

ORDINANCE NO. 3

AN ORDINANCE RELATING TO THE POWERS OF CITY OFFICERS AND FIXING FEES AND SALARIES.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF HUNTER:

SECTION 1. The Mayor shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the United States, and to faithfully and impartially discharge all and singular the duties appertaining to his said office according to the laws of the State of Kansas and the ordinances of the city of Hunter.

SECTION 2. It shall be the duty of the mayor to preside at all meetings of the City Council and he shall have a casting vote when the council is equally divided, and none other.

SECTION 3. He shall sign the commissions and appointments of all the officers elected or appointed in the city. He shall sign all orders and drafts upon the city treasurer for money.

SECTION 4. The mayor shall have the power to sign or veto any ordinance passed by the city council; provided, that any ordinance vetoed by the mayor may be passed over his veto by a vote of two-thirds of all the members of the council elected, notwithstanding the veto; and should the mayor neglect or refuse to sign any ordinance or return the same with his objections in writing at the next regular meeting of the council, the same shall become a law without his signature.

SECTION 5. The mayor shall from time to time communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort, and general prosperity of the city.

SECTION 6. The mayor shall at the first regular meeting of the city council in May of each year, by and with the consent of the city council, appoint the following officers: A city clerk, city treasurer, city marshal, and may appoint a street commissioner and such other officers as may be deemed necessary.

SECTION 7. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make reports to the council in writing touching any subject pertaining to his office.

SECTION 8. The mayor shall have power to remit fines and forfeitures, to grant reprieves and pardons for offenses arising under the ordinances of the city, by and with the consent of the council. But no such fine or forfeiture shall be remitted, or pardon granted, except at a legal session of the council, nor unless the reasons therefore, together with the order, be entered upon the journal of the clerk.

SECTION 9. The mayor shall receive in full compensation for services rendered a salary of One Dollar per annum.

ARTICLE TWO - CITY CLERK

SECTION 1. The city clerk shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the United States, the Constitution of the State of Kansas, and to faithfully and impartially discharge all and singular the duties appertaining to his said office according to the laws of the state of Kansas and ordinances of the city of Hunter, and also enter into a bond to the city of Hunter in the penal sum of \$100 with sureties to the satisfaction of the mayor, conditioned for the faithful discharge of his duties according to law, and if any city clerk shall fail to take such oath of office or to enter into said bond within ten days after his election, then and in that case his said office shall be taken and deemed vacant.

SECTION 2. The city clerk shall attend all the regular and special meetings of the council of said city, and have the custody of all of the laws and ordinances of said city, keep a regular and correct journal of the proceedings of said council, and record all ordinances immediately after their passage in the ordinance book provided for that purpose and index the same, and furnish ten copies, typewritten or printed, of the ordinance or ordinances as passed and post same up at as many public places in the said city's limits, or cause the same to be published in the official city paper according to law.

SECTION 3. The city clerk shall record all the actions of the city council, shall keep all the records of the city, and shall preserve in his office all such records, public documents and papers belonging to the city; he shall keep a record of all licenses issued, with date of same and amount paid therefore and the time of their expiration. He shall attest the signature of the mayor to all ordinances, orders, licenses, etc., and shall have custody of the city seal and affix the same to all papers that may be required by ordinance or otherwise. He shall keep a record of every order or draft which may be issued by the city, with the number, date, and amount of such order or draft, with the name of the person to whom the same is issued, the date of its cancellation and the amount of interest, if any, paid thereon. He shall at the first regular meeting of each month report to the council the whole amount of the receipts of the city for the preceding month and an account of what fund received, and attend to the office at such times as the faithful discharge of his duties are required. He shall between the 15th and 20th days of March, June, September and December, in each year, make a full detailed statement of the receipts, expenditures and indebtedness of the city for the quarter ending on the 15th day of said months, respectively; and on the 1st Monday in April in each year a statement for the fiscal year ending the 31st day of March.

SECTION 4. It shall be the duty of the said clerk to open accounts with the various city funds and officers and to place to the credit of the city all moneys arising from taxation, licenses, fines and other sources, and to charge the city with the amount paid to its several officers and all

other appropriations and disbursements authorized by the city council, and sign all licenses and attest all orders or warrants drawn by the mayor on the city treasurer for money.

SECTION 5. It shall be the duty of the city clerk on or before the 25th day of August in each year to certify to the county clerk of the county of Mitchell in the state of Kansas, the amount of all taxes and assessments that may be levied by the council of said city, to be placed on the tax roll of said county of Mitchell for collection, and at the regular time for certifying taxes to make a statement for the amount of special assessments for improvements, together with a description of each lot, piece or parcel of ground against which such expense is charges, and which he shall certify to the county clerk of Mitchell County, Kansas, to be placed on the tax roll for collection against such lot, piece or parcel of ground.

