



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

December 2, 1976

ATTORNEY GENERAL OPINION NO. 76- 353

Mr. Larry E. Mears
Atchison County Attorney
Atchison County Courthouse
Atchison, Kansas 66002

Re: Cities--Ordinances--Enforcement

Synopsis: A county attorney has no authority by virtue of his office to prosecute violations of city ordinances.

* * *

Dear Mr. Mears:

You advise that the City of Huron, a city of the third class, recently called upon your office for assistance in the prosecution of an ordinance of that city. You inquire whether "the office of the Atchison County Attorney has a duty to prosecute for violations of ordinances of cities of the third class and secondly, who has such authority and, third, how are ordinances of said cities enforced."

"[A] city has exclusive power to enforce its ordinances." *State ex rel. Burton v. Vandyne*, 159 Kan. 378 at 384, 155 P.2d 458 (1945). The duties of the county attorney, as outlined at K.S.A. 19-702, do not include the authority to prosecute violations of municipal ordinances. In *State ex rel. Burton, supra*, the court stated thus concerning that section:

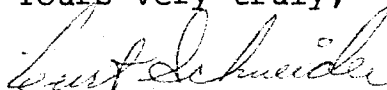
"This section contains no provision which confers on county attorneys the power to bring actions in the name of the state

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to enforce city ordinances. It refers to laws of the state and to actions in which the state or their county is a party." 159 Kan. at 384.

Thus, enforcement of the city ordinances must be by police officers commissioned for that purpose by the city and prosecution by the duly appointed city attorney of the municipality.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj