacation or any other reason for a period of time exceeding one month, the Governing Body shall designate a city official to serve as acting City Manager.

(History: Ord. ACM-799 §2, 74; ACM-404 §2, 66)

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ARTICLE II. RULES OF BUSINESS

2.09.080 Authority to establish procedures.

The Governing Body may, by resolution, establish rules of procedures to govern its meetings and those of committees of the council.

(History: Ord. ROB-926 §1, 77; ROB-506 §1, 68)

2.09.090 Procedures.

All rules of procedure so adopted shall be included and maintained in a separate section of the Policy Manual of the city. The City Clerk shall have responsibility for maintenance of that manual.

(History: Ord. ROB-926 §2, 77; ROB-506 §1, 68)

2.09.100 Review.

The Finance and Administration Committee shall have the duty to hear requests for revision of all council procedures and make recommendations to the Governing Body for action.

In addition, the committee shall review all procedures at least once every two years and recommend changes.

(History: Ord. ROB-926 §3, 77; ROB-506 §1, 68)

2.09.110 Quorum.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1, 71; ROB-506 §1(Rule 3), 68)

2.09.120 Agenda - Order of business - Hearings.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §1, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 4), 68)

2.09.125 Times; Hearings.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §2, 75)

2.09.130 Preservation of order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 5), 68)

2.09.140 Addressing chair.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 6), 68)

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2.09.150 Limitation on speaking.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 7), 68)

2.09.160 Point of order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 8), 68)

2.09.170 Motions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 9), 68)

2.09.180 Resolutions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 10), 68)

2.09.190 Questions under debate.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 11), 68)

2.09.200 Voting.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506,B §1, 70; ROB-506 §1(Rule 12), 68)

2.09.210 Order of questions - Privileged questions.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 13), 68)

2.09.220 Committees containing whole Governing Body.

Repealed.

(History: Ord. AP-853 §3 and §44, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 14), 68)

2.09.230 Rules of committee of the whole.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 15), 68)

2.09.240 Motion for committee to rise and report.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 16), 68)

2.09.250 Proceedings of committee of the whole to be entered on record.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §4, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 17), 68)

2.09.260 Appointments to standing and special committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-818 §1, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 18), 68)

2.09.270 Members of standing committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-818 §2, 75; ROB-506,C §1(part), 71; ROB-506,A §1, 70; ROB-506 §1(Rule 19), 68)

2.09.280 Duties of committees.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 20), 68)

2.09.290 Meetings open to public - Exception.

Repealed.

(History: Ord. ROB-926 §4, 77; AP-853 §5, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 21), 68; Ch. 319, 1972 Session Laws)

2.09.300 Matters not covered to be governed by Robert's Rules of Order.

Repealed.

(History: Ord. ROB-926 §4, 77; ROB-506,C §1(part), 71; ROB-506 §1(Rule 22), 68)

2.09.310 Temporary suspension of rules.

Repealed.

(History: Ord. AP-853 §6 and §44, 75; ROB-506,C §1(part), 71; ROB-506 §1(Rule 23), 68)

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ARTICLE III. EMERGENCY POWERS**2.09.320 Determination of emergency - Powers of mayor or authorized person.**

When in the judgment of the mayor a civil emergency is deemed to exist, the mayor shall proclaim in writing the existence of such an emergency. Any proclamation declaring a civil emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

For the purposes of this ordinance, a civil emergency shall be defined as:

- A. A riot or unlawful assembly, or any civil disobedience, characterized by the use of actual force or violence or any threat to use force accompanied by the apparent power to execute such force;
- B. Any natural disaster or human-made calamity including, without limitation, flood, conflagration, tornado, earthquake or explosion within or affecting the City resulting in the occurrence or threat of death or injury of persons or the damage or destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety or welfare.

After proclamation of a civil emergency by the mayor, the mayor, in the interests of public health, safety or welfare, may exercise any or all of the following powers:

- A. Order a general curfew applicable to such geographic areas of the City or to the City as a whole, as deemed advisable, and applicable during such hours of the day or night as deemed necessary in the interest of the public health, safety or welfare. For the purposes of this section, a curfew is defined as a prohibition against any person or persons walking, running, loitering, standing or being in or on any vehicle upon any alley, street, highway, public property or vacant premises within the City during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to the civil emergency or other official duties;
- B. Order the closing of all retail liquor stores, drinking establishments, taverns or any other public or private premises where the sale, distribution, dispensing, giving away or consumption of intoxicating liquor, beer or cereal malt beverage is permitted;
- C. Order the closing of gasoline stations and other establishments which sell, distribute, dispense or give away flammable or combustible products;
- D. Order the closing of any or all establishments or portions of those establishments which sell, distribute, dispense or give away firearms, ammunition or other potentially dangerous weapons or instrumentalities that can be used as weapons, projectiles or ammunition, or any other item that presents a threat due to the nature of the emergency;
- E. Order the discontinuance of the sale, distribution, dispensing or giving away of any of the items covered by subsection (b), (c) and (d);

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- F. Order that no person within the City may consume any alcoholic beverage in a public street or place or in any vehicle driven or parked within a designated area;
- G. Order that no person within the City shall carry or possess any rock, bottle, club, brick, weapon, projectile or other object capable or being used unlawfully against the person or property of another;
- H. Order that no person within the City may make, carry, possess or use any type of incendiary device or fire bomb;
- I. Order the complete or limited evacuation of any designated area of the City and order that no person shall enter any area designated by the mayor as a restricted area unless in the performance of official duties or with permission from the mayor or the mayor's duly designated representative;
- J. Issue any other order that the mayor deems imminently necessary for the protection of life or property;
- K. To call upon regular and auxiliary law enforcement agencies and within or without the city, including the sheriff's department under provisions of mutual emergency policy protection compact, to assist in preserving and keeping the peace within the City;
- L. To order that any and all of said regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other City ordinances that might be violated as a result of any mob action or other civil disobedience;
- M. To enter into a mutual protection compact with any and all governing bodies within the Kansas City Metropolitan area.
- N. To make effective the policies and procedures set forth in the City of Overland Park Emergency Operations Plan.

(History: Ord. EGA-1928 §1, 95; EGA-834 §1, 75; MA-450 §2,67)

2.09.330 Effective date of proclamation of emergency.

The Proclamation of Emergency shall become effective upon its issuance and dissemination to the public by appropriate news media.

(History: Ord. EGA-834 §2, 75)

2.09.335 Succession of emergency powers.

If the mayor is not able to exercise the powers and discharge the duties specified in this ordinance, or is unavailable, the order of succession for the exercise of emergency powers shall be as follows:

- A. The Council President;
- B. The Chairpersons of the Council Committees in the following order: Public Safety; Public Works; Finance, Administration and Economic Development; and Community Development.

If all such officers are not able or are unavailable to discharge the emergency powers specified in this ordinance, the City Manager, or the official designee of the City Manager, shall exercise these powers.

(History: Ord. EGA-2641 §1, 2006; EGA-1928 §2, 95)

2.09.340 Termination or extension of proclamation of emergency.

Any civil emergency proclaimed in accordance with the provisions of 2.09.320 through 2.09.350 shall terminate after a period of seven days from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be terminated sooner or may be extended for such additional periods of time as determined necessary by resolution of the Governing Body.

(History: Ord. EGA-1928 §3, 95; EGA-834 §3, 75; MA-450 §3, 67)

2.09.350 Violation of Sections 2.09.320 through 2.09.340.

Any person who shall willfully fail or refuse to comply with the terms of any proclamation of a civil emergency or any order issued pursuant to that proclamation or the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency as authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1.12.010.

(History: Ord. EGA-1928 §4, 95; EGA-834 §4, 75; MA-450C §1, 70)

2.09.360 Form for proclamation of emergency.

A form to be used in the declaration of a civil emergency, approved by the City Attorney and the Mayor, shall be kept readily available by the City Clerk, the City Manager and the Emergency Preparedness Coordinator. If an emergency situation should make such form unavailable, any written document signed by the Mayor or designated successor shall suffice.

(History: Ord. EGA-1928 §5, 95; EGA §5, 75; MA-450)

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Chapter 2.12
ARBORETUM/BOTANICAL GARDEN BOARD
(This entire chapter has been repealed.)

Sections:

- 2.12.010 Creation.
- 2.12.020 Purpose.
- 2.12.030 Membership.
- 2.12.040 Administration.

2.12.010 Creation.

Repealed.

(History: Ord. REP-2701 §1, 2007; ABGB-1510 §1, 88)

2.12.020 Purpose.

Repealed.

(History: Ord. REP-2701 §1, 2007; ABGB-1510 §2, 88)

2.12.030 Membership.

Repealed.

(History: Ord. REP-2701 §1, 2007; AC-2534 §1, 2005; ABGB-1510 §3, 88)

2.12.040 Administration.

Repealed.

(History: Ord. REP-2701 §1, 2007; ABGB-1510 §4, 88)

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Chapter 2.13
DOWNTOWN DEVELOPMENT REVIEW BOARD
(This entire chapter has been repealed.)

Sections:

- 2.13.010 Creation. (Repealed)
- 2.13.020 Responsibility. (Repealed)
- 2.13.025 Procedure. (Repealed)
- 2.13.030 Membership. (Repealed)

2.13.010 Creation.

Repealed.

(History: Ord. ZRR-2005 §4, 97; DRB-1414 §1, 86; DRB-1134 §1, 81)

2.13.020 Responsibility.

Repealed.

(History: Ord. ZRR-2005 §4, 97; DRB-1414 §2, 86; DRB-1134 §2, 81)

2.13.025 Procedure.

Repealed.

(History: Ord. ZRR-2005 §4, 97; DRB-1468 §1, 87; DRB-1414 §3, 86)

2.13.030 Membership.

Repealed.

(History: Ord. ZRR-2005 §4, 97; DRB-1468 §2, 87; DRB-1134 §3, 81)

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Chapter 2.14
BUSINESS IMPROVEMENT DISTRICT

Sections:

- 2.14.010 Boundaries and name of district.
- 2.14.020 Services to be provided.
- 2.14.030 Methods used to finance services.
- 2.14.040 Downtown Business Improvement District Advisory Board.
- 2.14.050 Number, method of appointment, and terms of advisory board.
- 2.14.060 Definitions.
- 2.14.070 Methods of Assessment.
- 2.14.080 Administration.
- 2.14.090 Protest Petition.
- 2.14.100 Enforcement.
- 2.14.110 Validity.

2.14.010 Boundaries and name of district.

A Business Improvement District, as provided for in K.S.A. 12-1781, et seq., shall be established for the Downtown Business District of the City of Overland Park, Kansas, described as follows:

Beginning at the intersection of the center lines of Newton St. and 78th Street in Section 19, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas; thence easterly along the center line of 78th Street to a point 753.34 feet east of the center line of Metcalf Ave., said point being at the intersection of the center line of 78th St. and the northerly extension of the east line of Lot 5, Early Place, a subdivision of land in the City of Overland Park; thence southerly along said extension and along said east line and its southerly extension to a point 165 feet north of the south line of Section 20, Township 12 South, Range 25 East; thence easterly and parallel to the south line of said Section 20 to a point 800 feet east of the west line of said Section 20; thence southerly and parallel to the west line of said Section 20 to a point on the south line of said Section 20; thence westerly along said south line to a point 795 feet east of the southwest corner of said Section 20; thence southerly and parallel to the west line of Section 29, Township 12 South, Range 25 East to a point on the north line of Lot 13, Kirkbride Place, a subdivision of land in the City of Overland Park; thence westerly along said north line to the northeast corner of Lot 14, Kirkbride Place; thence southerly along the east line of said Lot 14 and its southerly extension to the center line of 80th St.; thence west along the center line of 80th St. to its intersection with the center line of Broadmoor Lane; thence south along the center line of Broadmoor Lane to its intersection with the north line of Lot 2, Conser's Addition, a subdivision of land in the City of Overland Park; thence easterly along the north line of said Lot 2 to a point 138 feet east of the northwest corner of said Lot 2; thence southerly and parallel to the west line of said Lot 2 a distance of 320 feet; thence westerly and parallel to the north line of said Lot 2 a distance of 138 feet to the intersection with the east line of Lot 1, Conser's Addition, a subdivision of land in the City of Overland Park; thence southerly along the east line of said Lot 1 and its southerly extension to the center line of 82nd St.; thence westerly along the center line of 82nd St. to its intersection with the center line of Travis St.; thence southerly along the center line

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of Travis St. to its intersection with the center line of 83rd St.; thence westerly along the center line of 83rd St. to its intersection with the southwesterly extension of the westerly line of Lot 5, Block 10, Overland Heights No. 2, a subdivision of land in the City of Overland Park; thence northeasterly along said extension and along said westerly line of Lot 5 and its northeasterly extension to a point on the center line of Overland Park Drive; thence northwesterly along the center line of Overland Park Drive to its intersection with the center line of Valley View Dr.; thence southwesterly along the center line of Valley View Dr. to its intersection with the southeasterly extension of the southwesterly line of Lot 4, Overland Acres, a subdivision of land in the City of Overland Park; thence northwesterly along said extension and along the southwesterly line of said Lot 4 to the east corner of Lot 2, Overland Acres; thence southwesterly along the southeasterly line of said Lot 2 to the northeast corner of Lot 1, Overland Acres; thence south along the west line of said Lot 1 to the southeast corner of said Lot 1; thence west along the south line of said Lot 1 and its westerly extension to its intersection with the center line of Robinson St.; thence northerly along the center line of Robinson St. to its intersection with the center line of 81st St.; thence easterly along the center line of 81st St. to its intersection with the southerly extension of the east line of Lot 13, Block 6, Overland Park, a subdivision of land in the City of Overland Park; thence northerly to the northeast corner of Lot 24, Block 2, Overland Park; thence northerly to the southwest corner of Lot 34, Marty's First Addition to Overland, a subdivision of land in the City of Overland Park; thence westerly and along the south line of Lot 33, Marty's 1st Addition to Overland, and its westerly extension to its intersection with the center line of Newton St.; thence northerly along the center line of Newton St. to its intersection with the center line of 78th St. and the Point of Beginning.

The District, for the purpose of assessing the business improvement fee, shall be divided into two tiers, as follows:

1. Tier 1 shall be described as follows:

Tier 1 - Core

Beginning at the intersection of the center lines of Foster St. and 79th St. on the south line of Section 19, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas; thence northerly along the center line of Foster St. a distance of 136.36 feet; thence east a distance of 93.63 feet; thence south a distance of 21 feet; thence east a distance of 86 feet; thence north a distance of 32 feet; thence east a distance of 100 feet; thence south a distance of 142 feet to a point on the center line of 79th St.; thence easterly along the center line of 79th St. to its intersection with the center line of Marty St.; thence northerly along the center line of Marty St. to its intersection with the westerly extension of the south line of Lot 41, Overland Summit, a subdivision of land in the City of Overland Park; thence easterly along said extension and along the south line of said Lot 41 to the southeast corner of said Lot 41; thence northerly along the east line of said Lot 41 to the northwest corner of Lot 53, Overland Summit; thence easterly along the north line of said Lot 53 and its easterly extension to the east right of way line of Floyd St.; thence southerly along the east right of way line of Floyd St. to the southwest corner of Lot 88, Overland Summit; thence easterly along the south line of said Lot 88 to the

southeast corner of said Lot 88; thence northerly along the east line of Lots 100, 101, 102, 103, 104, 105, 106, and 107, Overland Summit, to the northwest corner of said Lot 107; thence easterly along the north line of said Lot 107 and its easterly extension to the center line of Metcalf Ave.; thence southerly along the center line of Metcalf Ave. to its intersection with the easterly extension of the south line of Lot 1, UMB At Metcalf, a subdivision of land in the City of Overland Park; thence westerly along the south line of said Lot 1 and its westerly extension to the intersection with the center line of Floyd Street; thence northerly along the center line of Floyd Street to its intersection with the easterly extension of the south line of Lot 7, Block 3, Overland Heights No. 2, a subdivision of land in the City of Overland Park; thence westerly to the southeast corner of Lot 7, Block 3, Overland Heights No. 2; thence westerly along the south line of said Lot 7 to the southwest corner of said Lot 7; thence westerly along the south line of Lot 22, Block 3, Overland Heights No. 2 and its westerly extension to the southeast corner of Lot 5, Block 5, Overland Heights No. 2; thence north 30 feet along the east line of said Lot 5; thence westerly and parallel with the north line of said Lot 5 to a point on the west line of said Lot 5, 30 feet north of the southwest corner of said Lot 5; thence north along the west line of said Lot 5 to the northwest corner of said Lot 5; thence west along the south line of Lot 9 of the Amended Plat Of the Resurvey Of West ½ of Tract 10 of the Resurvey Of Overland Heights, a subdivision of land in the City of Overland Park, and its westerly extension to the west right of way line of Overland Park Drive; thence northerly along the west right of way line of Overland Park Drive to the southeast corner of Lot 8, Dale's Addition No. 2, a subdivision of land in the City of Overland Park; thence northwesterly along the south line of said Lot 8 to the northeast corner of Lot 1, Block's Addition, a subdivision of land in the City of Overland Park; thence southwest along the southeasterly line of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block's Addition, to the southeast corner of said Lot 9; thence northwesterly along the southwesterly line of said Lot 9 and its northwesterly extension to its intersection with the center line of Santa Fe Dr.; thence southwest along the center line of Santa Fe Dr. to its intersection with the center line of Conser St.; thence northerly along the center line of Conser St. to its intersection with the westerly extension of the north line of Lot 14, Block 1, Overland Park, a subdivision of land in the City of Overland Park; thence easterly along said extension and along the north line of Lots 14 and 11 and its easterly extension to its intersection with the center line of Foster St.; thence northerly along the center line of Foster St. to its intersection with the center line of 79th St. and the Point of Beginning.

