



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

October 7, 1977

ATTORNEY GENERAL OPINION NO. 77- 330

Mr. Don E. Scott
Graham County Sheriff
Graham County Courthouse
Hill City, Kansas 67642

Re: Counties--Sheriffs--Law Enforcement

Synopsis: Sheriffs are required by K.S.A. 19-813 to enforce state laws in their respective counties; however, said sheriffs are not authorized to enforce local city ordinances except in those situations where the county and the city enter into a contractual agreement pursuant to K.S.A. 12-2901 et seq.

* * *

Dear Sheriff Scott:

As Graham County Sheriff you inquire whether you are required to provide local law enforcement for the cities of Bogue and Morland. You stated over the phone that both cities are incorporated but have no local law enforcement personnel.

The powers of sheriffs are set forth in K.S.A. 19-813 which provides:

"It shall be the duty of the sheriff and undersheriffs and deputies to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots and unlawful assemblies and insurrections, for which purpose, and for the service of process in

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civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they, and every coroner and constable, may call to their aid such person or persons of their county as they may deem necessary."

It is clear from the above mentioned statute that the county sheriff is the superior official in his county for the enforcement of state laws. However, the sheriff is neither required nor authorized to enforce local ordinances enacted by the respective cities in his county.

The provisions of K.S.A. 15-204 provide that each third class city, i.e., Bogue and Morland, has the power through its mayor with the consent of the city council to appoint a town marshal and policemen. If the mayor fails to appoint such officials to enforce the local city ordinances, the city cannot expect or require the county sheriff to provide such services.

The city has a right to contract with the county to provide such services. If the city chooses to do so, certain areas should be approached with some caution. In particular, the County Sheriff and the city should formally agree that the Sheriff is being paid for duties he is not required to perform as Sheriff, i.e., the enforcement of city ordinances. This must be done in order to avoid any difficulties that might arise from K.S.A. 19-821 which provides that a sheriff may not receive compensation, other than provided by law, for duties he is required to perform by virtue of holding office. Specifically K.S.A. 19-821 states:

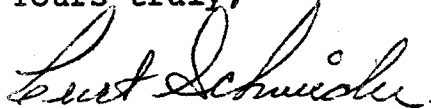
"No sheriff shall directly or indirectly ask, demand, or receive, for any service to be by him performed in the discharge of any of his official duties, any greater fees than are allowed by law, on pain of forfeiting treble damages . . . and in being fined"

If the cities of Bogue and Morland desire to contract with the county for local law enforcement, I would suggest that all parties review the provisions regarding interlocal cooperation. Those provisions can be found at K.S.A. 12-2901 et seq. If such an agreement is entered into, it is necessary in order to authorize you and your deputies to enforce the ordinances of

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those cities, that their governing bodies proceed, pursuant to K.S.A. 15-204, to apoint you as city police officers.

Yours truly,

A handwritten signature in cursive script, appearing to read "Curt Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:BEW:jj