

**MEETING NOTICE
MAIZE CITY COUNCIL
SPECIAL MEETING**

TIME: 11:00 A.M.
DATE: WEDNESDAY, MARCH 27, 2019
PLACE: MAIZE CITY HALL
10100 W. GRADY AVENUE

**MAIZE CITY COUNCIL AGENDA
MAYOR DONNA CLASEN PRESIDING**

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Agenda
- 4) New Business
 - A Code Update
- 5) Adjournment

NOTE: At the conclusion of the Special Council Meeting, the Mayor will conduct the weekly Mayor's Workshop/Informational meeting. Agenda under separate cover.

**MAIZE CITY COUNCIL
SPECIAL MEETING
WEDNESDAY, MARCH 27, 2019**

AGENDA ITEM #4A

ITEM: ADOPTION OF UPDATED CITY CODE

BACKGROUND:

The city staff and Citycode Financial LLC have recently reviewed and updated the city's code.

Attached is a memo highlighting key revisions.

The code is now online in a more easily searchable format at <http://maizeks.citycode.net>. Going forward, our code contractor (Citycode Financial LLC) will update the online code immediately as the city adopts new ordinances. At the end of each year, they will provide paper supplements for our printed code books so that those are kept up-to-date.

LEGAL CONSIDERATIONS:

City Attorney Tom Powell has reviewed the code and approves it as to form.

RECOMMENDATION/ACTION:

Move to approve the "code adoption ordinance" to adopt the new revised city code.

<u>Code Section</u>	<u>Comment/Question</u>
<i>Chapter 1</i>	<i>deals with governing body, staff, administrative functions, etc.</i>
1-110	ordinance publication language revised per recent state law amendments (allowing for publication of summary in newspaper, as long as full version is on a city website, etc.)
1-208	as a replacement for this “rules and order of business” section, some cities are starting to incorporate LKM’s pamphlet “Code of Procedure for Kansas cities” Fourth Edition (2017) – old 1-208 has been replaced with language to do this
1-700s	investment of public funds law - updated with current statutory language
<i>Chapter 3</i>	<i>regulates liquor and cereal malt beverages</i>
3-200s	FYI: On April 1, 2019, all CMB licensed businesses will be able to sell beer containing not more than 6% alcohol by volume. We updated the city code to revise the 3-200s, to allow for regulation of this new “Enhanced CMB” (which is defined as the combination of CMB and beer containing not more than 6% alcohol by volume.)
3-302	<i>Alcoholic (Package) Liquor License Fee (Liquor Stores):</i> State law recently changed this fee from annual to biennial (2-year period). The biennial fee is now set at \$600 (double your old \$300 annual fee).
3-402, 502	<i>Club and Drinking Establishment License Fees:</i> State law recently changed this fee from annual to biennial (2-year period). The biennial fee is now set at \$500 (double your old \$250 annual fee).
<i>Chapter 6</i>	<i>form and election of governing body</i>
6-103:106	revised pursuant to Charter Ordinance No. 28-16
6-105	revised section dealing with candidacy for governing body (e.g. petition must be signed by 5% of qualified electors of city).

Chapter 8 ***general nuisance regulations (weeds, junk cars, etc.)***

8-800s per recent change in state law, revised insurance proceeds lien to cover all damages (not just those due to wind, fire or explosion)

Chapter 11 ***public offenses, including the UPOC (Uniform Public Offense Code)***

11-224 Deleted this section that prohibits weapons in various public buildings. Recent legislation preempts cities from enacting such regulations, except to prohibit in certain municipal buildings where an exception or adequate security measures exist (see K.S.A. 12-16,124 and K.S.A. 75-7c01 et seq.)

Chapter 14 ***traffic laws, including the STO (Standard Traffic Ordinance)***

14-101 updated to Standard Traffic Ordinance, 2018 edition)

Chapter 16 ***planning, zoning and subdivision regulations***

Zoning and Subdivision Regulations

Added full text of zoning and subdivision regulations as unofficial Appendices C and D only

(Published in the _____ on _____, 2019)

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF MAIZE, 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 Maize, Kansas:

Section 1. Adoption of the Code of the City of Maize, Kansas.

The codification of ordinances of the City of Maize, Kansas, prepared by Citycode Financial LLC, Wichita, Kansas, as set out in the following chapters, Chapters I to XVIII and Appendices A and B, all inclusive, and entitled the “Code of the City of Maize, Kansas,” is hereby authorized, adopted and ordained as the “Code of the City of Maize, Kansas.” The Code is authorized by ordinance and was made in conformity with K.S.A. 12-3014 and 12-3015 and amendments thereto. Said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. Repeal of general ordinances.

All ordinances and parts of ordinances of a general nature passed prior to [ADOPTION DATE], are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. Same; excepting certain ordinances from repeal.

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) All charter ordinances;
- (o) Any appropriation ordinance or ordinances relating to a specific transfer of funds;
- (p) Any zoning ordinance or ordinances changing the zoning classification of any property within the city or amending the city's zoning map;
- (q) Ordinances of a temporary nature;
- (r) Any ordinance which is special, although permanent in effect;
- (s) Any ordinance, the purpose of which has not been accomplished.

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. Ordinances which are not of a general nature shall be numbered consecutively, approved by the governing body, published, and filed with the city clerk, but such ordinances shall not be prepared for insertion in this code, nor be deemed a part hereof.

Section 4. Arrangement of and notations throughout the code.

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. Accrued rights and liabilities.

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. Severability.

If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Maize, Kansas," 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. Effective date.

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the "Code of the City of Maize, Kansas" as provided in K.S.A. 12-3015.

ADOPTED AND PASSED by the governing body of the City on [ADOPTION DATE] and **APPROVED AND SIGNED** by the Mayor.

DONNA CLASEN, Mayor

ATTEST:

JOCELYN REID, City Clerk

CERTIFICATE OF THE CITY CLERK

State of Kansas)
)
Sedgwick County)

I, Jocelyn Reid, City Clerk of the City of Maize, Sedgwick 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 and in accordance therewith is entitled the "Code of the City of Maize, Kansas," that said codification was adopted as the "Code of the City of Maize, Kansas," by the governing body by Ordinance No. [ADOPTION ORDINANCE NUMBER] passed on [ORDINANCE ADOPTION DATE], as authorized by K.S.A. 12-3015; that said ordinance and said codification of general ordinances as contained in this volume will take effect upon publication of 4 or more copies in book form; that the publication of 4 copies of this code in book form and said adoptive ordinance constitute due passage of this code and all general ordinances contained therein; that the codification and said adoptive ordinance 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 K.S.A. 12-3015.

I further certify that the "Code of the City of Maize, Kansas," and the matter therein contained will take effect and be in force from and after _____, 2019 (date of publication of the codification ordinance in the newspaper).

JOCELYN REID, City Clerk

DATE: _____, 2019.