2. Tier 2 shall be described as follows:

Tier 2 - Fringe

Beginning at the intersection of the center lines of Newton St. and 78th Street in Section 19, Township 12 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas; thence easterly along the center line of 78th Street to a point 753.34 feet east of the center line of Metcalf Ave., said point being at the intersection of the center line of 78th St. and the northerly extension of the east line of Lot 5, Early Place, a subdivision of land in the City of Overland Park; thence southerly along said extension and along said east line and its southerly extension

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to a point 165 feet north of the south line of Section 20, Township 12 South, Range 25 East; thence easterly and parallel to the south line of said Section 20 to a point 800 feet east of the west line of said Section 20; thence southerly and parallel to the west line of said Section 20 to a point on the south line of said Section 20; thence westerly along said south line to a point 795 feet east of the southwest corner of said Section 20; thence southerly and parallel to the west line of Section 29, Township 12 South, Range 25 East to a point on the north line of Lot 13, Kirkbride Place, a subdivision of land in the City of Overland Park; thence westerly along said north line to the northeast corner of Lot 14, Kirkbride Place; thence southerly along the east line of said Lot 14 and its southerly extension to the center line of 80th St.; thence west along the center line of 80th St. to its intersection with the center line of Broadmoor Lane; thence south along the center line of Broadmoor Lane to its intersection with the north line of Lot 2, Conser's Addition, a subdivision of land in the City of Overland Park; thence easterly along the north line of said Lot 2 to a point 138 feet east of the northwest corner of said Lot 2; thence southerly and parallel to the west line of said Lot 2 a distance of 320 feet; thence westerly and parallel to the north line of said Lot 2 a distance of 138 feet to the intersection with the east line of Lot 1, Conser's Addition, a subdivision of land in the City of Overland Park; thence southerly along the east line of said Lot 1 and its southerly extension to the center line of 82nd St.; thence westerly along the center line of 82nd St. to its intersection with the center line of Travis St.; thence southerly along the center line of Travis St. to its intersection with the center line of 83rd St.; thence westerly along the center line of 83rd St. to its intersection with the southwesterly extension of the westerly line of Lot 5, Block 10, Overland Heights No. 2, a subdivision of land in the City of Overland Park; thence northeasterly along said extension and along said westerly line of Lot 5 and its northeasterly extension to a point on the center line of Overland Park Dr.; thence northwesterly along the center line of Overland Park Dr. to its intersection with the center line of Valley View Dr.; thence southwesterly along the center line of Valley View Dr. to its intersection with the southeasterly extension of the southwesterly line of Lot 4, Overland Acres, a subdivision of land in the City of Overland Park; thence northwesterly along said extension and along the southwesterly line of said Lot 4 to the east corner of Lot 2, Overland Acres; thence southwesterly along the southeasterly line of said Lot 2 to the northeast corner of Lot 1, Overland Acres; thence south along the west line of said Lot 1 to the southeast corner of said Lot 1; thence west along the south line of said Lot 1 and its westerly extension to its intersection with the center line of Robinson St.; thence northerly along the center line of Robinson St. to its intersection with the center line of 81st St.; thence easterly along the center line of 81st St. to its intersection with the southerly extension of the east line of Lot 13, Block 6, Overland Park, a subdivision of land in the City of Overland Park; thence northerly to the northeast corner of Lot 24, Block 2, Overland Park; thence northerly to the southwest corner of Lot 34, Marty's 1st Addition to Overland, a subdivision of land in the City of Overland Park; thence westerly along the south line of Lot 33, Marty's 1st Addition to Overland, and its westerly extension to its intersection with the center line of Newton St.; thence northerly along the center line of Newton St. to its intersection with the center line of 78th St. and the Point of Beginning, except that part described above as "Tier 1 - Core."

(History: Ord. BID-2844 §1, 2009; BID-1988 §1, 96; BID-1525 §1, 88)

2.14.020 Services to be provided.

The Downtown Business Improvement District shall be created to provide to the businesses in the Improvement District the services and activities adopted by the Governing Body of the City of Overland Park in the annual City budget. Such services and activities may include and are limited to: administration, operating expenses, general downtown promotions, open air markets, transportation, parking, streets, street lighting, traffic controls, refuse collection and disposal, security, snow removal, beautification, parks and recreation, programs for special populations and capital improvements which do not require multi-year funding all for the area described in Section 2.14.010 herein and that are not otherwise provided for in the annual City budget.

Nothing herein shall prohibit the City from contracting with a not-for-profit corporation or any other entity for the provision of specified services within the District.

(History: Ord. BID-1525 §2, 88)

2.14.030 Methods used to finance services.

The activities described in Section 2 of this ordinance shall be financed through a fee assessed by the City, established by annual ordinance, against the businesses within the district according to reasonable classification based on any or all of the following factors:

1. Type of business
2. Total square footage
3. Location within defined tiers within the district.

(History: Ord. BID-1988 §2, 96; BID-1525 §3, 88)

2.14.040 Downtown Business Improvement District Advisory Board.

The Downtown Business Improvement District Advisory Board is hereby established in accordance with the provisions of the Business Improvement District Act. The duties of the Advisory Board shall be:

1. To monitor and oversee the provision of services financed by Downtown Business Improvement District fees.
2. To submit to the Governing Body of the City of Overland Park, not later than May 15th of each year, a recommended program of services to be performed or provided within the district during the coming calendar year, a proposed budget to accomplish these objectives, and a proposed schedule of fees for assessment on the businesses within the district for these services. The assessment per business shall not increase from year to year without a public hearing to consider the increase.
3. To act as an appeals board for any disputes concerning methods of assessment and fees to businesses within the district. Such appeals shall be submitted to the board in writing. The board shall provide a written response to the appeal no later than sixty (60) days following receipt of the appeal by the Director of Planning and Development Services for the City.

(History: Ord. ROCR-2245 §1, 2001; BID-1525 §4, 88)

2.14.050 Number, method of appointment, and terms of advisory board.

There shall be seven (7) members of the Downtown Business Improvement District Advisory Board who shall be appointed by the Mayor with consent of the Council of the City of Overland Park. Members shall be representative of businesses located within the district. Nothing herein shall prohibit the members of the advisory board from also serving on the board of directors of a not-for-profit corporation with which the City may contract to provide specified services within the district, but no member of the board shall, directly or indirectly, receive compensation for service on the board.

Of the members first appointed to the advisory board, four (4) shall be appointed for a term of one year and three (3) shall be appointed for two years. On the expiration of the term of each board member, subsequent terms shall be for a period of two years. No person shall be a member of the advisory board for a period in excess of six (6) consecutive years.

(History: Ord. BID-1830 §1, 93; BID-1525 §5, 88)

2.14.060 Definitions.

A. Commercial Businesses. The term "Commercial businesses" as used in this ordinance shall mean any individual, sole proprietorship, corporation, partnership or other organization engaged in the exchange, purchase, sale, or trade or manufacturing of any commodities, products, merchandise or services for profit, except those specifically exempted under this ordinance. Each separate business name and address shall be deemed a separate commercial business even though it may be subject to the same ownership. Commercial business shall include but not be limited to the following businesses:

- Department stores
- Apparel and accessories
- Furniture and appliances
- Office supply and quick copy
- Home furnishings
- Food, eating and drinking
- General merchandise and other retail trade
- Finance investment with footage
- Automobile dealerships
- Real estate
- Insurance
- Employment services
- Communications
- Repair
- Utilities
- Industrial manufacturing
- Wholesale warehousing
- Machinery/equipment
- Automotive
- Construction services
- Entertainment

Medical and health related
Legal services Architectural/engineering
Accounting
Educational
Barber and beauty shops

Unoccupied buildings or structures, or parts thereof, which are held by their owner or owners for investment purposes, sale or lease. Each such building or structure which is wholly unoccupied, or that part of such building or structure which is unoccupied, if the building or structure is partially occupied, shall be considered to be a single commercial business.

- B. Non-Commercial Businesses. The term "non-commercial businesses" as used in this ordinance, shall mean any individual, sole proprietorship, corporation, partnership, or other organization, that operates on a not-for-profit basis. Evidence of such non-profit status shall include but not be limited to exemption from state property taxes, or designation by the Federal Internal Revenue Service as a Section 501(C) organization. Non-commercial business shall include but not be limited to the following businesses:

Governmental
Religious
Educational
Charitable
Business/civic/labor associations
Residential

(History: Ord. BIS-1526 §1, 88)

2.14.070 Methods of Assessment.

- A. The owners of all commercial businesses within the district shall be assessed a business improvement service fee for 1997 calendar year according to the following:
1. The minimum fee for each commercial business within tier 1 shall be not less than \$126; the minimum fee for each commercial business within tier 2 shall be not less than \$115.
 2. The maximum fee for each commercial business within tier 1 shall not exceed \$1,200; the maximum fee for each commercial business within tier 2 shall not exceed \$1,100.
 3. Each commercial business within tier 1 shall be assessed at a rate of \$0.19, and each commercial business within tier 2 shall be assessed at a rate of \$.17, per leased or owned square foot of floor area as measured from the inside structural walls.
- B. A fee assessment ordinance shall be adopted for each subsequent calendar year in accordance with the requirements of Kansas Statutes.

(History: Ord. BID-2586 §1, 2005; BID-2368 §1, 2002; BID-1988 §3, 96; BID-1614 §1, 89; BIS-1526 §2, 88)

2.14.080 Administration.

- A. Businesses to be assessed an annual business improvement service fee shall be surveyed by the City of Overland Park, Kansas (hereinafter "City"), in November and billed by the City prior to December 1, except as otherwise provided in this Section. The City may contract with any person, including, but not limited to, the not-for-profit corporation with which the City contracts for other specified services within the district, to do the business surveying specified in this Section. Businesses shall either pay the fee in one installment due January 1, or may elect to pay the fee in two equal installments, the first installment due January 1 and the second installment due June 1, to the City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas, 66212, c/o City Clerk. There shall be no grace period for any business. If the business elects to make only one installment payment, and the fee is not paid by February 15, there shall be added to the fee a late charge of twenty-five per cent (25%) of that fee, and payment in full must be made of the entire amount. If the business intends to elect to make two equal installment payments, the first payment must be paid by February 15. If the first equal installment payment is not received by that date, that business may not elect a two payment option, and payment in full must be made of the full installment and penalty. If the business elects to make two equal payments, and the first installment is timely paid but the second payment is not paid by June 15, a late charge of twenty-five per cent (25%) of that installment will be imposed, and payment in full must be made of that installment and penalty. When invoices for the current fees are sent each year, all unpaid past due amounts will be added to the amount of the current invoice and the new billing will be for a cumulative amount of all outstanding fees, penalties and costs. If it becomes necessary to utilize the services of a collection agency, a collection attorney or court action in order to collect all outstanding obligations then due and owing, including, without being limited to, all overdue fees, penalties, costs and other charges, then the actual cost to the City of said collection agency, collection attorney or court costs shall be added to the amount due the City, shall become part of the final court judgment, if court action is necessary, and all such amounts shall be a legal obligation of the business being assessed.
- B. The following standards shall apply to the assessment, collection and prorating of fees:
1. If a new business becomes located within the District after the annual survey and assessment period, but prior to or on January 1 of a calendar year, that business will be assessed a full year's fee for the forthcoming year; provided, however that if a previous business at that location was assessed a fee, and paid the fee, or portion thereof, for the forthcoming year before vacating the premises, a credit will be given to the new business for that payment. Any unpaid fees will be the joint and several responsibilities of the previously assessed business and the new business, but in no event will duplicate fees be collected.

2. If a new business becomes located within the District after January 1 but prior to July 1 that new business shall be assessed one-half the annual fee for the period from July 1 through December 31 of that year. If a previous business at that location was assessed a fee, and paid that fee or a portion thereof, for that period between July 1 and December 31, a credit will be given to the new business for that payment. Any unpaid fees will be the joint and several responsibilities of the previously assessed business and the new business, but in no event will duplicate fees be collected.
 3. If a new business becomes located within the District after July 1, that new business will not be assessed any fees for the balance of the year. The fees for that year, if any have been assessed to a previous business, shall remain the sole responsibility of the previous business.
 4. No refunds for fees paid will be given to any business properly assessed a fee, regardless of when they vacate the premises and whether or not a new business subsequently becomes located within that location during the balance of the year for which said fees were paid.
 5. For the purposes of this Section, the term “new business” shall refer to a business that begins a new period of operation at a location within the District. If a lessee business vacates the premises or goes out of business after January 1, the fact that if, during the balance of that year only, the owner holds the property for lease, sale or investment for the balance of that year shall not require the owner to pay an assessment for the balance of that year. If the premises continues to be held for lease, sale or investment after December 30 of that year, an assessment and billing of the owner shall take place as specified in this Chapter.
- C. To assist in the administration of business improvement service fees, the Downtown Business Improvement District Advisory Board shall meet regularly with the administrative staff hired through such fees.
- D. The City may use business improvement service fees to contract with a not-for-profit corporation to provide specified services within the District.
- E. The Downtown Business Improvement District Advisory Board or its administrative staff hired through the assessed service fees shall submit to the City Clerk, no later than November 1, a complete list of all businesses to be assessed, their address, gross square footage of leased or owned floor area and fee amount.

(History: Ord. BID-2889 §1, 2010; BID-2494 §1, 2004; BID-2368 §2, 2002; BID-1988 §4, 96; BID-1614 §2, 89; BIS-1526 §3, 88)

2.14.090 Protest Petition.

In the event a protest petition is filed as allowed in K.S.A. 12-1781 et. seq., the voting system shall be one vote per each business assessed, except ownership of unoccupied real estate which shall have one vote per separate location. Separate location shall be defined as each individual building with unoccupied real estate.

(History: Ord. BIS-1526 §4, 88)

2.14.100 Enforcement.

- A. The amount of any unpaid fee, together with any late charges, the payment of which is required hereunder, shall constitute a debt due to the City. No civil judgment shall bar or prevent a criminal prosecution for each and every violation of this Ordinance.
- B. It shall be unlawful for any person who is the owner, manager operator, or person in control of any business required to pay a fee pursuant to this Ordinance to continue to operate said business after said fee, and any late charges, has become past due and remains unpaid. Any person convicted of a violation of this Section shall be fined in a sum no greater than \$500.00 and assessed court costs as determined by the court. Each day of said violation shall constitute a separate offense.

(History: Ord. BID-2844 §2, 2009; BIS-1526 §5, 88)

2.14.110 Validity.

Should any section, subsection, paragraph, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional. The Governing Body of the City of Overland Park, Kansas, hereby declares that it would have passed this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid.

(History: Ord. BIS-1526 §6, 88)

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Chapter 2.15
PLANNING COMMISSION
(This entire chapter has been repealed.)

Sections:

- 2.15.010 Authority for continuation. (Repealed. See 18.120)
- 2.15.020 Membership-Terms-Vacancies. (Repealed. See 18.120)
- 2.15.030 Meetings-Chairmen-Records. (Repealed. See 18.120)
- 2.15.040 Powers and duties of commission. (Repealed. See 18.120)

2.15.010 Authority for continuation.

Repealed. See 18.120.

(History: Ord. ZRR-1725 §2, 92;CPC-657 §1, 1971)

2.15.020 Membership-Terms-Vacancies.

Repealed. See 18.120.

(History: Ord. ZRR-1725 §2, 92; CPC-657 §2, 1971)

2.15.030 Meetings-Chairmen-Records.

Repealed. See 18.120.

(History: Ord. ZRR-1725 §2, 92;CPC-657 §3, 1971)

2.15.040 Powers and duties of commission.

Repealed. See 18.120.

(History: Ord. ZRR-1725 §2, 92;CPC-657 §4, 1971)

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Chapter 2.16
ARTS COMMISSION
(This entire chapter has been repealed)

Sections:

- 2.16.010 Creation. (Repealed)
- 2.16.020 Purpose and Responsibility. (Repealed)
- 2.16.030 Membership. (Repealed)
- 2.16.040 Existing and Future Programs; Responsibility for. (Repealed)

2.16.010 Creation.

Repealed.

(History: Ord. AC-2534 §2, 2005; AC-958 §1, 78)

2.16.020 Purpose and Responsibility.

Repealed.

(History: Ord. AC-2534 §2, 2005; AC-958 §2, 78)

2.16.030 Membership.

Repealed.

(History: Ord. AC-2534 §2, 2005; AC-2436 §1, 2003; AC-1513 §1, 88; AC-958 §3, 78)

2.16.040 Existing and Future Programs; Responsibility for.

Repealed.

(History: Ord. AC-2534 §2, 2005; AC-958 §4, 78)

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Chapter 2.17
LANDMARKS COMMISSION

Sections:

- 2.17.010 Policy and Purpose Statement.
- 2.17.020 Definitions.
- 2.17.030 Creation, Composition, Terms, and Vacancies.
- 2.17.040 Meetings.
- 2.17.050 Landmark Review Process.
- 2.17.060 Criteria for the Review of Landmark Nominations.
- 2.17.070 Certificate of Appropriateness.
- 2.17.080 Minimum Maintenance Requirement.
- 2.17.090 Fees. (Repealed)
- 2.17.100 Penalties.
- 2.17.110 Severability Clause.

2.17.010 Policy and Purpose Statement.

As a matter of public interest, the Governing Body authorizes the protection, enhancement, and perpetuation of properties holding historical, cultural, or architectural merit. The ordinance is intended to:

- A. safeguard historic properties; and
- B. foster civic pride in City landmarks; and
- C. promote the use of landmarks for educational purposes or pleasure; and
- D. create a Landmarks Commission to review historic landmark nominations.

(History: Ord. LC-1348 §1, 85)

2.17.020 Definitions.

The following words and phrases are used in this ordinance and shall have the following meaning, unless a different meaning is plainly stated:

- A. Historic Landmark: Any single building structure, site, or object designated by the Governing Body as having particular historic, cultural, or architectural significance.
- B. Historic district: means buildings, structures, sites or objects taken together having particular historic, cultural, aesthetic or architectural significance and limited in size to that area reasonable for the property identification and maintenance of the district; except that a district designated because of a common thematic element of historic, cultural, aesthetic or architectural significance need not be limited to such an area. Historic districts may include contributing and noncontributing properties.
- C. Contributing properties (Historic Districts): Those properties over 50 years old and found to be representative (i.e. historical, cultural or architectural) of the attributes of the proposed historic district.
- D. Noncontributing properties (Historic Districts): Those properties not 50 years old or not having the same historical, cultural or architectural significance as other properties in the historical district.

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- E. **Historic, Cultural, or Architectural Significance:** That quality present in buildings, structures, sites, objects, and districts which displays the integrity of location, design, setting, materials, workmanship, feeling, and association that reflect the community's historic and cultural values and architecture, and
1. that are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. that are associated with the lives of persons significant in our past; or
 3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a "master," or that possess high artistic values, or that as a district represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. that have yielded, or may be likely to yield, information important in pre-history or history.
- F. **Normal Maintenance and Repair:** Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof, and to restore the same as nearly as may be practicable to its condition prior to the occurrence of such deterioration, decay, or damage.

(History: Ord. LC-2627 §1, 2006; LC-1348 §2, 85)

2.17.030 Creation, Composition, Terms, and Vacancies.

A Landmarks Commission is created and shall be appointed by the Mayor. The Commission shall be composed of seven members who shall serve without compensation. Each of these seven Commissioners shall have a demonstrated interest, knowledge or training in one or more of the following areas: architecture, history, architectural history, historical preservation, real estate, appraisal, geography, urban design, landscape architecture, or sociology. In addition, two of the seven members shall be preservation-related professionals representing one of the areas cited above.

Of these seven members, three shall be appointed for 2-year terms and four shall be appointed for 3-year terms. Vacancies on the Landmark Commission shall be filled by appointment of the Mayor for the unexpired term of the vacant position.

The Commission shall select one of its members to serve as chairperson. This term shall be for a 1-year period. There shall be a limit of two successive terms as chairperson.

(History: Ord. LC-2627 §2, 2006; LC-1348 §3, 85)

2.17.040 Meetings.

The Landmarks Commission shall meet monthly at a regularly scheduled time, provided there is an agenda requiring action by the Landmarks Commission. The chairperson may call special meetings in addition to the monthly meetings. A quorum shall consist of four members.

