

# 2002 ADOPTING ORDINANCE

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## ORDINANCE NO. 1111

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF MULVANE, 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 MULVANE, SEDGWICK AND SUMNER COUNTIES, STATE OF KANSAS:

**Section 1.** The codification of ordinances of the City of Mulvane, Kansas, authorized by Ordinance No. 1111 and K.S.A. 12-3014 and 12-3015, as set out in the following Titles, Titles I to VII, all inclusive and entitled the "Code of the City of Mulvane, Kansas," is hereby adopted and ordained as the "Code of the City of Mulvane, Kansas," and said codification shall become effective from and after the passage and approval of this ordinance and publication of no fewer than 10 copies of said Code in book form.

**Section 2.** All ordinances and parts of ordinances of a general nature passed prior to September 17, 2001, in force and effect at the date of the passage of this ordinance, are hereby repealed as of the passage of this ordinance except as hereinafter provided.

**Section 3.** 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, purchases, 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 the 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;

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- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the City;
- (k) Ordinances authorizing contracts;
- (l) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (m) Ordinances relating to compensation of officials, officers and employees of the City;
- (n) Ordinances of a temporary nature;
- (o) Ordinances zoning specific property, authorizing special use permits and establishing conditions on the use of specific properties;
- (p) Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
- (q) Ordinances establishing the limits of the City or pertaining to annexation or exclusion of territory;
- (r) Ordinances relating to zoning, subdivision or land use regulations;
- (s) Ordinances relating to personnel regulations;
- (t) Ordinances prescribing traffic regulations for specific locations prescribing thru streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones not inconsistent with this Code; and
- (u) The following ordinances and all amendments thereto are specifically held from repeal: Ord. No. 961.

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 4.** The arrangement and classification of the several Titles, 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.** 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.** If for any reason any Title, Chapter, Article, Section, Subsection, sentence, portion or part of the "Code of the City of Mulvane, Kansas," or the application thereof to any person or circum-

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stances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code.

**Section 7.** Section 100.060 of the Code of the City of Mulvane shall be amended to read as follows:

All powers exercised by Cities of the Second Class, or which shall hereafter be conferred upon them, shall be exercised by the Governing Body, subject to such limitations as are prescribed by law.

**Section 8.** Section 100.070 of the Code of the City of Mulvane shall be amended to read as follows:

The Governing Body shall have the care, management and control of the City and its finances and shall pass all ordinances needed for the welfare of the City. No ordinance shall be valid unless a majority of all the members elected to the Council vote in favor: provided, that where the number of favorable votes is one less than required, the Mayor shall have the power to cast the deciding vote in favor of the ordinance.

**Section 9.** Section 520.040 of the Code of the City of Mulvane shall be amended to read as follows:

Any insurance company liable for the payment of a claim of a named insured for a loss or damage to a building or other structure caused by or arising out of any fire, explosion or windstorm located within the City where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, shall comply with the following procedures:

1. The holder of a first (1st) real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall be paid.
2. The insurance company or companies shall withhold from the covered claim payment an amount not to exceed fifteen percent (15%) of the proceeds of any such payment, unless the Building Official has issued a certificate to the insurance company or companies that the insured has removed or will remove the damaged building or other structure, as well as all associated debris, and repair, rebuild, or otherwise make the premises safe and secure, pursuant to K.S.A. Supp. 40-3906, and amendments thereto.
3. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms, except as otherwise provided herein.
4. Upon transfer of the funds as required in Subsection (2) of this Section, said insurance company shall provide the City with the name and address of the insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the insurance company or companies and the insured or insureds. The City shall then notify the named insured or insureds by registered mail that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under these regulations.

**Section 10.** This ordinance shall take effect and be in force from and after the publication of the "Code of the City of Mulvane, Kansas," and the passage and approval of this ordinance, as provided in K.S.A. 12-3015.

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**PASSED BY THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS, THIS 1ST DAY OF APRIL, 2002.**

James P. Ford  
Mayor of the City of Mulvane

**ATTEST:**

Patty Gerwick  
City Clerk

(SEAL)