

**ORDINANCE NO. 14-4643**

**AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF CHERRYVALE, 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 Cherryvale, Kansas:

**Section 1. Adoption of the Code of the City of Cherryvale, Kansas.**

The codification of ordinances of the City of Cherryvale, 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 Cherryvale, Kansas," is hereby adopted and ordained as the "Code of the City of Cherryvale, 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All ordinances and parts of ordinances of a general nature passed prior March 17, 2014, are hereby repealed as of the date of publication of said code except as hereinafter provided.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 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 Cherryvale, 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.

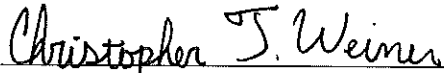
**Section 7. Effective date.**

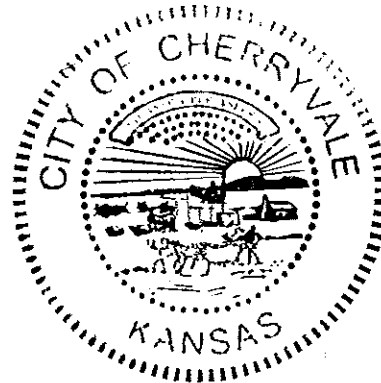
This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the "Code of the City of Cherryvale, Kansas" as provided in K.S.A. 12-3015.

**ADOPTED AND PASSED** by the governing body of the City on March 17, 2014 and **APPROVED AND SIGNED** by the Mayor.

  
\_\_\_\_\_  
JOHN WRIGHT, Mayor

ATTEST:

  
\_\_\_\_\_  
CHRISTOPHER T. WEINER, City Clerk



CERTIFICATE OF THE CITY CLERK

State of Kansas        )  
                                  )  
Montgomery County    )

I, Christopher T. Weiner, City Clerk of the City of Cherryvale, Montgomery County, Kansas do hereby certify that said city is a city of the second 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 Cherryvale, Kansas," that said codification was adopted as the "Code of the City of Cherryvale, Kansas," by the governing body by Ordinance No. 14-4643 passed on the 17th day of March 2014, as authorized by Section 12-3015 of the Kansas Statutes Annotated; 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 or more 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 12-3015 of the Kansas Statutes Annotated.

I further certify that the "Code of the City of Cherryvale, Kansas," and the matter therein contained will take effect and be in force from and after March 20<sup>th</sup>, 2014.

Witness my hand and the seal of the City of Cherryvale, Kansas, at my office in Cherryvale, Kansas, this 20<sup>th</sup> day of March, 2014.



Christopher T. Weiner  
CHRISTOPHER T. WEINER, City Clerk