SECTION 6. The city clerk shall receive in full compensation for services rendered a salary of \$25.00 per annum, payable in equal monthly installments, the warrants therefore to be issued at the first meeting of the council in each month for the month proceeding.

ARTICLE THREE - CITY TREASURER

SECTION 1. The city treasurer shall before entering upon the duties of his office take and subscribe an oath to support the Constitution of the United States, the Constitution of the State of Kansas, and to faithfully perform all and singular the duties appertaining to his said office, according to the laws of the state of Kansas and the ordinances of the city of Hunter; and also enter into a bond to the city of Hunter in the penal sum of \$300, with sureties to the satisfaction of the mayor, conditioned for the faithful discharge of his duties according to law, and if any city treasurer shall fail to take oath of office or enter into said bond within ten days after his appointment, then and in that case his said office shall be taken and deemed vacant.

SECTION 2. It shall be the duty of the city treasurer:

1. To receive and safely keep all monies of the city which may come into his hands, and to disburse the same upon orders signed by the mayor, or acting mayor, and countersigned by the city clerk.
2. To keep in proper books a full and accurate account of all monies received and disbursed by him on behalf of the city, specifying the time of receipt and disbursement, from whom received and to whom paid, and on what account.
3. If any warrant is not paid when first presented, for want of funds, he shall write on the back thereof, "Not paid for want of funds," with the date thereof, and shall note the same in a register to be kept by him, and deliver the order so indorsed to the holder thereof. He shall indorse upon the face of every warrant paid the word, "paid," with the date of such payment, and file the same.
4. He shall deliver to every person making payment into the treasury duplicate receipts for the amount paid, specifying the date and upon what account paid.
5. He shall make quarterly reports to the city council which shall show the respective amounts of each fund, giving an itemized statement of the condition of the city treasury,

such quarterly report to be made on the 1st days of January, April, July and October; and each report to cover the receipts and disbursements for the three months preceding.

SECTION 3. The city treasurer shall keep his books and accounts in the regular system, and such books shall be open for the inspection of any tax-payer of the city of Hunter at all reasonable times.

SECTION 4. As the meeting of the council is held on the first Monday in April of each year, the city treasurer shall make an annual statement, at which time he shall present proper vouchers for the amounts disbursed during the year immediately preceding. All statements and vouchers shall be preserved in the office of the city clerk until the making of such annual settlement, when all vouchers shall be burned in the presence of the city council. Such annual settlement shall show all the receipts and disbursements made by the city treasurer during the preceding year, and such settlement shall be entered on the record in the office of the city clerk.

ARTICLE FOUR - POLICE JUDGE

SECTION 1. The police judge shall before entering upon the duties of his office take and subscribe an oath to support the Constitution of the United States, and the Constitution of the State of Kansas, and to faithfully discharge all the duties appertaining to his said office according to the laws of the state of Kansas and the ordinances of the city of Hunter; and also enter into a bond to the city of Hunter in the penal sum of \$100, with sureties to the satisfaction of the mayor, conditioned for the faithful discharge of his duties according to law, and if any police judge shall fail to take such oath of office or to enter into said bond within ten days after his election or appointment, then and in that case his said office shall be taken and deemed vacant.

SECTION 2. The police judge shall have jurisdiction of all offenses against the ordinances of the city, and such other power as given him by the laws of the state of Kansas. His court shall be deemed open except on Sunday, Christmas, New Year's, Decoration Day, Fourth of July and Thanksgiving Day. He shall keep a record of the cases brought before him, and the cause of complaint, with an entry of the proceedings before him, and the final disposition thereof. At the first regular meeting of the council of each month he shall make a detailed report to them of the proceedings had before him, the nature of the charge, amount of fine and costs assessed, the amount collected and the final disposition of the case, and shall transmit with such report all forfeited recognizance in his possession.

SECTION 3. The police judge, as full compensation for his services, shall receive the same fees as are allowed by law to justices of the peace.

ARTICLE FIVE - CITY MARSHAL, DEPUTIES, SPECIAL POLICEMEN AND NIGHT WATCH

SECTION 1. The city marshal, his deputies and special policemen shall, before entering upon the duties of their respective offices, take and subscribe an oath to support the Constitution of

the United States, the Constitution of the state of Kansas, and to faithfully discharge the duties appertaining to their respective offices according to the laws of Kansas, and the ordinances of the city of Hunter.

