

## ORDINANCE NO. 1804

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF BURLINGAME, KANSAS, AUTHORIZED BY ORDINANCE NO. 1766 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 Burlingame, Kansas:

Section 1. The codification of ordinances of the City of Burlingame, Kansas, authorized by Ordinance No. 1766 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 Burlingame, Kansas, 1997," is hereby adopted and ordained as the "Code of the City of Burlingame, Kansas, 1997," and said codification shall become effective upon 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 October 1, 1997, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Burlingame, Kansas, 1997," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.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 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 chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Burlingame, Kansas, 1997," 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 the publication of the "Code of the City of Burlingame, Kansas, 1997," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Burlingame, Kansas, this 6<sup>th</sup> day of October, 1997.



Donald Parker, Mayor

ATTEST: Cheryl D. Holloway  
Cheryl Holloway, City Clerk

(SEAL)

## CERTIFICATE OF THE CITY CLERK

Office of the City Clerk  
City of Burlingame, Kansas

State of Kansas                      )  
    )  
Osage County                        )

I, Cheryl Holloway, City Clerk of the City of Burlingame, Osage 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 No. 1766 and in accordance therewith is entitled the "Code of the City of Burlingame, Kansas, 1997," that said codification was adopted as the "Code of the City of Burlingame, Kansas, 1997," by the governing body by Ordinance No. 1804 passed on the 6<sup>th</sup> day of October, 1997, as authorized by Section 12-3015 of the Kansas Statutes Annotated; that said Ordinance No. 1804 and said codification of general ordinances as contained in this volume will take effect upon publication of 10 or more copies; that the publication of 10 copies of this code and adoptive Ordinance No. 1804 constitute due passage of this code and all general ordinances contained therein; that the codification and adoptive Ordinance No. 1804 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 Burlingame, Kansas, 1997," and the matter therein contained will take effect upon publication and be in force from and after October 9, 1997.

Witness my hand and the seal of the City of Burlingame, Kansas, at my office in Burlingame, Kansas, this 6<sup>th</sup> day of October, 1997.

Cheryl D. Holloway  
Cheryl Holloway, City Clerk  
City of Burlingame, Kansas

(S E A L)