(History: Ord. LC-2627 §3, 2006; LC-1348 §4, 85)

2.17.050 Landmark Review Process.

The Landmarks Commission shall be responsible for reviewing landmark nominations. The Landmarks Commission may initiate a landmark nomination, however, other individuals or groups may submit applications for landmark nomination. If the application is for a historic district, the application shall include affidavits from the affected landowners of not less than 60 percent of the contributing land area included in the proposed historic district.

The Commission may seek expertise in the areas of historical preservation and historical architecture from knowledgeable individuals from the community. Such individuals may serve the Commission by conducting surveys or research on historical properties, however, they shall serve as ex-officio advisors without voting rights.

Applications for landmark nominations shall be filed with the Planning and Development Services Department. The Director of the Planning and Development Services Department or a designee will be responsible for reviewing the application materials for each nomination to assure that the information presented is complete.

The application shall include but not be limited to the following:

- A. address of proposed landmark; and
- B. legal description; and
- C. description of historical, architectural, or cultural merit and any other information relevant to the application including detailed explanation addressing all 13 criteria for the review of landmark nominations; and
- D. description of past and present land uses; and
- E. address of property owner and applicant; and
- F. photographs, drawings, or sketches of the building and site; and
- G. owner affidavit from affected landowner, if landowner is consenting to the application.

Any application for a historic district shall include those items listed above and the following:

- H.
 1. affidavits from the affected landowners of not less than 60 percent of the contributing land area included in the proposed historic district; and
 2. inventory list of all buildings, homes, sites and objects in the district, including address, historical name (if known), date of construction and a list of all contributing and noncontributing sites, structures and objects within the proposed district; and
 3. proposed design guidelines for applying the criteria for review of future certificate of appropriateness applications; and
 4. the types of architectural features of the structures within the nominated district that should be protected; and
 5. a general description about how the neighborhood/district has been altered or changed through the years, including a description of trends (This is not to be just a list of every change)

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The Landmarks Commission and/or City Council may make amendments to the proposed criteria.

The Director of the Planning and Development Services Department or a designee shall notify the owner of the property containing the proposed landmark, if such person is different than the applicant. This notification shall be done within 10 days of the application date for the landmark nomination.

The notification of the property owner shall include the following:

- A. a copy of the application that was made for the landmark nomination; and
- B. an explanation of the nomination procedure and the consequential property restrictions on locally designated landmarks; and
- C. an explanation stating that the property owner has the right to appear at the scheduled public hearing at which the landmark nomination will be considered and the date of the hearing; and
- D. an explanation stating that the property owner has the right to submit documentation either for or against the landmark nomination.

The application shall be placed on a Landmarks Commission agenda not to exceed 40 days after the application date. Public notice of the hearing shall be published at least 20 days prior to the hearing date in the Overland Park Sun, an official city newspaper and the property owners shall be notified concurrently.

In the case of landmark nominations, the applicant shall place at least one sign in the public right-of-way so as to face each of the streets abutting the subject property informing the general public that a public hearing will be held at a specific time and place concerning the proposed landmark nomination. The sign(s) shall be furnished by the City to the applicant, and the applicant shall maintain the sign(s) for at least the 15 days immediately preceding the date of the public hearing. The sign(s) shall be firmly affixed and attached to a wood or metal backing or frame and placed within the street right-of-way line in a central position in front of the lot, tract or parcel of land so that the sign is free of any visual obstructions surrounding the sign. The applicant shall file an affidavit with the Director of Planning and Development Services or designee at the time of the public hearing verifying that the sign(s) has been maintained and posted as required by this ordinance; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing. The sign(s) may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. It shall be a public offense for any person to remove, deface or destroy any sign provided for in this section.

The Codes Administrator shall be notified of the landmark nomination application. The appropriate administrative precautions shall be taken to prevent the issuance of building or

demolition permits during the time the application is pending. No exterior alterations, additions or changes to any structure on the application property or within the proposed historic district shall be permitted once an application has been submitted, until a final decision has been made by the City Council.

A public hearing shall be held by the Landmarks Commission to consider the landmark nomination. The Landmarks Commission shall make its findings, taking into consideration the criteria for review that is specified in this chapter. The Landmarks Commission shall make a written recommendation either in favor or against the application stating the reasons for their decision. The recommendation will be forwarded to the Governing Body for final consideration in the form of an ordinance. The designation of a Historic Landmark shall be permanent or until such time as the designation is revoked. Revocation of a historical nomination shall require the same procedure as described for the nomination of landmarks.

If a zoning, special use permit (SUP), or preliminary development plan application has been filed, no Landmarks Commission application may be submitted until after the zoning, SUP or preliminary development plan is acted upon by the City Council.

If the City Council approves an application, the Planning and Development Services Department shall be responsible for a photographic survey of said property(ies) for future Certificate of Appropriateness applications or unapproved alterations.

No application for Landmarks Commission shall be accepted if any application for substantially the same property has been filed and advertised for public hearing within the preceding six months. The Director of Planning and Development Services or a designee shall determine if an application concerns “substantially the same property” as a prior application. The applicant may appeal the decision to the City Council.

Immediately upon passage of an ordinance designating a site as a historic landmark, notice shall be sent to the Public Works Department and to the Codes Administrator.
(History: Ord. LC-2627 §4, 2006; LC-2438 §1, 2003; ROCR-2245 §2, 2001; LC-1348 §5, 85)

2.17.060 Criteria for the Review of Landmark Nominations.

- A. The Landmarks Commission shall make a recommendation concerning the designation of a landmark based on one or more of the following criteria. In addition to the following criteria, the Landmarks Commission may adopt by resolution a more extensive list of guidelines for the review of landmark nominations.
1. prior designation on lists of historic sites, including, but not limited to, the National Register of Historic Places, and the Register of Historic Kansas Places;
 2. character, interest or value as part of the development, heritage or culture of the City of Overland Park, State of Kansas, or the United States;
 3. site of a significant historic event;

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4. identification with a person or persons who significantly contributed to the culture and development of the City;
 5. exemplification of the cultural, economic, social or historical heritage of the City;
 6. portrayal of the environment of a group of people in an era of history characterized by distinctive architectural style or sequence of styles;
 7. embodiment of distinguishing characteristics of an architectural type or specimen;
 8. identification as the work of an architect or master builder whose individual work has influenced the development of the City;
 9. embodiment of elements of architectural design, detail, materials, or craftsmanship which represent significant architectural innovation;
 10. relationships to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural motif;
 11. unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
 12. archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest; and
 13. value as an aspect of community sentiment or public pride.
- B. Properties are only eligible for designation if they have achieved the significance required by the above criteria more than 50 years prior to the application date.
- (History: Ord. LC-2627 §5, 2006; LC-2438 §2, 2003; LC-1348 §6, 85)

2.17.070 Certificate of Appropriateness.

- A. No person shall undertake exterior alteration or changes to exterior materials to any structure designated as a landmark or located within a designated historic district and no building or other permit shall be issued therefore, without first obtaining a certificate of appropriateness from the Landmarks Commission.
1. For the purposes of this section, the terms “exterior alterations” and “changes to exterior materials” shall include without being limited to:
 - a. Physical changes such as construction, reconstruction, improvement, repair, removal, demolition or moving of any building, structure or utility.
This includes without being limited to new roof materials, new doors or windows, siding, etc. Painting and roof repair are acceptable exterior alterations.
 - b. Site work, substantial landscaping, substantial planting plan, paving or any changes in the existing land surfaces of the property.
 - c. The erection or placement of any sign.
 2. The term “exterior alterations” or “changes to exterior materials” shall not include:
 - a. Work with respect to utilities, to the extent that no material change results in appearance or to the extent that visibility from any public place is not affected; or

- b. Ordinary and necessary maintenance which results in no change in appearance, provided that the burden of proving application of any such exceptions shall in all instances fall upon that party asserting the applicability of such exception.

The Commission shall review the Certificate of Appropriateness permit request at a public hearing at the next regularly scheduled meeting of the Commission and determine whether the proposed alteration is in keeping with the integrity of the landmark. The Landmarks Commission shall base its decision on the following criteria:

1. that such changes are not detrimental to the historic, cultural, or architectural character of the district, site, building, structure or object, or of other improvements thereon; and
2. that such changes are in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Such determination shall be made in writing by the Landmarks Commission within 30 days from the date of the hearing. An explanation of the decision by the Landmarks Commission shall accompany the recommendation and be forwarded to the Codes Administrator.

For those noncontributing structures in a district, staff will review the Certificate of Appropriateness request against the approved material palette, guidelines for the approved districts, and all other approved district requirements. If the Certificate of Appropriateness is denied by staff, the Certificate of Appropriateness may be appealed to the Landmarks Commission.

- B. In the event that the Landmarks Commission denies a Certificate of Appropriateness for an exterior change or demolition of a designated landmark, a written explanation shall be forwarded to the Codes Administrator stating the reasons for denial. In such case, no building permit may be issued for exterior changes or demolition any time before 12 months and at the discretion of the Codes Administrator, a building permit may be withheld up to a period of 18 months. This interim period will provide an opportunity for negotiations between the applicant and the Landmarks Commission to discuss alternative actions to the proposed changes or demolition. The applicant may petition the Landmarks Commission for a rehearing in the event that a Certificate of Appropriateness is denied when significant physical or economic hardship can be shown because of the denial, or if the change substantially affects the health, safety, or general welfare of the Public or when the reapplication is significantly different from the original request.

In the event the application is denied at the rehearing or a rehearing is denied, the applicant may appeal to the Governing Body within 30 days of the decision of the Landmarks Commission.

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- C. Changes in the zoning, requests for special use permits, or requests for variances or exceptions on property which contains or which is a locally designated landmark, shall require a Certificate of Appropriateness from the Landmarks Commission. The Landmarks Commission shall review the request in terms of its effect on the designated landmark and make a written recommendation to be submitted prior to the public hearing scheduled to consider the request. The Landmarks Commission shall consider whether the proposed change will adversely affect the landmark in terms of its historic, cultural, or architectural character.

(History: Ord. LC-2627 §6, 2006; LC-1348 §7, 85)

2.17.080 Minimum Maintenance Requirement.

Property owners of locally designated landmarks shall provide reasonable care, maintenance and upkeep appropriate for the protection, preservation, enhancement, perpetuation, or use in compliance with the terms of zoning, property, maintenance, nuisance, weed and grass control laws in the Code of the City of Overland Park, Kansas, and other such provisions affecting the appearance and upkeep of the property.

(History: Ord. LC-1348 §8, 85)

2.17.090 Fees.

Repealed.

(History: Ord. LC-2438 §3, 2003; LC-1348 §9, 85)

2.17.100 Penalties.

A. Violations and Remedy of City

1. It shall be the duty of the Codes Administrator to enforce this article.
2. It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze, maintain, excavate, zone, place signs in or on any Historic Landmark in violation of the provisions of this ordinance. In addition to other remedies, the City may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, restoration, demolition, razing, maintenance, excavating, zoning or placement of a sign to restrain, correct or abate such violation.

B. Fine and penalties

Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of the ordinances of the city for which another penalty is not specifically provided is guilty of a public offense and punishable by a fine of not more than five hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person; and he shall be punished accordingly.

(History: Ord. LC-2627 §7, 2006; LC-1348 §10, 85)

2.17.110 Severability Clause.

If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part, thereof.

(History: Ord. LC-1348 §11, 85)

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Chapter 2.18
CITY MANAGER

Sections:

- 2.18.010 Duties.
- 2.18.020 Purchase of supplies-Records and reports. (Repealed. See OPMC 3.10.010)
- 2.18.030 Advertisement for bids -Report. (Repealed. See OPMC 3.10.010)
- 2.18.040 Approval of bills by Governing Body and Manager. (Repealed. See OPMC 3.10.010)
- 2.18.050 Bond.
- 2.18.060 Administrative Assistant to City Manager. (Repealed. See OPMC 3.10.010)
- 2.18.070 City Manager authorized to enter into and execute certain contracts and agreements on behalf of the City.
- 2.18.080 City Manager authorized to accept or approve certain documents on behalf of the City.
- 2.18.090 City Manager authorized to approve certain change orders on behalf of the City.

2.18.010 Duties.

The City Manager shall perform such duties as are required by law and shall have authority to establish and direct an organizational structure and issue administrative policies for internal operations necessary to carry out the policies of the Governing Body in accordance with and within the scope of the annual budget.

(History: Ord. AP-853 §7, 75; DUO-745)

2.18.020 Purchase of supplies-Records and reports.

Repealed. See OPMC 3.10.010

(History: Ord. AP-853 §9, 75; PS-221, §1, 63)

2.18.030 Advertisements for bids-Report.

Repealed. See OPMC 3.10.020

(History: Ord. AP-853 §9, 75; PS-717 §1, 72; PS-221A §2, 68; PS-221 §2, 63)

2.18.040 Approval of bills by Governing Body and Manager

Repealed. See OPMC 3.10.030

(History: Ord. AP-853 §10, 75; PS-221 §3, 63)

2.18.050 Bond.

It is declared and established that the City Manager shall be bonded for the faithful performance of his duties in the amount of \$10,000.

(History: Ord. MB-220 §1, 63)

2.18.060 Administrative Assistant to City Manager.

Repealed.

(History: Ord. AP-853 §11, 75; DUO-745 §2, 73; CDUP-612B §2, 71; CDUP-612 §2B, 70)

2.18.070 City Manager authorized to enter into and execute certain contracts and agreements on behalf of the City.

Notwithstanding anything to the contrary found in existing ordinances and resolutions of the City, the City Manager or designee may enter into and execute, on behalf of the City, all contracts and agreements when consideration does not exceed \$50,000.

(History: Ord. CM-2290 §1, 2001)

2.18.080 City Manager authorized to accept or approve certain documents on behalf of the City.

Notwithstanding anything to the contrary found in existing ordinances and resolutions of the City, the City Manager or designee may accept or approve, on behalf of the City, all easement documents, deeds of dedication, contract work orders and utility relocation and right-of-way certifications and agreements.

(History: Ord. CM-2290 §2, 2001)

2.18.090 City Manager authorized to approve certain change orders on behalf of the City.

A. Notwithstanding anything to the contrary found in existing ordinances and resolutions of the City, the City Manager or designee may approve, on behalf of the City, monetary change orders to existing contracts when the aggregate amount of the change orders does not exceed 10% of the base contract amount, subject to availability of authorized funding.

B. Notwithstanding anything to the contrary found in existing ordinances and resolutions of the City, the City Manager or designee may approve, on behalf of the City, all non-monetary change orders.

(History: Ord. CM-2290 §3, 2001)

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Chapter 2.21 PERSONNEL

Sections:

- 2.21.010 Duties.
- 2.21.020 Pre-employment investigation.

2.21.010 Duties.

All heads of departments and all subordinate officers and employees of the City shall be appointed by the City Manager and shall perform such duties and functions as prescribed by law and as directed by the City Manager.

(History: Ord. AP-853 §12, 75; DU0-745 §3, 73; CDUP-612B §2, 71; CDUP-612 §2(C), 70)

2.21.020 Pre-employment investigation.

The Human Resources Director or his or her designated representative shall conduct a pre-employment investigation of all persons applying for or seeking positions with the City of Overland Park, except for those positions to be filled by commissioned police personnel. The Chief of Police or his designated representative shall conduct a pre-employment investigation of applicants for those positions to be filled by commissioned police personnel and shall provide supplemental pre-employment investigations for noncommissioned personnel within the police department. Further, the Overland Park Police Department is authorized and directed to aid the Human Resources Director in fulfilling the requirements of this section by supplying any requested information it may possess regarding the person seeking employment.

(History: Ord. AP-1500 §1, 88; AP-952 §1, 77)

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Chapter 2.22
CODE OF ETHICS

Sections:

- 2.22.010 Adoption of Code of Ethics and Declaration of Policy.
- 2.22.020 Responsibilities of Public Office.
- 2.22.030 Substantial Interest Defined.
- 2.22.040 Participation in City Contracts.
- 2.22.050 Participation in Other Matters.
- 2.22.060 Disclosure of Tax Exempt Corporations.
- 2.22.070 Restriction on Former Employees in Matters Connected with their Former Duties.
- 2.22.080 Restriction on Former Employees in Selling to the City.
- 2.22.090 Sanctions.

2.22.010 Adoption of Code of Ethics and Declaration of Policy

There is hereby established a Code of Ethics for all City employees, whether paid in whole or in part by the City, or unpaid. The purpose of this Code is to establish ethical standards of conduct for all City employees by setting forth those acts or actions that are incompatible with the best interests of the City. The provisions and purpose of this Code and such rules and regulations as may be established by the City Manager are hereafter declared to be in the best interests of the City of Overland Park, Kansas.

(History: Ord. COE-1694 §1, 91)

2.22.020 Responsibilities of Public Office

City employees hold employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Kansas and to carry out impartially the laws of the nation and state, as well as the City of Overland Park, Kansas, and thus to foster respect for all government. They are bound to discharge faithfully the duties of their employment, regardless of personal considerations, recognizing that the public interest must be their primary concern.

(History: Ord. COE-1694 §2, 91)

2.22.030 Substantial Interest Defined

- A. "Substantial interest" means any of the following: (a) If an employee or an employee's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the employee has a substantial interest in that business.
- B. If an employee or an employee's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the employee and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the employee has a substantial interest in that business or combination of businesses.

Chapter 2.22

- C. If an employee or an employee's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the employee has a substantial interest in that business or combination of businesses.
- D. If an employee or an employee's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the employee has a substantial interest in that business, irrespective of the amount of compensation received by the employee or employee's spouse.
- E. If an employee or an employee's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the employee has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the employee or the employee's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(History: Ord. COE-1694 §3, 91)

2.22.040 Participation in City Contracts

- A. No City employee shall, in the capacity of such an employee, make or participate in the making of a contract with any person or business by which the employee is employed or in whose business the employee has a substantial interest;
- B. No person or business shall enter into any contract where any City employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- C. A City employee does not make or participate in the making of a contract if the employee abstains from any action in regard to the contract.
- D. This section shall not apply to the following:
 - 1. Contracts let after competitive bidding has been advertised for by published notice; and
 - 2. Contracts for property or services for which the price or rate is fixed by law.
- E. Any City employee who has a substantial interest in a business submitting a bid for award of a City contract must inform the City in writing as part of the bid submission, that the employee has a substantial interest in the business and the nature of the substantial interest. For purposes of this subparagraph only, the term "substantial interest" shall mean the following: If an employee or an employee's spouse, either individually or collectively, has owned within the preceding twelve months a legal or equitable interest exceeding five percent of any business.

(History: Ord. COE-2370 §1, 2002; COE-1694 §4, 91)

2.22.050 Participation in Other Matters

- A. Any City employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the employee has a substantial interest, file a written report of the nature of the interest with the Johnson County Election Commissioner.
- B. A City employee does not pass or act upon any matter if the employee abstains from any action in regard to the matter.

