

(Published in the Topeka Metro News May 17, 2010)

ORDINANCE NO. 19416

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adopting the re-codification of ordinances of the City of Topeka, Kansas, providing for the repeal of certain other ordinances not included therein, excepting certain ordinances from repeal, and saving certain accrued rights and liabilities pursuant to K.S.A. 12-3014 and K.S.A. 12-3015.

WHEREAS, the City desires to transition to a new web-based software program for viewing its Code to increase its accessibility to the public and City employees; and

WHEREAS, the City desires to incorporate a complete re-codification of its Code into this transition to a new software program, to include the compilation and revision of the general ordinances of the City; the changing of sections or portions deemed advisable; the omission of sections or portions deemed unnecessary; the addition of new provisions; and the adoption of the whole by this adopting ordinance and publication in permanently bound or loose-leaf book form; and

WHEREAS, the City intends that this re-codification affect only those ordinances previously codified and future ordinances intended to be codified.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:

Section 1. In conformance with K.S.A. 12-3014 and K.S.A. 12-3015, it hereby authorizes by the adoption of this Ordinance No. 19416, the re-codification of ordinances of the City of Topeka, Kansas, as set out in Titles 1 through 18 and the Appendices, and titled "The Code of the City of Topeka, Kansas, 2010," is hereby adopted and ordained as "The Code of the City of Topeka, Kansas, 2010" (hereinafter the "Code") and when this ordinance and the codification, along with a certificate of the

City Clerk that the same are true and correct copies, are published in book form they shall become effective.

Section 2. All of the provisions of "The Code of the City of Topeka, Kansas, 2010" shall be in force and effect on and after the requirements set forth in Section 1 have been met and all ordinances and parts of ordinances of a general nature passed prior to February 9, 2010 in force and effect at the date of publication of the Code, and not contained in the "The Code of the City of Topeka, Kansas, 2010," or recognized and continued in force by reference therein are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. All general ordinances of the City that are inconsistent with this code are hereby superseded, rather than repealed, and in the event any portion of this code is for any reason found or held to be invalid, the superseded ordinance shall be revitalized and shall prevail.

Section 4. 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 of 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 issuances 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; and
- N. Ordinances of temporary nature.

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.

Section 5. The arrangement and classification of the several titles, chapters, articles, and sections of the Code adopted by Section One of this ordinance, and any head notes or footnotes or other references found in a section, 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 6. Neither the adoption of this Code nor the repeal or amendment of any prior ordinance in whole or in part shall affect any prosecution for violation of any ordinance committed prior to the effective date of this Code; nor be construed as a waiver of any right, duty, contractual or other obligation under law, license, fee, fine or penalty at the effective date of this code; nor be construed as affecting any of the provisions of any ordinance relating to the collection of any legal or contractual obligation under law, license, fee, fine or penalty, or to the enforcement of any penalty; nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance prior to the effective date of this Code.

Section 7. Additions or amendments to the code when passed in the form as to indicate the intention to make the same a part of the code shall be deemed to be incorporated into the code, so that reference to the code includes the additions and amendments.

Section 8. Ordinances adopted after February 9, 2010 that amend or refer to ordinances that have been codified in the code shall be construed as if they amend or refer to like provisions of the code.

Section 9. If for any reason any title, chapter, article, section, subsection, sentence, portion or part of the Code 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 the Code.

Section 10. The minimum number of copies of the published Code required by K.S.A. 12-3015, and amendments or supplements thereto, shall be kept on file in the Office of the City Clerk and made available for inspection by the public at all reasonable business hours.

Section 11. The Governing Body hereby authorizes city personnel to keep the published versions of the Code current by the periodic preparation and insertion of loose-leaf supplements, and hereby makes provision for furnishing insertions and supplements to city personnel, purchasers, and others having copies of the Code.

Section 12. This Ordinance shall take effect when this Ordinance and the codification along with a certificate of the City Clerk that the same are true and correct copies are published in book form and shall import absolute verity and be received in evidence in all courts and places without further proof.

PASSED AND APPROVED by the Governing Body May 11, 2010.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk