CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Coffeyville, Kansas," and may be so cited. Such code may also be cited as the "Coffeyville Code."
(Code 1977, § 1-1)

State law reference—Revision and codification of ordinances, K.S.A. 12-3014 et seq.

Sec. 1-2. General rules of construction.

(a) In the construction of this Code, and of all ordinances and resolutions passed by the board of commissioners, the rules set out in this article shall be observed and the definitions prescribed in this article shall apply, unless such construction would be inconsistent with the manifest intent of the board of commissioners.

(b) The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expressions thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed according to the context and the approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.
(Code 1977, § 1-3)

Sec. 1-3. Definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of commissioners. The term "board of commissioners" means the board of commissioners of the City of Coffeyville, Kansas.

Charter ordinance. The term "Charter ordinance" means those ordinances adopted by the city pursuant to Kansas Const. art. 12, § 5.

City. The term "the city" or "this city" means the City of Coffeyville, in the County of Montgomery and State of Kansas.

City officers and departments. Whenever reference is made to an officer or a department, the same shall be construed as if followed by the words "of the City of Coffeyville, Kansas."

Code. The term "Code" or "this Code" means the Code of Ordinances, City of Coffeyville, Kansas.

County. The term "county" or "this county" means the County of Montgomery in the State of Kansas.

Delegation of authority. Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

Fee schedule. The term "fee schedule" means the official consolidated list maintained in the city clerk's office that lists rates, fees of any nature, deposit amounts and various charges as determined from time to time by the board of commissioners.

Fiscal year. The fiscal year of the city shall commence on January 1 and end on the following December 31.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

K.A.R. The abbreviation "K.A.R." means the Kansas Administrative Regulations, as amended.

K.S.A. The abbreviation "K.S.A." means the Kansas Statutes Annotated.

Land; real estate; real property. The terms "land," "real estate," and "real property" include lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.

Law. The term "law" means and denotes applicable federal law, the state constitution and statutes, this Code, ordinances and resolutions of the city, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

Law enforcement officer. The term "law enforcement officer" means any person who, by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all crimes or is limited to specific crimes or offenses.

Month. The term "month" means a calendar month.

Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Ordinance. The term "ordinance" means a legislative act of the board of commissioners of a general and permanent nature.

Person. The term "person" shall extend and be applied to corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Such word shall also include unincorporated clubs, sororities, fraternities, associations and organizations of whatever name and nature. Where criminal prosecution may lie, the officers of any corporation shall jointly and severally be subject to prosecution as being included within the term "person."

Personal property. The term "personal property" means and includes money, goods, chattels, evidences of debt and "things in action."

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes personal property and real property.

Resolution. The term "resolution" means a legislative act of the city governing authority of a special or temporary character.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall, may. The term "shall" is mandatory, and the term "may" is permissive.

Sidewalk. The term "sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Signature or *subscription.* The term "signature" or "subscription" includes a mark when a person cannot write.

State. The term "the state" or "this state" means the State of Kansas.

Street or *highway.* The term "street" or "highway" means the entire width between the boundary lines of every way publicly-maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the term "highway" or "street" is used in this Code, it means street, avenue, boulevard, thoroughfare, traffic way, alley and other public way for vehicular travel by whatever name, unless the context clearly indicates otherwise.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or *in writing.* The term "written" or "in writing" means and includes any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.
(Code 1977, § 1-3)

State law reference—Rules of statutory construction, K.S.A. 77-201.

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and, unless otherwise specifically provided, they shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.
(Code 1977, § 1-2)

Sec. 1-5. History and editor's notes.

The history notes appearing in parentheses after sections in this Code, and editor notes inserted following sections of this Code, are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. Miscellaneous ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be deemed to affect the validity of any of the following:

(1) Any Charter ordinance;

(2) Any ordinance pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;

(3) Any ordinance opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;

(4) Any ordinance establishing and changing grades of streets, avenues, alleys and boulevards;

(5) Any ordinance naming or changing the names of streets, avenues and boulevards;

(6) Any ordinance authorizing or directing public improvements to be made;

(7) Any ordinance creating districts for public improvements of whatsoever kind or nature;

(8) Any ordinance levying general taxes;

(9) Any ordinance levying special assessments or taxes;

(10) Any ordinance granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;

(11) Any ordinance authorizing the issuance of bonds and other instruments of indebtedness by the city;

(12) Any ordinance authorizing contracts;

(13) Any ordinance relating to compensation of officials, officers and employees of the city;

(14) Any ordinance relating to subdivisions or approving any subdivision plat.

(b) The enumeration of exceptions in this section 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.

Sec. 1-7. Code does not affect prior offenses or rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Sec. 1-8. Amendments or additions to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any section, such repealed section may be excluded from the Code by omission from reprinted pages. Whenever any ordinance expresses the intent of the board of commissioners that it be made a part of this Code, and the same is thereafter included in a supplement to this Code, such inclusion shall have the same force and effect as if the ordinance had been included at the time of the original adoption of this Code by the board of commissioners.

(b) Amendments to any of the provisions of this Code shall be made by amending such provision by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of Coffeyville, Kansas, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of Coffeyville, Kansas, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: . . . ." The new section shall then be set out in full as desired.
(Code 1977, § 1-4)

State law reference—Amendments to looseleaf codes, K.S.A. 12-3015.

Sec. 1-9. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of commissioners. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of commissioners or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-10. Effect of section renumbering on city signs and forms.

Sections of this Code have been renumbered during recodification and may be renumbered from time to time by amendment of this Code. Former section numbers appearing on city signs or included in various forms used by the city shall be deemed to refer to those sections as renumbered in this Code.

Sec. 1-11. Altering Code.

It is unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this Code authorized by ordinance duly adopted by the board of commissioners.

State law reference—Tampering with a public record, K.S.A. 21-3822.

Sec. 1-12. General penalty for violation of Code; continuing violations.

Except as otherwise specifically provided in specific penalty provisions of this Code, whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding $1,000.00 or by maximum imprisonment for a period not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
(Code 1977, § 1-5)

Sec. 1-13. Applicability of Code and ordinances to city-owned property outside city limits.

The provisions of this Code shall apply to all real property belonging to the city outside the corporate city limits, and shall be in full effect within the boundaries of all such outlying real property, insofar as they are applicable. All ordinances of the city which shall go into effect in the future shall also apply to, and be in full effect within, the boundaries of all such outlying real property insofar as they may be applicable. The word "city" or other words in any ordinance indicating that the effect of an ordinance or part of an ordinance is limited to the corporate city limits shall be deemed to mean and include also such outlying real property belonging to the city, unless the context clearly indicates otherwise.
(Code 1977, § 1-9)

State law reference—Police power extended to municipal airports and property connected with municipal utilities outside city limits, K.S.A. 3-117.

Sec. 1-14. Conflicting regulations.

(a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

(b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

(c) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsections (a) and (b) of this section, the more stringent regulation shall apply, and the specific provision shall prevail over the general.

Sec. 1-15. Severability of parts of Code.

It is hereby declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause,

sentence, paragraph or section of this Code shall be held invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such holding shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the board of commissioners without the incorporation in this Code of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.
(Code 1977, § 1-11)