(History: Ord. COE-1694 §5, 91)

2.22.060 Disclosure of Tax Exempt Corporations

Although a City employee does not have a substantial interest in a not-for-profit organization which is exempt from federal taxation under Section 501(c) (3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code by virtue of holding the position of officer, director, associate, partner or proprietor, the employee must disclose this interest if he/she intends to participate in any matter between the City and the organization. The disclosure must be filed with the Johnson County Election Officer before the employee acts on the matter.

(History: Ord. COE-1694 §6, 91)

2.22.070 Restrictions on Former Employees in Matters Connected with their Former Duties

- A. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:
 - 1. judicial or other proceeding, application, request for a ruling, or other determination;
 - 2. contract;
 - 3. claim; or
 - 4. charge or controversy,
 in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while employed by the City, and where the City is a party or has a direct and substantial interest.
- B. It shall be a breach of ethical standards for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:
 - 1. Judicial or other proceeding, application, request for a ruling, or other determination;
 - 2. contract;
 - 3. claim; or
 - 4. charge or controversy,
 which arose during the employment of the former employee and which were within the official responsibility of the former employee; provided that the City is a party or has a direct or substantial interest in the matter.

(History: Ord. COE-1694 §7, 91)

2.22.080 Restriction on Former Employees in Selling to the City

It shall be a breach of ethical standards for any former employee to engage in selling or attempting to sell supplies, services, or construction to the City for one year following the date employment ceased.

The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this Section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this city, nor shall a former employee be precluded from serving as a consultant to this City.

This section shall not apply to the following:

1. If the former employee, before he/she engages in or attempts to sell, makes a full disclosure to the Governing Body of the former employee's date of employment and position with the City, and the Governing Body determines that it is in the best interest of the City to permit the former employee to sell or attempt to sell such supplies, services, or construction.
2. Participation in the competitive bidding process after competitive bidding has been advertised for by published notice or to contracts let after such competitive bidding, provided the former employee must make a full disclosure of the former employee's dates of employment and position with the City. This disclosure shall be in the form of a cover letter attached to the bid documents submitted by the former employee.
3. Contracts for property or services for which the price or rate is fixed by law.

(History: Ord. COE-2596 §1, 2006; COE-1694 §8, 91)

2.22.090 Sanctions

Violations shall be an administration matter. For violations of the provisions of Section 4 of this ordinance, the employee shall be terminated. Violations of any provisions of this ordinance, except Section 4, may constitute a cause for suspension, termination, or other disciplinary action. Violations of any provision of this ordinance may constitute cause to cancel any contract, cease negotiations on any contract and rescind or modify any previous action based upon any such violation.

(History: Ord. COE-1694 §9, 91)

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Chapter 2.24
CITY ATTORNEY-ASSISTANT SPECIAL ATTORNEYS
(This entire chapter has been repealed.)

Sections:

- 2.24.01 Duties. (Repealed)
- 2.24.02 Assistant City Attorneys - Duties. (Repealed)
- 2.24.03 Appointment of Attorney and Special Attorney or Counselor. (Repealed)

2.24.010 Duties.

Repealed.

(History: Repealed by Ord. AP-853 §13, 75; DU0-745 §4, 73; CDUP-612B §2, 71; CDUP-612 §2(D), 70)

2.24.020 Assistant City Attorneys - Duties.

Repealed.

(History: Repealed by Ord. AP-853 §13, 75; DU0-745 §5, 73; CDUP-612B §2, 71; CDUP-612 70)

2.24.030 Appointment of Attorney and Special Attorney or Counselor.

Repealed.

(History: Repealed by Ord. AP-853 §13, TS; CDUP-612B §2, 71; CDUP-612 §2(F), 70)

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Chapter 2.27
CITY TREASURER

Sections:

- 2.27.010 Exemption from K.S.A. Sections 13-526 & 13-2-107.
- 2.27.020 Bond-Deposit of Moneys-Duties.
- 2.27.030 Requirements of Bond.
- 2.27.040 Deposit of Moneys with Treasurer - Receipt.
- 2.27.050 Deposits in Bank - Bond - Bank duties.
- 2.27.060 Separate Account for Each Fund - License Fees - Other Duties - Salary.
- 2.27.070 Deputy City Treasurer. (Repealed)

2.27.010 Exemption from K.S.A. Sections 13-526 and 13-2107.

Overland Park, a mayor-council-city manager city of the first class, by the power invested in it by Article XII, Section 5 of the Constitution of the state of Kansas elects to and exempts itself from and makes inapplicable to it 13-526 and 13-2107 K.S.A., said section applying only to cities of the first class, and providing substitute and additional provisions as hereinafter set forth in this chapter.

(History: Charter Ord.11 §1, 70)

2.27.020 Bond-Deposit of Moneys-Duties.

The City Treasurer shall give bond to the City as may be required by and which shall be approved by the Governing Body and filed with the City Clerk. He shall deposit at reasonable times all money in some responsible bank or banks to be designated by the Governing Body, in the name of such treasurer as such officer. Before making such deposits the council shall take from such bank or banks a good and sufficient bond or bonds, in a sum to be designated by the council, conditioned that such deposit shall be promptly paid on the check or draft of the treasurer; and in the monthly report of the treasurer he shall state the amount deposited in and drawn out of such bank or banks during the previous month; and no funds shall be paid by the treasurer except by check or draft on such bank or banks, and all checks and drafts drawn by the treasurer on such bank or banks shall be countersigned by the City Clerk who shall keep an accurate record of each check or draft so countersigned by him; and it shall further be the duty of the City Treasurer, in this monthly report to the council to make an itemized statement of the various sums received and paid out by him during the preceding month, from whom received, and on what account; and the treasurer shall keep a separate account of each fund received by him, and shall credit each account with the funds received therefor, and charge each account with the amount legally drawn thereon or paid out therefrom; and no money shall be paid out of one fund which belongs to another. All money paid to the City for licenses, taxes, or for any other purpose whatever, shall be paid to the City Treasurer, who shall issue duplicate receipts therefor, one of which shall be filed with the City Clerk, who shall enter and charge to the treasurer the same in a book kept for this purpose, and the City Clerk shall not issue any license until there is first filed with him a receipt from the City Treasurer showing that the full amount of the license has been paid.

(History: Charter Ord. 11 §2, 70)

2.27.030 Requirements of Bond.

The City Treasurer shall give a good and sufficient surety company bond to the City in such amount and in such form as may be required by the Governing Body, and the cost of such bond, if any, shall be borne by such city; and the bond, before its acceptance, shall be approved by the mayor and Governing Body, and shall be conditioned for the faithful discharge of his duties, and that such treasurer shall safely keep all public moneys entrusted to his care, and save such city free and harmless from all loss caused by neglect of duty or malfeasance in office. The board shall require the treasurer to give a new bond whenever, in its opinion, the existing bond is insufficient; and whenever such new bond is required, he shall perform no official act until such bond shall be given and approved in the manner aforesaid. It shall be his duty to receive and keep all money belonging to the City, and to pay out the same on warrants drawn by the City Clerk under the seal of such city, and signed by the mayor and countersigned by the auditor or City Clerk and not otherwise.

(History: Charter Ord. 11 §3(part), 70)

2.27.040 Deposit of Moneys with Treasurer - Receipt.

All moneys belonging to such city and received by any officer or agent thereof, from collection, fines, or any other source whatsoever, shall be by him deposited with the City Treasurer daily. For all moneys received the City Treasurer shall give duplicate receipts in all cases, one to the party paying the money into the treasury and one to the auditor or City Clerk. All persons charged with the collection of any money under this act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the treasurer's receipt to the auditor or City Clerk, who shall countersign the original receipt and retain the duplicate. The party paying shall then hold the original receipt. The treasurer shall render a full and correct itemized statement of all receipts and payments to the Governing Body at their first regular meeting in each month, and at such other times as may be required by the Governing Body or the mayor.

(History: Charter Ord. 11 §3(part), 70)

2.27.050 Deposits in Bank - Bond - Bank duties.

The City Treasurer shall make deposits in some responsible bank or banks as shall be received by him from all sources of revenue whatsoever, to his credit as treasurer of such city, and the banks to be selected by the Governing Body. The bank shall also execute and deliver to such city a good and sufficient surety company bond, to be approved by the Governing Body, conditioned that such bank will safely keep and account for and pay over the money promptly on the check or draft of the treasurer; or in lieu thereof the bank may deposit with the City Treasurer and the City Treasurer is authorized to accept as security for the deposit of the money, such bonds of the United States, of the state of Kansas, or of some city, school district, or municipality of the state of Kansas, to be approved by the Governing Body, to be kept by the City Treasurer in accordance with the requirements of Section 9-142 of the General Statutes of 1935, and amendments thereto, or such other securities as are by law provided, as a pledge that such bank will safely keep and account for and pay over the money promptly on the check or draft of the treasurer; and, in the event that such bank does not safely keep and account for and pay over the money promptly on the check or draft of the treasurer, the joint control of the custody of such bonds deposited as security for the City's deposit, shall cease when the City shall

have given three days' notice of such default to the depositing bank and to the company having control of the safety-deposit vault in which the same are deposited, after which date the Governing Body of the City is empowered to immediately take possession of said securities given as such pledge and advertise the same for sale by three days' publication in a designated newspaper of general circulation, published in the City, and sell the same not less than ten days from and after the date of the last publication of said advertisement to the highest bidder for cash, and shall apply the funds so received, first, to the payment of the City of the funds on deposit in the bank at the time of the default; and, second, if the proceeds of the bonds when sold, exceed the amount of such deposit, the remainder of such proceeds, less the costs of the sale, shall be paid by the City to the bank and/or its legal representative; and no funds shall be paid out by the treasurer except by check or draft upon such bank or banks, and all checks or drafts drawn by the treasurer on such bank or banks shall be countersigned by the auditor or City Clerk, who shall keep an accurate record of each check or draft so countersigned by him.
(History: Charter Ord. 11 §3(part), 70)

2.27.060 Separate Account for Each Fund - License Fees - Other Duties - Salary.

The treasurer shall also keep a separate account of each fund, and shall credit each account with the funds received therefor, and charge each account with the amount legally paid out therefrom; and no money shall be paid out of any one fund for any object or purpose other than that for which the fund was created. The City Clerk shall issue no license until there is filed with him a receipt from the City Treasurer, showing that the full amount of the license fee has been paid. The City Treasurer shall perform such other duties as may be required of him by the Governing Body. He shall receive such salary as agreed upon by the Governing Body, which shall be fixed by ordinance.
(History: Charter Ord. 11 §3(part), 70)

2.27.070 Deputy City Treasurer.

Repealed.
(History: AP-853 §14, 75; CT-365 §3, 65)

[Next Page is 2-1500]

Chapter 2.33 MUNICIPAL COURT

Sections:

- 2.33.002 Jurisdiction. (Repealed)
- 2.33.004 Municipal Judges - Appointment. (Repealed)
- 2.33.007 Municipal Judges - Powers and Duties. (Repealed)
- 2.33.008 Court Sessions. (Repealed)
- 2.33.010 Court Facilities. (Repealed)
- 2.33.012 Staff. (Repealed)
- 2.33.014 City Attorney. (Repealed)
- 2.33.016 Prosecutions - Docket. (Repealed)
- 2.33.018 Police. (Repealed)
- 2.33.020 Complaint. (Repealed)
- 2.33.022 Warrant. (Repealed)
- 2.33.024 Bail. (Repealed)
- 2.33.026 Continuance. (Repealed)
- 2.33.028 Witnesses. (Repealed)
- 2.33.030 Trial - Plea. (Repealed)
- 2.33.032 Judgment. (Repealed)
- 2.33.034 Contempt. (Repealed)
- 2.33.036 Malicious Prosecution. (Repealed)
- 2.33.038 Refusal to Prosecute. (Repealed)
- 2.33.040 Bond Forfeitures. (Repealed)
- 2.33.042 Appeal by Defendant. (Repealed)
- 2.33.044 Appeal by City. (Repealed)
- 2.33.046 Parole and Suspension. (Repealed)
- 2.33.048 Court Reports. (Repealed)
- 2.33.050 Abandoned Vehicle. (Repealed)
- 2.33.060 Court Costs and Fine for Parking Violation. (Repealed)
- 2.33.080 Violation of Other Ordinances Court Costs. (Repealed)
- 2.33.120 Definitions. (Repealed)
- 2.33.130 Search Without Search Warrant. (Repealed)
- 2.33.140 Grounds for Search Warrant. (Repealed)
- 2.33.150 Procedure for Issuance of Search Warrant. (Repealed)
- 2.33.160 Persons Authorized to Execute Search Warrants. (Repealed)
- 2.33.170 Execution of Search Warrants. (Repealed)
- 2.33.180 Command of Search Warrant. (Repealed)
- 2.33.190 Use of Force in Execution of Search Warrant. (Repealed)
- 2.33.200 Detention and Search of Persons on Premises. (Repealed)
- 2.33.210 When Search Warrant May Be Executed. (Repealed)
- 2.33.220 No Warrant Quashed for Technicality. (Repealed)
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- 2.33.290 Municipal Judges; Powers and Duties.
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- 2.33.340 Plea of not guilty; trial; time; continuance. (Repealed)
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- 2.33.355 Complaint; requirements form.
- 2.33.360 Same; how used; issuance of warrant; refusal to issue; effect.
- 2.33.365 Notice to appear; contents; form.
- 2.33.370 Complaint and notice to appear in municipal court.
- 2.33.375 Notice to appear; when used.
- 2.33.380 Same; service; return.

2.33.002 Jurisdiction.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §1, 73)

2.33.004 Municipal Judges-Appointment

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §2, 73)

2.33.007 Municipal Judges-Powers and duties.

(History: Repealed by Ord. AP-853 §15, 75; DUO-745 §6, 73 (Eff. 4/11/73))

2.33.008 Court Sessions.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §4, 73)

2.33.010 Court Facilities.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §5, 73.)

2.33.012 Staff.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §6, 73.)

2.33.014 City Attorney.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §7, 73)

2.33.016 Prosecutions - Docket.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §8, 73)

2.33.018 Police.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §9, 73)

2.33.020 Complaint.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §10, 73)

2.33.022 Warrant.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §11,73)

2.33.024 Bail.

(History: Repealed by Ord. AP-853 & 15, 75; MCP-707 §12, 73)

2.33.026 Continuance.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §13, 73)

2.33.028 Witnesses.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §14, 73)

2.33.030 Trial - Plea.

(History: Repealed by Ord. AP-853 §5, 75; MCF-707 §15, 73)

2.33.032 Judgment.

(History: Repealed by Ord AP-853 §15, 75; MCP-707 §16, 73)

2.33.034 Contempt.

(History: Repealed by Ord. AP-853 §1, 75; MCP-707 §17, 73)

2.33.036 Malicious Prosecution

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §18, 73)

2.33.038 Refusal to Prosecute.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §19. 731.

2.33.040 Bond Forfeitures.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §20 73)

2.33.042 Appeal by Defendant.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §21, 73)

2.33.044 Appeal by City.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §22, 73)

2.33.046 Parole and Suspension.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §23, 73)

2.33.048 Court Reports.

(History: Repealed by Ord. AP-853 §15, 75; MCP-707 §24, 73)

2.33.050 Abandoned Vehicle.

(History: Repealed by Ord. AP-853 §15, 75; MCE-613 §1, 71)

2.33.060 Court Costs and Fine for Parking Violation.

(History: Repealed by Ord. AP-853 §15, 75; CCV0-451-A §1, 68; CCV0-451 §1, 67)

2.33.080 Violation of Other Ordinances Court Costs.

(History: Repealed by Ord. AP-853 §15, 75; CCV0-451-A §2, 68; CCV0-451 §3, 67)

2.33.120 Definitions.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §1, 71)

2.33.130 Search Without Search Warrant.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §2, 71)

2.33.140 Grounds for Search Warrant.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §3 71)

2.33.150 Procedure for Issuance of Search Warrant.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §4, 71)

2.33.160 Persons Authorized to Execute Search Warrants.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §5, 71)

2.33.170 Execution of Search Warrants.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §6, 71)

2.33.180 Command of Search Warrant.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §7, 71)

2.33.190 Use of Force in Execution of Search Warrant.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §8. 71)

2.33.200 Detention and Search of Persons on Premises.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §9, 71)

2.33.210 When Search Warrant May Be Executed.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §10, 71.)

2.33.220 No Warrant Quashed for Technicality.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §11, 71.)

2.33.230 Custody and Disposition of Thing Seized.

(History: Repealed by Ord. AP-853 §15, 75; SW-652 §12, 71.)

2.33.290 Municipal Judges; Powers and Duties.

- A. The Municipal Judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by him or her, and may fine or imprison for contempt, in the same manner and to the same extent as the district court.
- B. The Municipal Judge shall have the power to hear and determine all cases properly brought before him or her, to grant continuances, to sentence those found guilty to a fine or confinement in jail or in a house arrest program, or both such fine and confinement, to commit accused persons to jail in default of bond, to determine applications for parole, to release on probation, to grant time in which a fine may be paid, to correct a sentence, to suspend imposition of a sentence, to set aside a judgment, to permit time for post trial motions and to discharge accused persons.
- C. The Municipal Judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.
- D. The Municipal Judge shall maintain a docket in which he or she shall enter every cause commenced before him or her. Said docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.
- E. Court security officers.
 - 1. In addition to all the powers and duties of the Municipal Judge, the Presiding Judge of the Municipal Court is authorized to appoint court security officers, in such numbers and for such compensation as is in accordance with the annual budget adopted by the Governing Body. The court security officers shall serve under the direction and control of the Presiding Judge, who shall set the qualifications for appointment to that office consistent with the requirements of law. The Mayor may issue commissions and badges for the court security officers upon the recommendation of the Presiding Judge.
 - 2. The duties of a court security officer shall include enforcing and serving court orders and processes, maintaining public order in the court operations and facilities, protecting the court and its officers in the exercise of their judicial functions, and executing all orders issued or made by lawful authority of the Municipal Court. A court security officer may, subject to the direction and control of the Presiding Judge as set forth in subsection E(1), exercise the power to make an arrest or otherwise take a person into custody, detain or otherwise restrain a person, carry firearms, concealed or otherwise, serve process, or exercise any other lawful power necessary to execute or enforce Municipal Court orders or perform their duties as specified in this subsection. The Presiding Judge may delegate, at his or her discretion, supervision of the court security officer to the Court Administrator. The Court Administrator shall receive training in supervision of commissioned personnel. The Mayor may issue a commission and badge for the Court Administrator upon the recommendation of the Presiding Judge.

F. The Municipal Judge shall have the authority to establish the sessions, dockets and locations of the municipal court as set forth in O.P.M.C. 2.33.291.