SECTION 2. It shall be the duty of the marshal, his deputies, special policemen, and night-watchmen to see that good order is maintained within the city, the laws of the state and the ordinances of the city are duly observed and enforced. They may execute any warrant or final process issued for violation of any law of the state, or any ordinance of the city of Hunter, or any by-law or resolution of the city, which may be tenured to either of them, and shall arrest or cause to be arrested, without warrant, any person or persons engaged, or attempting to engage, within the city, in their or either of their presence, in disturbing the public peace or violating any law of the state or ordinance of the city, and shall retain in custody in the city prison, or other safe place, by them or either of them arrested, until he can be brought and duly tried before the proper officer of the city.

SECTION 3. The marshal, his deputies, special policemen and night-watchmen may, when the offense is against the ordinances of the city, take security for the appearance of the party arrested before the police court at the next sitting thereof. It shall be their duty to aid in procuring the necessary evidence at the trial of any person whom either of them may have arrested or caused to be arrested as herein provided. The marshal, his deputies or special policemen or night-watchman, or either of them, may call upon any person or persons within the city to aid in the execution of any duty which is or may be required of them.

SECTION 4. The marshal shall have charge of the city prison and prisoners, and shall be allowed any expense necessary on account thereof, and shall execute or cause to be executed the judgment of the police court of the city in respect to each prisoner.

SECTION 5. It shall be the duty of the city marshal to make a report daily in writing, Sundays excepted, showing the number of arrests made in the city, and all other matters pertaining to his office for the preceding day. The report of the night-watchman, and his deputies, if any. Such report shall be in writing and filed with the city clerk. The mayor, with the consent of the marshal and council, shall appoint the deputies and night-watchmen, and shall have power to dismiss either of them, giving notice to the marshal of the dismissal.

SECTION 6. The city marshal, deputy marshal, night-watchmen and special policemen of the city are hereby authorized, empowered and required in a peaceable manner, if possible, or if refused admittance after demand, with force, to enter any house, dwelling or building in said city in attempting to arrest any person fleeing from them, whom they have seen violating any ordinance of this city immediately prior thereto, or enter any building not occupied as a private residence, in which they have reason to and do believe any person or persons are at that time violating any ordinance of this city, and to there arrest such parties who may there be found violating any such ordinance.

SECTION 7. It shall be the duty of the city marshal, deputy marshal, night watch or any police officer of the city who knows or has cognizance of any violation of any ordinance or part of any ordinance relative to nuisance, or relative to public health, to forthwith file with the police judge a complaint against the person or persons guilty of such violation, and procure the issuance of a warrant for the arrest of such person or persons. No officer making such complaint shall be liable for costs.

SECTION 8. The city marshal shall receive for his services from each person convicted of violation of city ordinances the following fees, to-wit: For making arrests, one dollar; for serving papers and performing all other services as may be required of him, the same as are allowed to constables for performing like services. He shall receive additional compensation at the rate of two dollars per day for Saturday afternoons and evenings, and for all other days when called upon to perform special duties. "Saturday afternoon and evening" shall be construed and treated as one-half day. Nothing in this section shall be construed to relieve him from the performance of the usual and ordinary duties of marshal.

ARTICLE SIX - STREET COMMISSIONER

SECTION 1. The street commissioner shall, before entering upon his duties as such officer, take and subscribe the usual oath of city officers.

SECTION 2. The street commissioner of the city shall be road overseer of the city, and shall have, in addition to the authority herein given him, all the powers of road overseer under the laws of the state of Kansas. It shall be the duty of the street commissioner to examine from time to time the streets, alleys, avenues, sidewalks, crosswalks, and public grounds belonging to the city, all the public thoroughfares of the city, and all culverts, sewers, drains, etc., in the city. It shall be his duty to have a general supervision over the same, and keep them in proper repair, and report to the council in writing when any of them are out of repair, and suggest what repairs are needed, and shall superintend all such work as the council shall order.

SECTION 3. He shall superintend the cleaning of the streets, alleys, avenues, public grounds, etc., and shall cause all obstructions, dead animals, rubbish and other nuisances of like nature to be immediately removed, and shall perform such other duties as the mayor and council shall from time to time direct.

SECTION 4. The compensation of the street commissioner shall be such sum as shall be determined by the mayor and council, for every day actually occupied, by direction of city council, in the discharge of his duties, and so long as the person acting as and performing the duties of street commissioner shall also perform the duties of city marshal, such additional compensation shall be paid such street commissioner as shall be allowed by the mayor and council.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the official city paper.

Dated this 10th day of February, 1919.

APPROVED: A. Wick, Mayor

ATTEST: E. C. Lemon, City Clerk

