

ORDINANCE NO. 851

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF BURLINGTON, KANSAS, DATED JULY 26, 2017, AUTHORIZED BY UNANIMOUS VOTE OF THE GOVERNING BODY OF THE CITY OF BURLINGTON, KANSAS ON AUGUST 16, 2017; AND 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 Burlington, Kansas:

Section 1. The codification of ordinances of the City of Burlington, Kansas, authorized by Ordinance 851 and K.S.A. 12-3014 and 12-3015, 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 Burlington, Kansas, 2017," is hereby adopted and ordained as the "Code of the City of Burlington, Kansas, 2017," and said codification shall become effective upon publication of no fewer than 10 copies of said code in book form and publication in the city's official newspaper.

Section 2: All ordinances and parts of ordinances of a general nature passed before January 18, 2017, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Burlington, Kansas, 2017" and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.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, 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) Ordinances of a 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 4: 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 of 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 chapter, article, section, subsection, sentence, portion of part of the "Code of the City of Burlington, Kansas, 2017," 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.

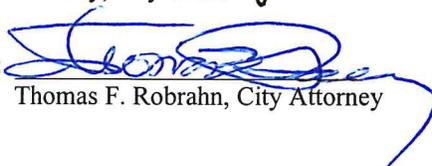
Section 7: This ordinance shall take effect and be in force from and after publication in the local newspaper on August 24, 2017 of the "Code of the City of Burlington, Kansas, 2017," and as provided in K.S.A. 12-3015.

Ordinance No. 851 is hereby adopted by the Governing Body of the City of Burlington, Kansas, this 16th day of August, 2017.

(SEAL)


Robert S. Luke, Mayor

ATTEST: 
Regina R. Kewley, City Clerk

Approved as to Form: 
Thomas F. Robrahn, City Attorney