(History: Ord. MCC-2572 §1, 2005; MCC-2498 §5, 2004; MCC-2351 §1, 2002; MCP-1987 §1, 96; Ch. Ord. 61)

2.33.291 Sessions, Dockets and Locations of the Municipal Court.

Municipal Court shall be held on each day of the year, except Saturdays, Sundays, City recognized holidays, or at other times determined by the Presiding Judge, provided, the Presiding Judge, or if the Presiding Judge is unavailable, a Municipal Judge, shall have the authority to find that an emergency, disaster or other compelling reason exists not to hold court. Dockets of the Municipal Court shall be established and scheduled by the Presiding Judge. Municipal Court shall convene in the W. Jack Sanders Justice Center located at 12400 Foster, Overland Park, Kansas, provided, during times of an emergency, disaster or other times when the W. Jack Sanders Justice Center facility is uninhabitable or unavailable for court, the Presiding Judge, or if the Presiding Judge is unavailable, a Municipal Judge shall have the authority to designate an alternative location for the Municipal Court, provided, the alternative location is as close to the W. Jack Sanders Justice Center as reasonably possible.

(History: Ord. MCC-2351 §2, 2002)

2.33.294 Sentencing.

A. Whenever an accused person is found guilty of the violation of an ordinance, the Municipal Judge may:

1. Release the accused person without imposition of sentence; or
2. Release the accused person on probation after the imposition of sentence without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection E; or
3. Impose such sentence of fine, imprisonment, or both, as may be authorized for the ordinance violation; or
4. Suspend any sentence or fine imposed subject to conditions imposed by the court as provided in subsection E; or
5. After any portion of said imprisonment has been served, release the accused person on parole, subject to conditions imposed by the court as provided in subsection E.

B. In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the administrative judge of the judicial district or licensed by the secretary of social and rehabilitation services.

- C. Except as provided in subsection D, in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by the uniform controlled substances act (K.S.A. 65-4101 et seq. and amendments thereto) or K.S.A. 41-719, 41-727, 41-804, 41-2719, 41-2720, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto, the Municipal Judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by the statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.
- D. If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection C are permissive and not mandatory.
- E. The court may impose any conditions of probation, parole or suspension of sentence that the court deems proper. In the case of a probation or parole, the following conditions are mandatory, however any additional conditions the court deems proper may be ordered by the court. The defendant shall:
1. not violate the laws of the United States or of any state or city with the exception of minor traffic infractions;
 2. not use, consume, possess or ingest any intoxicating liquor, cereal malt beverage, or any other mood altering substance or drug without a doctor's prescription;
 3. not associate with anyone who has been convicted of a crime, excepting persons who have been convicted solely of traffic infractions;
 4. not move from his or her current address without prior notification and the written permission of the Court or his/her Probation Officer;
 5. submit to a test of saliva, breath, blood, or urine at any time during the term of Probation, if requested to do so by his/her Probation Officer, Prosecutor, Judge, or any law enforcement officer at his/her own expense and further agrees that the results of said tests shall be admitted against him/her in his/her Probation revocation hearing and stipulates to the evidentiary foundation thereof;
 6. if a motion to revoke is filed during the term of the probation or parole, continue to report as directed and continue to abide by the terms and conditions of the probation;
 7. notify his/her Probation Officer in writing within 72 hours of any arrest. The term "arrest" shall include instances during which he is stopped or questioned by a law enforcement officer regarding violation of the law, whether or not charges are filed at that time, as well as instances where he is released upon the issuance of a ticket or Notice to Appear or released pending the mailing of charges in the future;

8. report to his/her Probation Officer not less than one time per month, and at such other times and in such a manner as directed by the Court or his/her Probation Officer. Failure to report to the Court as ordered may result in the summary revocation of the probation by the Court;
 9. clear all outstanding warrants within thirty (30) days and remain warrant free during the term of probation;
 10. comply with all recommendations of his/her evaluation, if one was ordered;
 11. pay any applicable fine, costs, or restitution in the matter as directed by the court; and
 12. report to jail, weekend intervention, education classes, counseling, victim impact panels, offender mediation and/or treatment as ordered by the court.
- F. In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance, the judge may order such person to reimburse the City for all or a part of the reasonable expenditures by the City to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- G. The term of probation, parole or suspended sentence shall not exceed two years, although the judge may discharge the person at any time for good cause shown. If the person has been convicted of violating municipal ordinance provisions that prohibit conduct comparable to a misdemeanor under the Kansas criminal statutes, the term of probation, parole or suspension ordered by the court is subject to renewal and extension for additional periods not exceeding an additional two years upon the court's finding that the defendant has not yet successfully completed the conditions imposed therein within the original term of probation.
- H. The Municipal Judge may revoke such probation, parole or suspended sentence for violation of conditions by directing the appropriate law enforcement officers to execute the sentence and imprison the defendant for the time specified by the court, which shall not exceed the initial sentence imposed, less any time served and may order the payment of any previously probated, suspended or paroled fines and fees. Upon an affidavit submitted to the court by a Court Services Officer, Prosecutor, or Community Corrections Officer alleging that the defendant has violated the conditions of release, the court may order the defendant incarcerated pending a hearing to revoke probation, parole, or suspended sentence. The affidavit, which shall contain a request for incarceration pending a hearing, shall be served on the defendant.

- I. For purposes of this Chapter, the terms “imprisonment” or “imprison” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of the accused person including, but not limited to any adult detention center, a juvenile detention center as allowed by law, house arrest, assignment to a community corrections residential center or any other environment approved by the Governing Body of the City.

(History: Ord. MCC-2664 §1, 2007; MCC-2498 §6, 2004; MCP-1987 §2, 96; Ch.Ord. 51)

2.33.296 Parole.

Repealed.

(History: Ord. MCC-2498 §7, 2004; MCP-1987 §3, 96; Ch.Ord. 51)

2.33.300 Schedule of Costs and Fees.

1. There is hereby established the following schedule of costs and fees for the administration of justice in the municipal court of Overland Park, Kansas:
 - a. Costs of one dollar and fifty cents (\$1.50) shall be assessed against each accused person who is found guilty of, or who is diverted from prosecution for violating any ordinance of the City of Overland Park, *except*, that this subsection shall not apply to a person who is found guilty of, or who is diverted from prosecution for violating any ordinance of the City of Overland Park that involves a parking violation or that involves failure to use safety belts or failure to use child restraint belts. For the purpose of determining the amount to be assessed according to this subsection, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. These costs are imposed for the operation of the City's victim assistance program;
 - b. Costs may be assessed against each accused person in any case in which the accused person has failed to appear in court or to satisfy the financial or other requirements of the court's order. These costs shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) and amendments thereto. The court may assess these costs for each case in which the person failed to appear or to make satisfaction regardless of the disposition of the case for which the complaint was originally issued;
 - c. A monitoring fee of thirty-five dollars (\$35.00) per month shall be assessed against a defendant in any case in which the Municipal Court Judge orders said defendant placed on probation or parole or in which the City Attorney enters a diversion agreement. Said fee shall be assessed for each month the defendant is required to report to a probation/parole/diversion officer;
 - d. A fee in the amount of ninety dollars (\$90.00) shall be assessed against a defendant in each case in which the Municipal Court Judge appoints counsel for said defendant;

- e. A fee in the amount of thirty-five dollars (\$35.00) per day shall be assessed against a defendant in each case in which said defendant is incarcerated pursuant to an order of the Municipal Court Judge;
 - f. A fingerprinting fee in the amount of \$25.00 shall be assessed against a defendant in each case in which the defendant has been convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. 21-3408 and amendments thereto under the Kansas criminal statutes.
 - g. Costs and fees shall be assessed as may be required by state statutes;
 - h. Additional court costs and fees may be assessed by the municipal court for service of process, for transcripts and depositions, and for expenses incurred in serving a warrant.
- 2. Such costs and fees shall be assessed as part of the judgment and shall be collected by the court clerk/court administrator of the municipal court.
 - 3. The costs and fees assessed pursuant to this section shall be in addition to the fine imposed.

(History: Ord. MCC-2492 §1, 2004; MCC-2351 §3, 2002; MCC-2252 §1, 2000; MCC-2179 §1, 2000; MCC-2082 §1, 97; MCC-2052 §1, 97; MCC-1909 §1, 94; MCC-1802 §1, 93)

2.33.310 Municipal Court; Detention Authority of Law Enforcement Officers; Service of Complaint and Summons.

A law enforcement officer may detain a person when:

- A. He or she has a warrant commanding that such person be arrested; or
- B. he or she has reason to believe that a warrant for the person's arrest has been issued by any municipal court of this state; or
- C. he or she has probable cause to believe that the person is committing or has committed a violation of an ordinance, and the law enforcement officer has probable cause to believe that such person will not be apprehended or evidence of the violation of the ordinance will be irretrievably lost unless such person is immediately detained, or such person may cause injury to himself, herself or others or damage to property unless immediately detained; or
- D. any violation of an ordinance has been or is being committed by such person in his or her view.

A law enforcement officer having detained a person pursuant to the preceding paragraph, except subsection A or B thereof, may release the person or may prepare and serve upon such person a complaint and notice to appear, and shall then release such accused person from such detention, except in such instances where the law enforcement officer has power and authority to arrest such accused person as set forth in O.P.M.C. 2.33.320.

(History: Ord. MCP-1997 §1, 96)[See Ch. Ord. 67 eff. 9-23-96]

2.33.320 Municipal Court; Arrest Authority of Law Enforcement Officers.

- A. Except as provided in subsection B, a law enforcement officer may arrest a person under any of the following circumstances:
1. The officer has a warrant commanding that the person be arrested.
 2. A warrant for the person's arrest has been issued by a municipal court in this state.
 3. The officer has probable cause to believe that the person is committing or has committed a violation of an ordinance and that the person has intentionally inflicted bodily harm to another person.
 4. The law enforcement officer detained the person pursuant to subsection C or D of O.P.M.C. 2.33.310 and:
 - a. The person refuses to give a written promise to appear in court when served with a notice to appear;
 - b. the person is unable to provide identification of self by presenting a valid driver's license or other identification giving equivalent information to the law enforcement officer;
 - c. the person is not a resident of the state of Kansas; or
 - d. the law enforcement officer has probable cause to believe that the person may cause injury to self or others or may damage property unless immediately arrested.
- B. A law enforcement officer may not arrest a person who is charged only with committing an ordinance traffic infraction or an ordinance cigarette or tobacco infraction unless the person charged has received service of a notice to appear and has failed to appear for the infraction.

(History: Ord. MCP-1997 §2, 96) [See Ch. Ord. 67 effective 9-23-96]

2.33.325 Persons under arrest; procedures; right to post bond; release on personal recognizance.

Any person arrested by a law enforcement officer shall be taken immediately by the law enforcement officer to the police station of the city or the office in the city designated by the Municipal Judge. At that time, the person shall have the right to post bond for the person's appearance, in accordance with 2.33.330 and K.S.A. 12-4302, and amendments thereto and the Municipal Court Bond Schedule.

However, if the law enforcement officer has probable cause to believe that such person may cause injury to himself, herself or others, or damage to property, and there is no responsible person or institution to which the person might be released, the person shall remain in the protective custody of the law enforcement officer, in a city or county jail for a period not to exceed six hours, at which time such person shall be given an opportunity to post bond for his or her appearance. While so held in protective custody, the person shall be permitted to consult with counsel or other persons on the person's behalf.

Any person who does not make bond for the person's appearance shall be placed in the city or county jail, to remain there until the person makes bond for the person's appearance, or appears before the Municipal Court at the earliest practical time, except that the person shall be released on the person's personal recognizance to appear at a later date if the person has not made bond, has not appeared before the Municipal Court within 48 hours after arrest and if no warrant has been issued for the person's arrest. At said court appearance, the Municipal Judge shall review the complaint, any affidavits filed with the complaint, or any other evidence and shall determine whether there is sufficient probable cause to believe that a crime has been committed by the accused and sufficient basis to continue to hold the accused for trial in accordance with 2.33.340. The judge will give the accused an opportunity to address the court. The judge will advise the accused of the charges, the possible penalties, and advise the accused of the right to counsel. (History: Ord. MCC-2498 §1, 2004)

2.33.330 Appearance bonds; methods of securing appearance.

A person having the right to post bond for appearance shall, in order to do so, execute in writing a promise to appear at the Municipal Court at a stated time and place. Such appearance bond shall be in an amount as determined by the Municipal Judge. Such bond may be secured by any one of the following methods, and when so secured, such person shall be released from custody.

The methods of securing the appearance of an accused person are as follows:

- (a) Payment of cash, except that the Municipal Judge may permit a credit voucher in lieu of cash; or
- (b) The execution of an appearance bond by a responsible individual residing within the state of Kansas, as surety with the approval of the Municipal Judge; or
- (c) A guaranteed surety bond certificate issued by a company authorized by the Presiding Judge to write surety bonds in the Overland Park Municipal Court.

(History: Ord. MCC-2498 §2, 2004)

2.33.335 Warrants; when issued; limitations.

Repealed.

(History: Ord. MCC-2768 §8, 2008; MCC-2498 §3, 2004)

2.33.340 Plea of not guilty; trial; time; continuance.

Repealed.

(History: Ord. MCC-2768 §8, 2008; MCC-2498 §4, 2004)

2.33.350 City officer, Defined.

"City officer" shall mean those individuals designated as a city officer by the City Manager. Said officers shall have the authority to investigate violations of City ordinances, order compliance and issue complaints and notices to appear.

(History: Ord. MCC-2768 §1, 2008)

2.33.355 Complaint; requirements form.

A Complaint shall be in writing and shall be signed (either personally or electronically) by the complainant. A Complaint shall be deemed to be "in writing" if the information is inscribed on a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form. Electronic signatures must be obtained in compliance with the Uniform Electronic Transaction Act, K.S.A. 16-1601 *et. seq.* and/or Kansas Supreme Court Rule 122. 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 forth in K.S.A. 8-2106(b) and amendments thereto, or in substantially the following form:

**IN THE MUNICIPAL COURT
OF OVERLAND PARK, KANSAS**

The City of Overland Park, Kansas,
vs.

(Accused person)

The undersigned, declares under penalty of perjury that the following allegations are true and correct:

That on or about the ____ day of ____, _____. in the City of Overland Park, County of Johnson, and State of Kansas, _____ did then and there unlawfully _____

in violation of Section ____ of the Overland Park Municipal Code.

Complainant

(History: Ord. MCC-2768 §2, 2008)

2.33.360 Same; how used; issuance of warrant; refusal to issue; effect.

A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer or city officer upon the accused person, and forthwith, the complaint 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 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 the city attorney may request that an arrest warrant be issued. Such arrest warrant will be issued

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if the complaint is positively sworn to and the municipal judge 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.

"Filing" as used herein shall either be by manual delivery of a copy of the complaint and notice to appear or warrant to the clerk of the municipal court, or by electronic submission to the municipal court in a secure manner of a record containing the data required by Section 2.33.355. (History: Ord. MCC-2768 §3, 2008)

2.33.365 Notice to appear; contents; form.

A notice to appear shall describe the offense charged and shall summon the accused person to appear. A notice to appear may be signed by a municipal judge, the clerk of the municipal court, the city attorney, an assistant city attorney, a law enforcement officer or a city officer.

A notice to appear shall be deemed sufficient if in substantially the form of the notice to appear set out in K.S.A. 12-4204 and amendments thereto, or if in substantially the following form:

**IN THE MUNICIPAL COURT
OF OVERLAND PARK, KANSAS**

The City of Overland Park, Kansas
vs.

_____,
(Accused person)

_____,
(Address)

NOTICE TO APPEAR

The City of Overland Park, Kansas,
To The Above-Named Accused Person.

You are hereby summoned to appear before the Overland Park Municipal Court on the _____ day of _____, _____, at _____ o'clock, _____ .m., to answer a complaint charging you with _____

_____.

If you fail to appear a warrant will be issued for your arrest. Additionally, if you fail to pay your fine and court costs or appear at the specified time, your driver's license may be suspended as provided in K.S.A. 8-2110, and amendments thereto.

Dated _____, _____.

Signature and Title of Official

(History: Ord. MCC-2768 §4, 2008)

2.33.370 Complaint and notice to appear in municipal court.

In all cases a complaint and notice to appear in municipal court may be made in the form of a complaint and notice to appear which shall be deemed sufficient if it contains the information required by subsection (b) of K.S.A. 8-2106, and amendments thereto.

(History: Ord. MCC-2768 §5, 2008)

2.33.375 Notice to appear; when used.

A notice to appear shall be used in all cases involving the violation of a municipal ordinance, except when an arrest warrant is issued.

(History: Ord. MCC-2768 §6, 2008)

2.33.380 Same; service; return.

The notice to appear shall be served upon the accused person 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 notice to appear may be served by a municipal judge, the clerk of the municipal court, the city attorney, an assistant city attorney, a law enforcement officer or a city officer. Upon service by mail, the person serving the notice to appear shall execute a return of service to be filed with a copy of the notice to appear. Said return of service shall be deemed sufficient if in substantially the following form:

The undersigned hereby certifies that on the _____ day of _____,
_____, a copy of notice to appear was served, mailed, or delivered to
_____ at _____, _____,

Signature of Person Serving
Notice to Appear

(History: Ord. MCC-2768 §7, 2008)

[Next Page is 2-1600]

Chapter 2.36
PUBLIC WORKS
(This entire chapter has been repealed.)

Sections:

- 2.36.010 Director-General Duties. (Repealed)
- 2.36.020 Duties of Director as City Safety Director. (Repealed)
- 2.36.030 Assistant Director. (Repealed)
- 2.36.040 Superintendent. (Repealed)

2.36.010 Director-General Duties.

Repealed.

(History: Ord. AP-853 §16, 75; DUO-745 §7 (part), 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(1)(part), 70)

2.36.020 Duties of Director as City Safety Director.

Repealed.

(History: Ord. AP-853 §16, 75; DUO-745 §7 (part), 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(1) (part), 70)

2.36.030 Assistant Director.

Repealed.

(History: Ord. AP-853 §16, 75; DUO-745 §8, 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(J), 70)

2.36.040 Superintendent.

Repealed.

(History: Ord. AP-853 §16, 75; DUO-745 §10, 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(L), 70)

[Next Page is 2-1700]

Chapter 2.39
TRAFFIC ENGINEER
(This entire chapter has been repealed.)

2.39.010 Duties.

Repealed.

(History: Ord. AP-853 §17, 75; DU0-745 §9, 73; CDUP-612-B §2 (part), 71; CDUP-612 §2 (K), 70)

[Next Page is 2-1800]

Chapter 2.42
BUILDING CODE ENGINEER
(This entire chapter has been repealed.)

2.42.010 Duties.

Repealed.

(History: Ord. AP-853 §18, 75; DUO-745 §11, 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(M), 70.)

[Next Page is 2-1900]

Chapter 2.48
HEALTH DIRECTOR
(This entire chapter has been repealed.)

2.48.010 Duties.

Repealed.

(History: Ord. AP-853 §19, 75; DU0-745 §12, 73; CDUP-612-B §2, (part), 71; CDUP-612 §2(N), 70.)

[Next Page is 2-2000]

Chapter 2.51
DIRECTOR OF PARKS AND RECREATION
(This entire chapter has been repealed.)

2.51.010 Duties-Appointment.

Repealed.

(History: Ord. AP-853 §20, 75; DU0-745 §13, 73; CDUP-612-B §2 (part), 71; CDUP-612 §2(0), 70.)

