

(Published in the _____ on _____, 2018)

ORDINANCE NO. 889

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF WELLSVILLE, KANSAS, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

BE IT ORDAINED by the Governing Body of the City of Wellsville, Kansas:

Section 1. Adoption of the Code of the City of Wellsville, Kansas.

The codification of ordinances of the City of Wellsville, Kansas, prepared by Citycode Financial LLC, Wichita, Kansas, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Wellsville, Kansas," is hereby authorized, adopted and ordained as the "Code of the City of Wellsville, Kansas." The Code is authorized by ordinance and was made in conformity with K.S.A. 12-3014 and 12-3015 and amendments thereto. Said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. Repeal of general ordinances.

All ordinances and parts of ordinances of a general nature passed prior to April 10, 2018, are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. Same; excepting certain ordinances from repeal.

In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

(a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;

(b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;

(c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;

(d) Ordinances naming or changing the names of streets, avenues and boulevards;

(e) Ordinances authorizing or directing public improvements to be made;

(f) Ordinances creating districts for public improvements of whatsoever kind or nature;

- (g) Ordinances levying general taxes;
- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the city;
- (n) All charter ordinances;
- (o) Any appropriation ordinance or ordinances relating to a specific transfer of funds;
- (p) Any zoning ordinance or ordinances changing the zoning classification of any property within the city or amending the city's zoning map;
- (q) Ordinances of a temporary nature;
- (r) Any ordinance which is special, although permanent in effect;
- (s) Any ordinance, the purpose of which has not been accomplished.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section. Ordinances which are not of a general nature shall be numbered consecutively, approved by the governing body, published, and filed with the city clerk, but such ordinances shall not be prepared for insertion in this code, nor be deemed a part hereof.

Section 4. Arrangement of and notations throughout the code.

The arrangement and classification of the several chapters, articles, and sections of the code adopted by section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. Accrued rights and liabilities.

The repeal of ordinances as provided in section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the

provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. Severability.

If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Wellsville, Kansas," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. Effective date.

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the Code of the City of Wellsville, Kansas as provided in K.S.A. 12-3015.

Section 8. Repealer.

The City Council previously adopted Codification Ordinance No. 885 on April 12, 2017 in connection with receiving a codification by the League of Kansas Municipalities but, given additional revisions made and additional Ordinances included, City Staff recommends that this Ordinance be adopted to supplant Ordinance No. 885. Accordingly, Ordinance No. 885 is hereby repealed.

ADOPTED AND PASSED by the governing body of the City on April 11, 2018 and **APPROVED AND SIGNED** by the Mayor.

BILL LYTLE, Mayor

ATTEST:

TAMMY JONES, City Clerk

ATTEST:

PATRICK G. REAVEY, City Attorney

CERTIFICATE OF THE CITY CLERK

State of Kansas)
)
Franklin County)

I, Tammy Jones, City Clerk of the City of Wellsville, Franklin County, Kansas do hereby certify that said city is a city of the third class of the mayor-council form of government under the statutes of Kansas; that this codification of the general ordinances of said city and the publication thereof in book form were ordered and authorized by the governing body by ordinance and in accordance therewith is entitled the "Code of the City of Wellsville, Kansas," that said codification was adopted as the "Code of the City of Wellsville, Kansas," by the governing body by Ordinance No. _____ passed on April 11, 2018, as authorized by K.S.A. 12-3015; that said ordinance and said codification of general ordinances as contained in this volume will take effect upon publication of 4 or more copies in book form; that the publication of 4 copies of this code in book form and said adoptive ordinance constitute due passage of this code and all general ordinances contained therein; that the codification and said adoptive ordinance as contained herein are true and correct copies; and that said publication imports absolute verity and is to be received in evidence in all courts and places without further proof as provided by K.S.A. 12-3015.

I further certify that the "Code of the City of Wellsville, Kansas," and the matter therein contained will take effect and be in force from and after April 17, 2018 (date of publication of the codification ordinance in the newspaper).

TAMMY JONES, City Clerk

DATE: April 11, 2018.