[Next Page is 2-2100]

Chapter 2.60
COMPENSATION OF OFFICERS AND EMPLOYEES

Sections:

- 2.60.010 City Manager.
- 2.60.020 Municipal Court Judges.
- 2.60.030 Other Officers and Employees.
- 2.60.040 Compensation Procedure.
- 2.60.070 Special Attorney or Counselor. (Repealed)
- 2.60.220 Overtime. (Repealed)
- 2.60.230 Payroll Deductions. (Repealed)

2.60.010 City Manager.

The City Manager shall be compensated in accordance with agreement with the Governing Body.

(History: Ord. AP-853 §24, 75; SAL-801 §1, 75)

2.60.020 Municipal Court Judges

The Municipal Court Judges shall be compensated as set forth in the annual City budget or in accordance with applicable state statutes in the event of court reorganization at the state level.

(History: Ord. AP-853 §25, 75; SAL-801 §2, 75)

2.60.030 Other Officers and Employees.

All other City officers and employees shall be compensated within the limitations of the annual City budget, as adopted and approved by the governing body, according to law. The City Manager shall establish a merit system, classification plan and related pay plan to implement this provision.

(History: Ord. AP-853 §26, 75; SAL-801 §3, 75)

2.60.040 Compensation Procedure.

Said compensation shall be payable bi-weekly from such proper fund as established in said adopted budget. In addition, said officers and employees shall be reimbursed subject to the limitations of said budget for their actual expenses when acting for or on behalf of the City and such other allowances as may be provided by other ordinances and resolutions of the City.

(History: Ord. AP-853 §27, 75; SAL-801 §4, 75)

2.60.070 Special Attorney or Counselor.

Repealed.

(History: Ord. AP-853 §21, 75; CDUP-612-B §1, 71; CDUP-612-A §1(part), 71; CDUP-612 §1(F), 70)

2.60.220 Overtime.

Repealed.

(History: Ord. AP-853 §22, 75; CEC-364 §1, 66)

Chapter 2.60

2.60.230 Payroll deductions.

Repealed.

(History: Ord. AP-853 §23, 75; PRD-111 §1, 61)

[Next Page is 2-2200]

Chapter 2.63
TRANSPORTATION EXPENSES

Sections:

- 2.63.010 Generally.
- 2.63.020 Allotment for Officers not Listed in 2.63.030. (Repealed. See Resolution)
- 2.63.030 Officers Authorized for Automobile Allowance - Allotment. (Repealed)
- 2.63.040 Insurance.
- 2.63.050 Reimbursement for Toll and Turnpike Fees. (Repealed)
- 2.63.060 Authority for Adoption.

2.63.010 Generally.

The mayor and the council find that City employees should be reimbursed for those reasonable expenses incurred by them in the use of their personal automobile in the performance of City business. In addition, certain officers and employees of the City are required to have automobile transportation readily available to properly perform their duties; and it is in the best interest of the City if such officers and employees provide their own automobile transportation and receive an allowance therefor in lieu of the City purchasing automobiles, providing fuel, insurance, maintenance, and security for such automobiles.

(History: Ord. AEA-659 §1, 72)

2.63.020 Allotment for Officers not Listed in 2.63.030.

Repealed. See resolution.

(History: Ord. AP-853 §28, 75; AEA-659 §2, 72)

2.63.030 Officers Authorized for Automobile Allowance - Allotment.

Repealed.

(History: Ord. AP-853 §29, 75; AEA-659 §3, 72)

2.63.040 Insurance.

Any person when receiving the allowance provided by 2.63.010 shall furnish to the City satisfactory evidence that he has insured the City against liability in the use of such vehicle for the claims and in the amounts set forth in K.S.A. 1971 Supp. 12-2608, and amendments thereto. The additional expense of such insurance and emergency vehicle insurance shall be paid by the City.

(History: Ord. AP-853 §30, 75; AEA-659 §4, 72)

2.63.050 Reimbursement for Toll and Turnpike Fees.

Repealed.

(History: Ord. AP-853 §31, 75; AEA-659 §5, 72)

2.63.060 Authority for Adoption.

The ordinance codified herein is adopted by authority of and under the provisions of Article 12, Section 5 of the Kansas Constitution and K.S.A. 1971 Supp. 12-101.

(History: Ord. AEA-659 §7, 72)

[Next Page is 2-2300]

Chapter 2.64
YOUTH DIVERSION

Sections:

2.64.010 Investigations of Applicants for Youth Diversion Volunteer.

2.64.010 Investigations of Applicants for Youth Diversion Volunteer.

The director of the Youth Diversion Program or his/her authorized representative shall accept only those volunteers who are of good moral character; that to make such determination the director or his/her representative shall conduct a background investigation of all applicants for volunteer positions. Further, the Overland Park Police Department is authorized to aid the director or authorized representative in fulfilling the requirements of this section by supplying any requested information it may possess regarding the person applying to the requesting director or authorized representative.

(History: Ord. YD-1002 §1, 78)

[Next Page is 2-2400]

Chapter 2.66
POLICE DEPARTMENT

Article I.	Generally
Article II.	Civil Service Commission
Article III.	Hiring
Article IV.	Miscellaneous

Sections:

Article I. Generally

- 2.66.010 Appointment of chief of police. (Repealed. See 2.66.1000)
- 2.66.013 Appointment of Assistant Chief of Police. (Repealed. See 2.66.1020)
- 2.66.015 Appointments to position of Major of Police. (Repealed. See 2.66.1020)
- 2.66.020 Other appointments to police department. (Repealed. See 2.66.1020)
- 2.66.030 Qualifications of persons appointed-Oath. (Repealed. See 2.66.1030)
- 2.66.040 Powers and duties of police officers. (Repealed. See 2.66.1050)
- 2.66.050 Compensation. (Repealed)
- 2.66.060 Reserve police personnel - qualifications and salaries. (Repealed. See 2.66.1040)
- 2.66.070 Police Pension Plan Fund. (Repealed)
- 2.66.080 Transfer of unclaimed funds. (Repealed)
- 2.66.090 Transfer of moneys paid into fund by City. (Repealed)
- 2.66.100 Police officers to obey orders. Removal from duty. (Repealed)
- 2.66.110 Vacancies in police department. (Repealed)
- 2.66.120 Issuance of police commission. (Repealed. See 2.66.1080)
- 2.66.130 Recitals in commission-Term. (Repealed)
- 2.66.140 Records of persons holding commissions. (Repealed)
- 2.66.150 Revocation of commission. (Repealed)
- 2.66.160 Invalidation of existing commissions. (Repealed)
- 2.66.170 Residence requirement. (Repealed. See 2.66.1060)
- 2.66.180 Failure to comply with Sections 2.66.170 through 2.66.190- Action. (Repealed)
- 2.66.190 Extension of time for compliance. (Repealed. See 2.66.1060)
- 2.66.200 Fingerprinting and photographing certain persons. (Repealed)
- 2.66.210 Positions of communication specialist and record specialist established. (Repealed)
- 2.66.220 Appointment of persons to civilian job classifications. (Repealed)
- 2.66.230 Qualifications of civilian employees- Oath. (Repealed)
- 2.66.240 Duties of civilian employees. (Repealed)
- 2.66.260 Civilian employees- Salary increases. (Repealed)
- 2.66.270 Starting salary of civilian employees- Waiver for prior experience or higher education. (Repealed)
- 2.66.280 Supervision of civilian employees. (Repealed)
- 2.66.290 Participation of civilian employees in pension fund. (Repealed)
- 2.66.300 Property defined. (Repealed. See 2.66.1090)
- 2.66.310 Disposal of property. (Repealed. See 2.66.1100)
- 2.66.320 Publication of notice of sale of property. (Repealed. See 2.66.1110)
- 2.66.330 Deposit of proceeds from sale. (Repealed. See 2.66.1120)
- 2.66.340 Civil Service Commission Established. (Repealed. See 2.66.1130)
- 2.66.350 Members-Terms. (Repealed. See 2.66.1140)
- 2.66.360 Duties. (Repealed. See 2.66.1150)
- 2.66.370 Assistance by city personnel. (Repealed. See 2.66.1160)
- 2.66.380 Furnishing supplies; expenditures. (Repealed. See 2.66.1160)

Chapter 2.66

- 2.66.390 Meetings. (Repealed. See 2.66.1170)
- 2.66.400 Rules and regulations adopted. (Repealed)
- 2.66.410 Assistance by officers and employees. (Repealed)
- 2.66.420 Classes of service. (Repealed)
- 2.66.430 Reduction in force. (Repealed. See 2.66.1340)
- 2.66.440 Positions in competitive class. (Repealed)
- 2.66.450 Grades. (Repealed)
- 2.66.460 Merit and fitness. (Repealed. See 2.66.1180)
- 2.66.470 Applicant requirements. (Repealed. See 2.66.1190)
- 2.66.480 Applicant blanks. (Repealed)
- 2.66.490 References of character. (Repealed)
- 2.66.500 Special certificates. (Repealed)
- 2.66.510 Defective applications. (Repealed. See 2.66.1200)
- 2.66.520 Time of examination. (Repealed. See 2.66.1150)
- 2.66.530 Notice of application and hiring process. (Repealed. See 2.66.1150)
- 2.66.540 Nature of the application process. (Repealed. See 2.66.1130)
- 2.66.550 Application process. (Repealed. See 2.66.1210)
- 2.66.560 Physical examination. (Repealed)
- 2.66.570 Discrimination. (Repealed. See 2.66.540)
- 2.66.580 Rejection of candidates. (Repealed)
- 2.66.590 Examination questions. (Repealed. See 2.66.600)
- 2.66.600 Promotional process and examinations. (Repealed. See 2.66.1240)
- 2.66.610 Test percentage required for certification. (Repealed)
- 2.66.620 Announcing results. (Repealed. See 2.66.1280)
- 2.66.630 Eligibility list- Generally. (Repealed. See 2.66.1290)
- 2.66.640 Eligibility list-removal form. (Repealed. See 2.66.1300)
- 2.66.650 Filling vacancies. (Repealed. See 2.66.1260)
- 2.66.660 Appointments and promotions made from certified lists - Probationary. (Repealed. See 2.66.1310)
- 2.66.670 Incompetent probationers. (Repealed)
- 2.66.680 Temporary employment. (Repealed)
- 2.66.690 Effect of declining appointment. (Repealed. See 2.66.1300)
- 2.66.700 Suspension list. (Repealed)
- 2.66.710 Leave of absence. (Repealed)
- 2.66.720 Limit of suspension. (Repealed)
- 2.66.730 Promotions preferred in filling vacancies. (Repealed)
- 2.66.740 Examination for promotion. (Repealed. See 2.66.600)
- 2.66.750 Time of service for promotion eligibility. (Repealed. See 2.66.1250)
- 2.66.760 Credit for service. (Repealed)
- 2.66.770 Rules governing suspensions/removal and demotion. (Repealed. See 2.66.1320)
- 2.66.775 Appeals. (Repealed. See 2.66.1330)
- 2.66.780 Political activity prohibited. (Repealed)
- 2.66.790 Employee's policies applicable. (Repealed. See 2.66.1350)
- 2.66.800 Civil service regulations not applicable to chief of police. (Repealed. See 2.66.1000)
- 2.66.810 Separability. (Repealed. See 2.66.1360)
- 2.66.1000 Chief of Police.
- 2.66.1010 Appointment to Deputy Chief of Police.
- 2.66.1015 Appointment to the position of Major of Police.
- 2.66.1016 Appointment to the position of Captain of Police.
- 2.66.1020 Other appointments to the police department.

- 2.66.1030 Commissioned officer oath of office.
- 2.66.1040 Reserve officers, appointment and training.
- 2.66.1050 Powers of commissioned police officers.
- 2.66.1060 County residence requirement. (Repealed)
- 2.66.1070 Police badges and insignia.
- 2.66.1080 Police commissions.
- 2.66.1090 Property defined.
- 2.66.1100 Disposal of property.
- 2.66.1110 Publication of notice of sale of property.
- 2.66.1120 Deposit of proceeds from sale.
- 2.66.1125 Hiring Process.

Article II. Civil Service Commission

- 2.66.1130 Civil Service Commission established.
- 2.66.1140 Commission members, terms.
- 2.66.1150 Duties of the Police Civil Service Commission.
- 2.66.1160 Assistance by City personnel, supplies, expenditures.
- 2.66.1170 Civil Service Commission meetings.
- 2.66.1180 Promotions. (Repealed. See 2.66.1235)
- 2.66.1190 Qualifications. (Repealed)
- 2.66.1200 Applications. (Repealed)

Article III. Hiring

- 2.66.1210 Hiring process. (Repealed)
- 2.66.1220 Certification of applicants in the hiring process. (Repealed)
- 2.66.1230 Interview, conditional job offer, post job offer examinations. (Repealed)
- 2.66.1235 Promotions.
- 2.66.1240 Promotional process.
- 2.66.1250 Time in service and time in grade for promotion eligibility.
- 2.66.1260 Filling vacancies.
- 2.66.1270 Notice of eligibility to compete.
- 2.66.1280 Notice of promotional process results.
- 2.66.1290 Promotional eligibility list.
- 2.66.1300 Removal from eligibility list.
- 2.66.1310 Probationary period.
- 2.66.1320 Disciplinary Suspension, Demotion and Termination.
- 2.66.1330 Appeals to Civil Service Commission.
- 2.66.1340 Reduction in force.

Article IV. Miscellaneous

- 2.66.1350 Employee Handbook provisions applicable.
- 2.66.1360 Severability.

[Next Page is 2-2500]

ARTICLE I. GENERALLY

2.66.010 Appointment of chief of police.

Repealed. See 2.66.1000

(History: Ord. CSC-1983 ' 37, 96; CSC-1449 ' 1, 87; POL-575 ' 1, 1969)

2.66.013 Appointment of Assistant Chief of Police.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 ' 37, 96; CSC-1779 ' 1, 92)

2.66.015 Appointments to position of Major of Police.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 ' 37, 96; CSC-1524 ' 1, 88)

2.66.020 Other appointments to police department.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 1, 94; CSC-1449 ' 2, 87; POL-575 ' 2, 1969)

2.66.030 Qualifications of persons appointed-Oath.

Repealed. See 2.66.1030

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 2, 94; POL-575 ' 3, 1969)

2.66.040 Powers and duties of police officers.

Repealed. See 2.66.1050

(History: Ord. CSC-1983 ' 40, 96; CSC-1907 ' 3, 94; CSC-1524 ' 2, 88; AP-853 ' 32, 75;
Modified during codification under authority KSA 12-3015, as amended; Ord. POL-575 ' 4, 69)

2.66.050 Compensation.

Repealed.

(History: Ord. SAL-801; POL-761; POL-710; POL-575D ' 1, 2, 1972; POL-575B ' 1, 71; POL-575 ' 5, 69)

2.66.060 Reserve police personnel - qualifications and salaries.

Repealed. See 2.66.1040

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 4, 94; RPO-411 ' 1, 67)

2.66.070 Police Pension Plan Fund.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; AP-853 ' 33, 75; Ch. Ord. 27)

2.66.080 Transfer of unclaimed funds.

Repealed.

(History: Ord. AP-853 ' 34, 75; PEN-500-A ' 2, 68)

Chapter 2.66

2.66.090 Transfer of moneys paid into fund by City.

Repealed.

(History: Ord.AP-853 ' 35,75; PEN-500-A ' 3,68)

2.66.100 Police officers to obey orders. Removal from duty.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1449 ' 3, 87; POL-575 ' 6,69)

2.66.110 Vacancies in police department.

Repealed.

(History: Ord.CSC-1449 ' 17, 87;POL-575 ' 7,69)

2.66.120 Issuance of police commission.

Repealed. See 2.66.1080

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 5, 94; PC-696 ' 1,72)

2.66.130 Recitals in commissions - Term.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 6, 94; CSC-1524 ' 3, 88; PC-1141 ' 1, 81; PC-696 ' 2,72)

2.66.140 Records of persons holding commissions.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 7, 94; PC-696 ' 3,72)

2.66.150 Revocation of commission.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 8, 94; PC-696 ' 4, 1972)

2.66.160 Invalidation of existing commissions.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 9, 94; PC-696 ' 5,72)

2.66.170 Residence requirement.

Repealed. See 2.66.1060.

(History: Ord. CSC-1983 ' 37, 96; PDR-192A ' 1,66; PDR-192 ' 1,63)

2.66.180 Failure to comply with Sections 2.66.170 through 2.66.190 - Action.

Repealed.

(History:Ord.CSC-1449 ' 17, 87; PDR-192 ' 2, 63)

2.66.190 Extension of time for compliance.

Repealed. See 2.66.1060.

(History: Modified during codification under authority of KSA 12-3015, as amended; Ord. CSC-1983 ' 37, 96; CSC-1907 ' 10, 94; PDR-192 ' 3, 63)

2.66.200 Fingerprinting and photographing certain persons.

Repealed.

(History: Ord. CSC-1449 ' 17, 87; FP-1200 ' 1, 83; FP-910 ' 1,76; FP-407)

2.66.210 Positions of communication specialist and record specialist established.

Repealed.

(History: Ord.AP-853 ' 36,75; CRS-642 ' 1,71)

2.66.220 Appointment of persons to civilian job classifications.

Repealed.

(History: Ord.AP-853 ' 37,75; CRS-642 ' 2,71)

2.66.230 Qualifications of civilian employees - Oath.

Repealed.

(History: Ord. AP-853 ' 38,75;CRS-642 ' 3,71)

2.66.240 Duties of civilian employees.

Repealed.

(History: Ord. AP-853 ' 39,75; CRS-642 ' 4,71)

2.66.260 Civilian employees - Salary increases.

Repealed.

(History: Ord.AP-853 ' 40,75; CRS-642 ' 6,71)

2.66.270 Starting salary of civilian employees - Waiver for prior experience or higher education.

Repealed.

(History: Ord. AP-853 ' 41,75; CRS-642 ' 7,71)

2.66.280 Supervision of civilian employees.

Repealed.

(History: Ord. AP-853 ' 42,75; CRS-642 ' 8,71)

2.66.290 Participation of civilian employees in pension fund.

Repealed.

(History: Ord.AP-853 ' 43,75; CRS-642 ' 9,71)

2.66.300 Property defined.

Repealed. See 2.66.1090.

(History: Ord. CSC-1983 ' 37, 96; PPR-45-A ' 1,69)

2.66.310 Disposal of property.

Repealed. See 2.66.1100.

(History: Ord. CSC-1983 ' 37, 96; PPR-45-A ' 2,69; Ch. Ord. 8)

Chapter 2.66

2.66.320 Publication of notice of sale of property.

Repealed. See 2.66.1110.

(History: Ord. CSC-1983 ' 37, 96; PPR-45-A ' 3,69)

2.66.330 Deposit of proceeds from sale.

Repealed. See 2.66.1120.

(History: Ord. CSC-1983 ' 37, 96; PPR-45-A ' 4,69; Ch. Ord. 8)

2.66.340 Civil Service Commission established.

Repealed. See 2.66.1130.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 11, 94; CSC-780 ' 1,74; CSC-165 ' 1,62)

2.66.350 Members - Terms.

Repealed. See 2.66.1140

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 12, 94; CSC-1449 ' 4, 87; Amended during codification in accordance with KSA 12-3015; Ord. CSC-165-A ' 1,64; CSC-165 ' 2,62)

2.66.360 Duties.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 13, 94; CSC-1449 ' 5, 87; CSC-165 ' 3,62)

2.66.370 Assistance by city personnel.

Repealed. See 2.66.1160.

(History: Ord. CSC-1983 ' 37, 96; CSC-1680 ' 1, 91; CSC-1449 ' 6; CSC-780 ' 2,74)

2.66.380 Furnishing supplies; expenditures.

Repealed. See 2.66.1160.

(History: Ord. CSC-1983 ' 37, 96; CSC-780 ' 3,74)

2.66.390 Meetings.

Repealed. See 2.66.1170.

(History: Ord. CSC-1983 ' 37, 96; CSC-1449 ' 7, 87; CSC-780 ' 4,74)

2.66.400 Rules and regulations adopted.

Repealed.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 14; 94; CSC-165 Rules & Regulations ' 2,62)

2.66.410 Assistance by officers and employees.

Repealed.

(History: Ord. CSC-780 ' 5,74; CSC-165 Rules & Regulations ' 3,62)

2.66.420 Classes of service.

Repealed.

(History: Ord. CSC-780 ' 6,74; CSC-165 Rules & Regulations ' 4,62)

2.66.430 Reduction in force.

Repealed. See 2.66.1340.

(History: Ord. CSC-1983 ' 37, 96; CSC-1449 ' 8, 87; CSC-780 ' 7,74)

2.66.440 Positions in competitive class.

Repealed.

(History: Ord.CSC-780 ' 8,74;CSC-165)

2.66.450 Grades.

Repealed.

(History: Ord. CSC-780 ' 9,74;CSC-165)

2.66.460 Merit and fitness.

Repealed. See 2.66.1180.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 15, 94; CSC-1524 ' 4, 88; CSC-780 ' 10,74; CSC-165 ' 8)

2.66.470 Applicant requirements.

Repealed. See 2.66.1190.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 16, 94; CSC-1449 ' 9, 87; CSC-780 ' 11,74; CSC-165 ' 9)

2.66.480 Application blanks.

Repealed.

(History: Ord.CSC-780 ' 12,74;CSC-165 ' 10)

2.66.490 References of character.

Repealed.

(History: Ord. CSC-780 ' 13,74; CSC-165 ' 11)

2.66.500 Special certificates.

Repealed.

(History: Ord.CSC-780 ' 14,74; CSC-165 ' 12,62)

2.66.510 Defective applications.

Repealed. See 2.66.1200.

(History: Ord. CSC-1983 ' 37, 96; CSC-165 ' 13,62)

2.66.520 Time of examination.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 17, 94; CSC-165 ' 15,1962)

2.66.530 Notice of application and hiring process.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 18, 94; CSC-165 ' 16,62)

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2.66.540 Nature of the application process.

Repealed. See 2.66.1230.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 19, 94; CSC-1680 ' 2, 91; CSC-1449 ' 10, 87; CSC-165 ' 17,62)

2.66.550 Application process.

Repealed. See 2.66.1210.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 20, 94; CSC-165 ' 18,62)

2.66.560 Physical examination.

Repealed.

(History: Ord.CSC-1907 ' 21, 94; CSC-165 ' 19,62)

2.66.570 Discrimination.

Repealed. See 2.66.540.

(History: Ord.CSC-1449 ' 17, 87; CSC-165 ' 20,62)

2.66.580 Rejection of candidates.

Repealed.

(History: Ord.CSC-1907 ' 22, 94; CSC-1680 ' 3, 91; CSC-1524 ' 5, 88; CSC-1449 ' 11, 87; CSC-780 ' 15,74; CSC-165 ' 21,62)

2.66.590 Examination questions.

Repealed: 2.66.600.

(History: Ord.CSC-1524 ' 8, 88; CSC-780 ' 16,74; CSC-165 ' 22,62)

2.66.600 Promotional process and examinations.

Repealed. See 2.66.1240.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 23, 94; CSC-1524 ' 6, 88; CSC-780 ' 17, 74; CSC-165 ' 23,62)

2.66.610 Test percentage required for certification.

Repealed.

(History: Ord. CSC-780 ' 18,74; CSC-165 ' 24)

2.66.620 Announcing results.

Repealed. See 2.66.1280.

(History: Ord. CSC-1983 ' 37, 96; CSC-1907 ' 24, 94; CSC-780 ' 19,74; CSC-165 ' 25,62)

2.66.630 Eligibility list - Generally.

Repealed. See 2.66.1290.

(History: Ord. CSC-1907 ' 25, 94; CSC-1680 ' 4, 91; CSC-1371 ' 1, 86; CSC-780 ' 20,74; CSC-165 ' 26)

2.66.640 Eligibility List-Removal from.

Repealed. See 2.66.1300.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §12, 87; CSC-1371 §2, 86; CSC-780 §21,74; CSC-165 §27)

2.66.650 Filling vacancies.

Repealed. See 2.66.1260.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §5, 91; CSC-1449 §13, 87; CSC-780 §22,74; CSC-165 §28,62)

2.66.660 Appointments and promotions made from certified lists - Probationary.

Repealed. See 2.66.1310.

(History: Ord. CSC-1907 §26, 94; CSC-1680 §6, 91; CSC-1449 §14, 87; CSC-780 §23,74; CSC-774 §1,74)

2.66.670 Incompetent probationers.

Repealed.

(History: Ord. CSC-780 §24,74; CSC-165 §30)

2.66.680 Temporary employment.

Repealed.

(History: Ord. CSC-780 §25,74; CSC-165 §31)

2.66.690 Effect of declining appointment.

Repealed. See 2.66.1300.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §7, 91; CSC-165 §32,62)

2.66.700 Suspension list.

Repealed.

(History: Ord. CSC-1449 §17, 87; CSC-165 §33,62)

2.66.710 Leave of absence.

Repealed.

(History: Ord. CSC-780 §26,74; CSC-165 §34)

2.66.720 Limit of suspension.

Repealed.

(History: Ord. CSC-1449 §17, 87; CSC-165 §35, 62)

2.66.730 Promotions preferred in filling vacancies.

Repealed.

(History: Ord. CSC-1524 §8, 88; CSC-780 §27, 74; CSC-165 §36,62)

2.66.740 Examination for promotion.

Repealed. See 2.66.600.

(History: Ord. CSC-1524 §8, 88; CSC-780 §28,74; CSC-165 §37, 62)

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2.66.750 Time of service for promotion eligibility.

Repealed. See 2.66.1250.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §27, 94; CSC-934 §1,77; CSC-780 §29,74; CSC-165B §1, 67; CSC-165 §38,62)

2.66.760 Credit for service.

Repealed.

(History: Ord.CSC-165 §39,62)

2.66.770 Rules governing suspension, removal and demotion.

Repealed. See 2.66.1320.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §8, 91; CSC-1449 §15, 87; CSC-780 §30,74; CSC-165 §40,62)

2.66.775 Appeals.

Repealed. See 2.66.1330.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §16, 87; CSC-780 §31,74)

2.66.780 Political activity prohibited.

Repealed.

(History: Ord. CSC-1449 §17, 87;CSC-165 §41,62)

2.66.790 Employee's policies applicable.

Repealed. See 2.66.1350.

(History: Ord. CSC-1983 §37, 96; CSC-780 §32,74; CSC-165 §42,62)

2.66.800 Civil service regulations not applicable to chief of police.

Repealed. See 2.66.1000.

(History: Ord. CSC-1983 §37, 96; CSC-1779 §2, 92; CSC-1524 §7, 88; CSC-780 §33,74; CSC-165-C §1,68; CSC-165 §43,62)

2.66.810 Separability.

Repealed. See 2.66.1360.

(History: Ord. CSC-1983 §37, 96; CSC-780 §34,74)

2.66.1000 Chief of Police.

The commissioned law enforcement officer position of Chief of Police shall be the chief executive officer of the police department. The Chief of Police shall be appointed by the City Manager, shall be responsible for the general management and control of the police department and subject to supervisory control by the City Manager, and shall administer the police department in a manner consistent with the ordinances of the City, the laws and Constitution of the state of Kansas and the United States Constitution. The provisions of the Civil Service ordinance shall not be applicable to the Chief of Police, provided, however, the Chief of Police shall be subject to the employment conditions set forth in the Overland Park

Employee Handbook. The person appointed to the position of Chief of Police shall hold the rank of "Colonel."

(History: Ord. CSC-1983 §1, 96) [Source or prior law: 2.66.010]

2.66.1010 Appointment to Deputy Chief of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement officer position of Deputy Chief of Police. The number of Deputy Chief of Police positions within the police department shall be determined by the City Manager or his designee. Persons appointed to the position of Deputy Chief of Police shall not be subject to the provisions of the Civil Service Ordinance; provided, however, they shall be subject to the employment provisions of the Overland Park Employee Handbook. Persons appointed to the position of Deputy Chief of Police shall hold the rank of "Lieutenant Colonel."

(History: Ord. CSC-2697 §1, 2007; PD-2372 §1, 2002; SC-1983 §2, 96) [Source or prior law: 2.66.020]

2.66.1015 Appointment to the position of Major of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement position of "Major of Police." The number of "Major of Police" positions within the police department shall be determined by the City Manager or his or her designee. Persons appointed to the position of "Major of Police" shall not be subject to the provisions of the Civil Service Ordinance or the jurisdiction of the Civil Service Commission; provided, however, persons holding the position of "Major of Police" shall be subject to the disciplinary and other non-police provisions of the Overland Park Employee Handbook.

(History: Ord. PD-2372 §2, 2002; CSC-2158 §1, 99)

2.66.1016 Appointment to the position of Captain of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement position of Captain of Police. The number of Captain of Police positions within the police department shall be determined by the City Manager or his or her designee. Persons appointed to the position of Captain of Police shall not be subject to the provisions of the Civil Service Ordinance or the jurisdiction of the Civil Service Commission; provided, however, persons holding the position of Captain of Police shall be subject to the disciplinary and other non-police provisions of the Overland Park Employee Handbook.

(History: Ord. CSC-2697 §2, 2007)

2.66.1020 Other appointments to the police department.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement positions of sergeant and police officer based upon merit and overall qualification for the position and as provided herein.

(History: Ord. CSC-2945 §1, 2012; CSC-2697 §3, 2007; CSC-2594 §1, 2005; PD-2372 §3, 2002; CSC-2158 §2, 99; CSC-1983 §3, 96) [Source or prior law: 2.66.020]

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2.66.1030 Commissioned officer oath of office.

The Chief of Police, Lieutenant Colonels of Police, Majors of Police, Captains of Police and all other commissioned officers appointed pursuant to this Ordinance shall take the following oath administered by the Mayor, the City Manager or their designee:

"I do solemnly (swear)(affirm) that I will support the Constitution of the United States, the Constitution and laws of the state of Kansas and the ordinances of the City of Overland Park and that I will faithfully discharge the duties of (the position appointed to), so help me God."

(History: Ord. CSC-2697 §4, 2007; PD-2372 §4, 2002; CSC-2158 §2, 99; CSC-1983 §4, 96)
[Source or prior law: 2.66.030]

2.66.1040 Reserve officers, appointment and training.

The City Manager or his or her designee shall appoint as he or she deems necessary "reserve" commissioned police officers. Reserve police officers shall be citizen volunteers and will receive a salary of one dollar for each year of service. Reserve police officers are not "employees" and are not subject to the provisions of the Civil Service ordinance or the Employee Handbook; provided, however, as volunteers they are subject to workers compensation protection as provided by law and City policy. Reserve officers shall be used as an augmentation of the full-time commissioned officer force; provided, reserve officers assigned law enforcement duties will have the full legal authority and powers of full-time commissioned officers when fulfilling lawful duties and responsibilities. Reserve officers shall meet the minimal hiring and training requirements established by the Chief of Police and shall be subject to the rules and regulations of the police department. Failure to comply with the rules and regulations of the police department, failure to obey the orders of superior officers or other misconduct shall subject reserve officers to revocation of their reserve police commission and prohibition from further volunteer reserve service. The Chief of Police shall establish rules and regulations to govern volunteer reserve police officers.

(History: Ord. CSC-1983 §5, 96) [Source or prior law: 2.66.060]

2.66.1050 Powers of commissioned police officers.

Commissioned police officers shall at all times have the power and authority to make arrests and such other authority as provided by law.

(History: Ord. CSC-1983 §6, 96) See also 2.33.310 & 2.33.320 [Source or prior law: 2.66.040]

2.66.1060 County residence requirement.

Repealed.

(History: Ord. PD-2230 §2, 2000; CSC-2198 §1, 99; CSC-1983 §7, 96) [Source or prior law: 2.66.170]

2.66.1070 Police badges and insignia.

The Chief of Police shall have the power and authority to prescribe an appropriate form of badge and other insignia to be worn by commissioned law enforcement officers, by which such officers and members of the department may be known. The Chief of Police shall establish rules and regulations for the wearing of badges and insignias and for the issuance and accountability of the same.

(History: Ord. CSC-1983 §8, 96)

2.66.1080 Police commissions.

The Mayor, upon submission of names by the Chief of Police, may issue "police" commissions as follows:

1. "Commissioned law enforcement officer commissions" to those persons granted by law the authority to arrest and issue notices to appear.
2. "Fire investigator commissions" to those persons certified by the State Fire Marshal's Office who are granted by law authority to make arrests, carry firearms and conduct searches and seizures while investigating any fire or explosion in which arson or attempted arson is suspected or in which there is an attempt or suspected attempt to defraud an insurance company.
3. "City officials' commissions" to the Mayor, City Councilmembers, City Manager and Civil Service Commission members.
4. "City officer commissions" to those City employees granted by law the authority to issue notices to appear; provided, department directors shall be responsible for insuring only qualified individuals are issued such commissions and that commissions are retired when no longer needed.

The Chief of Police shall establish rules for the issuance of police commissions that will provide for qualification standards, records, revocation, invalidation and accountability.

(History: Ord. CSC-2576 §1, 2005; CSC-1983 §9, 96) [Source or prior law: 2.66.120]

2.66.1090 Property defined.

"Property" as used in 2.66.1100 through 2.66.1120 means and includes any and all personal property recovered by the police department in the conduct of its authorized duties and activities of the department; provided that any property confiscated by the department for use as evidence in any criminal proceeding in the municipal court shall not be sold and appropriated hereunder until the judge of the court, or the chief judicial officer of any other judicial tribunal having jurisdiction over the property, has released the same as evidence and caused the same to be delivered to the police department.

(History: Ord. CSC-1983 §10, 96) [Source or prior law: 2.66.300]

2.66.1100 Disposal of property.

The Governing Body herein authorizes the Police Department of the City to sell or otherwise dispose of unclaimed property on or after 45 days if a bicycle and 90 days for all other property from the date upon which the department acquires custody of property described in Section 2.66.1090.

(History: Ord. CSC-2757 §1, 2008; CSC-1983 §11, 96) [Source or prior law: 2.66.310]

2.66.1110 Publication of notice of sale of property.

Whenever property is to be sold as provided for in Sections 2.66.1090 and 2.66.1100, the Police Department will cause to be published in appropriate media outlets including, at a minimum, an official legal newspaper of the City notice:

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- (a) If a public auction in the City, notice that a public sale of the property will occur that contains the date, hour and place of the sale; provided that the notice is published in the newspaper once weekly for two consecutive weeks preceding the date of public sale. The Police Department will also cause notice of the public sale to be posted on the City of Overland Park's website;
 - (b) If the public auction is conducted on the internet, notice that a public sale of the property will occur identifying the website hosting the auction; provided that the notice is published in the newspaper once weekly for two consecutive weeks preceding the date of the first internet auction, and thereafter twice per year. The Police Department will also cause notice of internet auctions to be posted on the City of Overland Park's website.
- (History: Ord. CSC-2757 §2, 2008; CSC-1983 §12, 96) [Source or prior law: 2.66.320]

2.66.1120 Deposit of proceeds from sale.

Proceeds from the sale of property described in 2.66.1090 through 2.66.1110 shall be deposited in the general revenue fund of the city.

(History: Ord. CSC-1983 §13, 96) [Source or prior law: 2.66.330]

2.66.1125 Hiring Process.

To fill the commissioned officer staffing needs of the police department, the Chief of Police shall develop a hiring process that complies with the provisions of AP-105 and other City policies. The Director of Human Resources shall assist the Chief of Police in the development and administration of the hiring process. The Chief of Police shall develop and implement the necessary rules and regulations to insure the proper and effective administration of the hiring process to include but not limited to insuring each applicant for a commissioned police officer position shall meet the requirements of the State of Kansas relating to the qualifications of a commissioned police officer.

(History: Ord. CSC-2158 §1, 99)

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ARTICLE II. CIVIL SERVICE COMMISSION**2.66.1130 Civil Service Commission established.**

Pursuant to the authority set forth in Charter Ordinance No. 43 as amended by Charter Ordinance No. 73, as further amended by Charter Ordinance No. 84, a Civil Service Commission has been established.

(History: Ord. CSC-2697 §5, 2007; CSC-2158 §2, 99; Ch. Ord. No. 73, 99; CSC-1983 §14, 96)
[Source or prior law: 2.66.340]

2.66.1140 Commission members, terms.

There shall be seven members of the Police Civil Service Commission, appointed by the Mayor and confirmed by the Council. The term of appointment for each member of the commission shall be for a period of three years, provided the appointments shall be staggered to provide continuity. The Civil Service Commission shall select its chairperson annually.

(History: Ord. CSC-1983 §15, 96) [Source or prior law: 2.66.350]

2.66.1150 Duties of the Police Civil Service Commission.

The Civil Service Commission shall review, approve and assist the police department in the promotion process for police officers below the rank of Captain and shall serve as an appeals board when commissioned police officers below the rank of Captain are terminated, demoted or suspended for disciplinary reasons and for those purposes otherwise provided in the Employee Handbook. The Civil Service Commission shall perform the duties required by the ordinances, resolutions and rules and regulations of the City, which include the City administrative policies. The Civil Service Commission shall adopt rules and regulations for the proper conduct of its business.

(History: Ord. CSC-2697 §6, 2007; PD-2372 §5, 2002; CSC-2158 §2, 99; CSC-1983 §16, 96)
[Source or prior law: 2.66.360 & .520]

2.66.1160 Assistance by City personnel, supplies, expenditures.

The Chief of Police shall designate personnel to keep the records of the Civil Service Commission and perform such other duties as may be necessary. The police department shall furnish the Commission the supplies necessary to conduct the business of the Commission. The expenditures of the Commission shall be consistent with and within the budget adopted by the Governing Body and undertaken in a manner consistent with the law and applicable City purchasing procedures.

(History: Ord. CSC-1983 §17, 96) [Source or prior law: 2.66.370 & .380]

2.66.1170 Civil Service Commission meetings.

The Commission shall meet as required to perform the functions and duties required by the provisions of this code. The times, dates and subject matter for such meetings shall be fixed by the Commissioners. The meeting shall be conducted in accordance with the Kansas Open Meetings Act; provided, however, the Commission may recess into executive session as provided by law.

(History: Ord. CSC-1983 §18, 96) [Source or prior law: 2.66.390]

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2.66.1180 Promotions.

Repealed. See 2.66.1235.

(History: Ord. CSC-2697 §14, 2007; CSC-2158 §2, 99; CSC-1983 §19, 96) [Source or prior law: 2.66.460]

2.66.1190 Qualifications.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §20, 96) [Source or prior law: 2.66.470]

2.66.1200 Applications.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §21, 96) [Source or prior law: 2.66.510]

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ARTICLE III. PROMOTIONS AND APPEALS

2.66.1210 Hiring process.

Repealed.

(History: Ord.CSC-2158 §3, 99; CSC-1983 §22, 96) [Source or prior law: 2.66.550]

2.66.1220 Certification of applicants in the hiring process.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §23, 96)[Source or prior law: 2.66.600]

2.66.1230 Interview, conditional job offer, post job offer examinations.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §24, 96)[Source or prior law: 2.66.540]

2.66.1235 Promotions.

All promotions shall be made on the basis of merit and overall qualification for the position applied for as determined by the examination and selection process reviewed and approved by the Civil Service Commission, without regard to political affiliation.

(History: Ord. CSC-2697 §7, 2007)

2.66.1240 Promotional process.

The promotional process for all commissioned police officer positions covered by the Civil Service Commission shall be developed by the Chief of Police or his or her designated representatives and reviewed by the Director of Human Resources. The promotional process will be reviewed and approved by the Civil Service Commission prior to the administration of the examination or promotional process to ensure the process or exam fairly and effectively tests the applicants. The Chief of Police shall be responsible for posting in a timely fashion all notices to participate in promotional examinations or processes. All applications for promotional examinations shall be filed with the Civil Service Commission in writing.

(History: Ord. CSC-2579 §1, 2005; CSC-1983 §25, 96) [Source or prior law: 2.66.600]

2.66.1250 Time in service and time in grade for promotion eligibility.

No person shall be eligible for promotion from the grade of police officer to sergeant unless immediately prior to the date of examination or the beginning of the selection process, the person to be examined has completed a total of five consecutive years of service as a law enforcement officer of which the final three full, consecutive years of service were with the Overland Park Police Department, provided breaks in service of no more than ninety days shall be considered *de minimis* and shall not be considered in calculating the consecutive years of service requirement.

(History: Ord. CSC-2945 §2, 2012; CSC-2697 §8, 2007; CSC-2594 §2, 2005; PD-2372 §6, 2002; CSC-2340 §1, 2001; CSC-2229 §1, 2000; CSC-2158 §2, 99; CSC-1983 §26, 96) [Source or prior law: 2.66.750]

2.66.1260 Filling vacancies.

The Chief of Police may elect to fill vacancies by (1) promotion from within the department or (2) hiring from outside the department. Whenever the Chief of Police determines there are

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vacancies to be filled in the rank of sergeant by promotion from within, the Chief of Police shall notify the Civil Service Commission of such vacancy. In the event the Chief of Police elects to hire from outside the department to fill the vacancy, the provisions of this Chapter relating to hiring shall apply.

(History: Ord. CSC-2945 §3, 2012; CSC-2697 §9, 2007; CSC-2594 §3, 2005; PD-2372 §7, 2002; CSC-2158 §2, 99; CSC-1983 §27, 96) [Source or prior law: 2.66.650]

2.66.1270 Notice of eligibility to compete.

As soon as practical after closing the application period for the promotion process, the chairperson of the Civil Service Commission shall notify all applicants whether they meet the minimum eligibility requirements to compete in the promotion process.

(History: Ord. CSC-2229 §2, 2000; CSC-1983 §28, 96) [Source or prior law: 2.66.630]

2.66.1280 Notice of promotional process results.

As soon as practical after the completion of any promotional process, the chairperson of the Civil Service Commission shall individually notify all those who participated in the process of the results of the promotional process or examination to include the individual's score and relative ranking as appropriate.

(History: Ord. CSC-2229 §3, 2000; CSC-1983 §29, 96) [Source or prior law: 2.66.620]

2.66.1290 Promotional eligibility list.

As part of each promotional examination or process, the Civil Service Commission shall establish a final promotion eligibility list for that process which shall be maintained by the Department Personnel Section. Individual test scores and results will not be posted. The certification shall include the examination scores of each candidate on the list. When an appointment is to be made to the rank for which the promotion list has been certified, the appointment shall be made from such eligibility list in rank order until all candidates are promoted or otherwise removed from consideration or the expiration of one year, whichever occurs first.

(History: Ord. CSC-2697 §10, 2007; CSC-2229 §4, 2000; CSC-1983 §30, 96) [Source or prior law: 2.66.630]

2.66.1300 Removal from eligibility list.

Any person listed on a current eligibility list who receives disciplinary action during the period their name is on the eligibility list may be removed from the eligibility list by the Chief of Police. Persons may also be removed from the eligibility list for any valid and documented reason that pertains to their inability to function within the rank to which they may be promoted.

If an eligible person on the list declines promotion, that person's name will be removed from the eligibility list. Persons whose names are involuntarily removed from the eligibility list may appeal the action to the Civil Service Commission. The name of any person eligible for a probationary promotion, who declines such promotion, shall be stricken from the eligibility list unless such declination is made for:

- A. Temporary inability, physical or otherwise, the evidence of which must be acceptable to and approved by the Civil Service Commission and set forth in its minutes;

B. Where the appointment is to be for a temporary period only.

In such events, eligible candidates for promotion shall not lose his or her position upon the eligibility list by reason of declining promotion.

(History: Ord. CSC-1983 §31, 96) [Source or prior law: 2.66.640]

2.66.1310 Probationary Period.

Promotions made from the lists of persons certified by the Civil Service Commission and appointments shall be for such probationary periods as set forth in the Employee Handbook. If the performance of a newly appointed police officer be unsatisfactory during the probationary period, the individual shall be notified in writing that their performance is unsatisfactory and he or she will not be retained. The termination is not subject to appeal to the Civil Service Commission. If the performance of a newly promoted individual be unsatisfactory, the individual shall be notified in writing that their performance is unsatisfactory and they are being demoted to their former rank. The demotion is not subject to appeal to the Civil Service Commission.

(History: Ord. CSC-1983 §32, 96)[Source or prior law: 2.66.660 and .690]

2.66.1320 Disciplinary Suspension, Demotion and Termination.

No police officer below the rank of Captain who has successfully completed the probationary period shall be suspended, demoted or terminated for disciplinary reasons, except for misconduct, insubordination, failure to perform his or her required duties or disobedience of his or her orders or material false statements, deception or fraud (practiced or attempted) in the hiring process. The Chief of Police may suspend, demote or terminate any such officer for such disciplinary reasons; provided, the officer shall have the right to appeal such action as provided herein.

(History: Ord. CSC-2697 §11, 2007; PD-2372 §8, 2002; CSC-2158 §2, 99; CSC-1983 §33, 96) [Source or prior law: 2.66.770]

2.66.1330 Appeals to Civil Service Commission.

Any police officer below the rank of Captain who is subject to the jurisdiction of the Civil Service Commission, who has successfully completed the probationary period, may, within five days, appeal any discharge, suspension or demotion, except in the case of a reduction in force, to the Civil Service Commission, which shall fully hear and determine the matter in accordance with rules and regulations promulgated by the Commission for the conduct of such hearings. Such police officers must notify in writing the police department and the Civil Service Commission of his or her intent to appeal within the five-day period. The Civil Service Commission shall have the power to enforce the attendance of witnesses, the production of books or papers and the power to administer oaths. The Commission shall have the authority, after a full and complete hearing on an appeal, to sustain or alter the disciplinary action; provided, it does not have the power to enhance the disciplinary action. The decision of the Commission is binding upon such officer and the Police Department. Either party may appeal such decision to the District Court of Johnson County as provided by law.

(History: Ord. CSC-2697 §12, 2007; PD-2372 §9, 2002; CSC-2158 §2, 99; CSC-1983 §34, 96) [Source or prior law: 2.66.775]

2.66.1340 Reduction in Force.

- A. Reappointment. In the event any commissioned police officer position is abolished due to a reduction in force and recreated within two years, the person who held such position at the time it was abolished shall be reappointed to the position without examination provided the person has remained an employee of the police department during the period.
- B. Reemployment. In the event any position of sergeant is abolished due to a reduction in force and the employee holding the position is not retained by the City, the employee's name shall be entered by the Civil Service Commission on any eligibility list for the rank the person previously held and given priority in filling subsequent vacancies in that position or other positions for which the person is eligible. In the event any police officer position below the rank of Captain is abolished due to a reduction in force and the employee holding the position is not retained by the City, the employee's name shall be retained by the City for the position, and the person will be given priority over new applicants in filling subsequent vacancies for such position. Individuals whose names are placed on the eligibility list or are eligible for a patrol officer position as provided herein shall be dropped at the expiration of one year; provided, however, that the employee shall retain all of his or her rights under the Veterans Reemployment Act and other applicable state and federal law.

(History: Ord. CSC-2945 §4, 2012; CSC-2697 §13, 2007; CSC-2594 §4, 2005; PD-2372 §10, 2002; CSC-2158 §2, 99; CSC-1983 §35, 96) [Source or prior law: 2.66.430]

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ARTICLE IV. MISCELLANEOUS

2.66.1350 Employee Handbook Provisions Applicable.

The provisions of the Employee Handbook are applicable to police officers when not inconsistent with the provisions of this chapter.

(History: Ord. CSC-1983 ' 36, 96) [Source or prior law: 2.66.790]

2.66.1360 Severability.

If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

(History: Ord. CSC-1983 ' 37, 96) [Source or prior law: 2.66.810]

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Chapter 2.69
BENEFIT DISTRICTS - PROFESSIONAL SERVICES
(This entire chapter has been repealed.)

Sections:

Article I. Project Engineers

- 2.69.010 Definitions. (Repealed)
- 2.69.020 Feasibility reports – Contents - compensation. (Repealed)
- 2.69.030 Design services - Services included. (Repealed)
- 2.69.040 Design services - Compensation. (Repealed)
- 2.69.050 Drawing and Specifications. (Repealed)
- 2.69.060 Administrative Duties. (Repealed)
- 2.69.070 Payment for Administrative Duties. (Repealed)
- 2.69.080 Inspection and Supervision of Construction Duties. (Repealed)
- 2.69.090 Payment for Inspection Duties. (Repealed)
- 2.69.100 Service by and Payment to Others. (Repealed)

Article II. Project Attorneys

- 2.69.110 Fees schedule. (Repealed)
- 2.69.120 Cost of project. (Repealed)
- 2.69.130 Fees for litigation. (Repealed)
- 2.69.140 Schedule deemed fees for usual services performed. (Repealed)
- 2.69.150 Special expenses. (Repealed)
- 2.69.160 Time schedule. (Repealed)
- 2.69.170 Failure to comply with time schedule. (Repealed)
- 2.69.180 Extension of time schedule. (Repealed)
- 2.69.190 Certification by engineer of construction completion - Ownership certificate. (Repealed)
- 2.69.200 Bond delivery. (Repealed)
- 2.69.210 Drawing of attorney's fee. (Repealed)
- 2.69.220 Project files. (Repealed)
- 2.69.230 Application of fee schedule - Time schedule - Statement of policy. (Repealed)

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ARTICLE I. PROJECT ENGINEERS¹

2.69.010 Definitions.

(History: Repealed by Ord. REP-1063 §1,80; EBD-198-A §1,68)

2.69.020 Feasibility reports -Contents -Compensation.

(History: Repealed by Ord. REP-1063 §1,80; EBD-168-A §2,68)

2.69.030 Design services-Services included.

(History: Repealed by Ord. REP-1063 §1,80, EBD-198-A §3,68)

2.69.040 Design services-Compensation.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A §4,68)

2.69.050 Drawings and specifications.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A § 5,68)

2.69.060 Administrative duties.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A §6, 68)

2.69.070 Payment for administrative duties.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A §7,68)

2.69.080 Inspection and supervision of construction duties.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A §8,68)

2.69.090 Payment for inspection duties.

(History: Repealed by Ord. REP-1063 §1,80; Ord. EBD-198-A §9,68)

2.69.100 Service by and payment to others.

(History: Repealed by Ord. REP-1063 §1,80;Ord. EBD-198-A §10,68)

1. Prior ordinance history: Ord. EBD-198, 63.

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ARTICLE II. PROJECT ATTORNEYS

2.69.110 Fees schedule.

(History: Repealed by Ord. REP-1062 §1,80; Ord. ABD-795 §1)

2.69.120 Cost of project.

(History: Repealed by Ord. REP-1062 §1,80;Ord. ABD-795 §2)

2.69.130 Fees for litigation.

(History: Repealed by Ord. REP-1062 §1,80;Ord. ABD-795 §3)

2.69.140 Schedule deemed fees for usual services performed.

(History: Repealed by Ord. REP-1062 §1,80;Ord. ABD-795 §4)

2.69.150 Special expenses.

(History: Repealed by Ord. REP-1062 §1, 80: Ord. ABD-795 §5)

2.69.160 Time schedule.

(History: Repealed by Ord. REP-1062 §1,80; Ord. ABD-795 §6)

2.69.170 Failure to comply with time schedule.

(History: Repealed by Ord. REP-1062 §1,80; Ord. ABD-795 §7)

2.69.180 Extension of time schedule.

(History: Repealed by Ord. REP-1062 §1,80; Ord. ABD-795 §8)

2.69.190 Certification by engineer of construction completion - Ownership certificate.

(History: Repealed by Ord. REP-1062 §1,80; (Ord. ABD-795 §9)

2.69.200 Bond delivery.

(History: Repealed by Ord. REP-1062 §1,80; Ord. ABD-795 §10)

2.69.210 Drawing of attorney's fee.

(History: Repealed by Ord. REP-1062 §1, 80; Ord. ABD-795 §11)

2.69.220 Project Files.

(History: Repealed by Ord. REP-1062 §1,80; ABD-795 §12)

2-69.230 Application of fee schedule-Time schedule-Statement of policy.

(History: Repealed by Ord. REP-1062 §1,80; ABD-795 §13)

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Chapter 2.70 LAND BANK

Sections:

- 2.70.010 Purpose.
- 2.70.020 Definitions.
- 2.70.030 Land Bank Board of Trustees; Appointment, Terms and Dissolution.
- 2.70.040 Land Bank Board of Trustees; Powers and Duties.
- 2.70.050 Land Bank; Operational Requirements.
- 2.70.060 Land Bank Board; Organization.

2.70.010 Purpose

The purpose of creating the City of Overland Park Land Bank is to implement the authority granted to the City's Governing Body, by HB2155 adopted by the Kansas Legislature in 2009, to establish or dissolve a City Land Bank by adoption of an ordinance. The City Land Bank will be a quasi-governmental entity with the primary responsibility and authority for acquiring, maintaining and selling abandoned property in order to address the problems and issues created by these distressed properties.

Among the goals the creation of the Land Bank is intended to help achieve are the elimination of blight, the enhancement of neighborhood viability and stability, the creation of opportunities for affordable and mixed income home ownership and rental, and the encouragement of economic development. The Land Bank is intended to assist in the aggregate and responsible holding of properties for future use, help in the elimination of barriers to return properties to productive use, and to help facilitate the strategic conveyance of property.

(History: Ord. LB-2814 §1, 2009)

2.70.020 Definitions

For the purpose of this Chapter the words set out in this Section shall have the following meanings:

- A. "City" means the City of Overland Park, Kansas.
- B. "Board" means the Board of Trustees of the City Land Bank established pursuant to this Ordinance.
- C. "Bank" means the City Land Bank established pursuant to this Ordinance.
- D. "Governing Body" means the Governing Body of the City.

(History: Ord. LB-2814 §1, 2009)

2.70.030 Land Bank Board of Trustees; Appointment, Terms and Dissolution.

- A. There is hereby established a Land Bank Board of Trustees. The Board shall be composed of the entire membership of the Governing Body of the City, ex officio, who shall be the voting members, and one additional member appointed by the Mayor who shall be a non-voting member and who shall be a City staff member.
- B. The term of office of each voting member of the Board of Trustees shall be coterminous with that member's term of office on the Governing Body of the City. The non-voting member of the Board of Trustees shall serve at the pleasure of the City Governing Body.
- C. The Bank may be dissolved by ordinance of the Governing Body. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

(History: Ord. LB-2831 §1, 2009; LB-2814 §1, 2009)

2.70.040 Land Bank Board of Trustees; Powers and Duties

The Land Bank Board of Trustees shall have the following powers and duties:

- A. To sue and be sued.
- B. To enter into contracts.
- C. To appoint and remove staff and provide for the compensation thereof.
- D. To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and personal property, subject to the provisions of this Ordinance and state law. Any property acquired by the City, Johnson County or any other city or taxing subdivision within Johnson County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Ordinance or state law. The transfer of any property pursuant to this Subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.
- E. The fee simple title to any real estate which is sold to Johnson County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.
- F. To rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank.
- G. The Board shall assume possession and control of any property acquired by it under this Ordinance or state law and shall hold and administer such property. In the administration of property, the Board shall:

1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
 2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
 3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
 4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
 5. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
 6. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.
- H. To exercise any other power which may be delegated to the Bank by the Governing Body.
- I. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank, this Ordinance and state law.
- J. The Board may establish separate neighborhood or City advisory committees consisting of persons living or owning property within the City, Johnson County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board providing otherwise, each advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

(History: Ord. LB-2814 §1, 2009)

2.70.050 Land Bank; Operational Requirements

The Land Bank shall be subject to the following requirements:

- A. The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A.10-1101 et seq., and amendments thereto.

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- B. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration
- C. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.
- D. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto.
- E. Any moneys of the Bank which are not immediately required for the purposes of the Bank shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.
- F. The Bank shall make an annual report to the Governing Body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official City newspaper on or before January 31 of each year.
- G. The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto.
- H. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.
- I. The sale of any real property by the Board, under the provisions of this ordinance or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.
- J. The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.
- K. Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.

- L. Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this Ordinance and state law, the Johnson County Treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.
- M. Property held by the Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank.
- N. The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the Bank and the Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.
- O. Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property.

(History: Ord. LB-2814 §1, 2009)

2.70.060 Land Bank Board; Organization

- A. The Board shall select, annually, from its membership, a chairperson, a vice-chairperson and a treasurer. The treasurer shall be bonded in such amounts as the Governing Body may require.
- B. The Board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.
- C. The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 75-4317 et seq., and amendments thereto.
- D. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.
- E. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

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- F. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

(History: Ord. LB-2814 §1, 2009)

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