

**GENERAL PROVISIONS
CHAPTER 1**

Article I. Title and Construction

Sec. 1-101	Title.
Sec. 1-102	Rules of Construction.
Sec. 1-103	Severability.

Article II. Definitions

Sec. 1-201	General definitions.
------------	----------------------

Article III. Miscellaneous

Sec. 1-301	Catchlines of sections.
Sec. 1-302	History notes.
Sec. 1-303	References to chapters or sections.
Sec. 1-304	References and editor's notes.
Sec. 1-305	Provisions considered as continuations of existing ordinances.
Sec. 1-306	Code does not affect prior offenses, rights, etc.
Sec. 1-307	Effect of repeals.
Sec. 1-308	Certain ordinances not affected by Code.
Sec. 1-309	Effect of amendments to Code.
Sec. 1-310	Supplementation of Code.
Sec. 1-311	General penalty.

**GENERAL PROVISIONS
CHAPTER 1**

ARTICLE I. TITLE AND CONSTRUCTION

Sec. 1-101 Title.

This act shall be known and may be cited as the Code of the City of Ottawa, Kansas.

(Code 1982)

State law reference-Revision and codification of ordinances, K.S.A. 12-3014-12-3016.

Sec. 1-102 Rules of Construction.

This Code shall be liberally construed and applied to promote its underlying purpose of providing authority and necessary rules for the governance of the City of Ottawa, Kansas.

Unless the context otherwise requires, in this Code words in the singular number include the plural and in the plural include the singular, and words of the masculine gender include the feminine and of the feminine include the masculine.

(Code 1982)

Sec. 1-103 Severability.

If any provision or clause of this Code or application thereof is held invalid, such invalidity shall not affect other provisions or applications of the Code which can be given effect without the invalid provision or application, and to this end, the provisions of this Code are declared to be severable.

(Code 1982)

State law reference-Revision and codification of ordinances, K.S.A. 12-3014-12-3016.

**GENERAL PROVISIONS
CHAPTER 1**

ARTICLE II. DEFINITIONS

Sec. 1-201 General Definitions.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Commissioners.

Board of Commissioners- The words “Board of Commissioners” shall mean the Governing Body of the City of Ottawa, Kansas.

City- The word “City” shall mean the City of Ottawa, Kansas.

City Manager- The term “City Manager” shall mean the person appointed by the Governing Body to fulfill the duties as provided in State Law and City Ordinances.

City Officers, Departments, Boards, Committees, Commissions, etc- whenever reference is made to an officer, department, board, committee, commission, etc., the same shall be construed as if followed by the words “of the City of Ottawa, Kansas.”

Code- The word “Code” shall mean the Code of the City of Ottawa, Kansas.

Commission- The word “Commission” shall mean the Board of Commissioners of the City of Ottawa, Kansas, constituting the Governing Body of the City.

Commissioner- The word “Commissioner” shall mean a member of the Board of Commissioners of the City of Ottawa, Kansas.

County- The term “County” shall mean Franklin County, Kansas.

Delegation of Authority- Whenever a provision appears requiring a City Officer or City Employee to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate, and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section designate otherwise.

Governing Body- The words “Governing Body” shall mean the Board of Commissioners of the City of Ottawa, Kansas.

K.S.A- The abbreviation “K.S.A.” shall mean the most recent edition or supplement of the Kansas Statutes Annotated.

May- The word “may” permits discretion to act.

Month- The word “month” shall mean 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 word “oath” shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

Person- The word “person” shall extend and be applied to associations, corporations, firms, partnerships, and bodies politic and corporate as well as to individuals.

**GENERAL PROVISIONS
CHAPTER 1**

Roadway- The word “roadway” shall mean that portion of a street improved, designed, or ordinarily used for vehicular traffic.

Shall- The word “shall” makes action mandatory.

Sidewalk- The word “sidewalk” shall mean any all-weather surfaced area within the right-of-way between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature or subscription- The word “signature” or “subscription” shall include a mark when a person cannot write.

State- The word “State” shall mean the State of Kansas.

Street- The term “street” 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 traffic.

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

Written and in writing- The words “written” and “in writing” shall include any written or printed words, letters or figures.

Year- The word “year” shall mean a calendar year.

(Code 1982)

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

**GENERAL PROVISIONS
CHAPTER 1**

ARTICLE III. MISCELLANEOUS

Sec. 1-301 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 sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1982)

Sec. 1-302 History notes.

The history notes appearing in parentheses after 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.

(Code 1982)

Sec. 1-303 References to Chapters or Sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

(Code 1982)

Sec. 1-304 References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

(Code 1982)

Sec. 1-305 Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code so far as they are the same as those of the Code of the City of Ottawa, Kansas, 1982, and of ordinances existing at the time of adoption of this Code shall be considered as a continuation thereof and not new enactments.

(Code 1982)

Sec. 1-306 Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinances 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.

(Code 1982)

GENERAL PROVISIONS
CHAPTER 1

Sec. 1-307 Effect of repeals.

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

(Code 1982)

Sec. 1-308 Certain ordinances not affected by Code.

Nothing in this Code or the Ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- A. Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code;
- B. Any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issue of any bonds of the City, or any evidence of the City's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the City;
- C. Any administrative ordinances or resolutions of the City not in conflict or inconsistent with the provisions of this Code;
- D. Any right or franchise granted by any ordinance;
- E. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the City;
- F. Any appropriation ordinance;
- G. Any ordinance levying or imposing taxes;
- H. Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles, or loading zones;
- I. Any land use, zoning or rezoning ordinance or amendment to the zoning map;
- J. Any ordinance establishing and prescribing the street grades of any street in the City;
- K. Any ordinance providing for local improvements and assessing taxes therefore;
- L. Any subdivision ordinance or any ordinance dedicating or accepting any plat or subdivision in the City;
- M. Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the City;
- N. Any ordinance establishing positions, classifying positions, setting salaries of City officers and employees or any personnel regulations;

GENERAL PROVISIONS
CHAPTER 1

- O. Any temporary or special ordinances;
- P. Any ordinance calling elections or prescribing the manner of conducting the election in accordance with State Law;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code, and such ordinances are on file in the City Clerk's Office.

(Code 1982)

Sec. 1-309 Effect of amendments to Code.

- A. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Board of Commissioners to make such additions and amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include such additions and amendments.
- B. All ordinances passed subsequent to the adoption of 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 chapter, article, division, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.
- C. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the Section Number of this Code in substantially the following language: "That Section _____ of the Code of the City of Ottawa, Kansas, is hereby amended to read as follows: . . ." The new provisions shall then be set out in full as desired.
- D. If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the City of Ottawa, Kansas, is hereby amended by adding a Section to be numbered _____, which Section reads as follows: . . ." The new section may then be set out in full as desired.
- E. All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

(Code 1982)

Sec. 1-310 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.

GENERAL PROVISIONS
CHAPTER 1

- 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 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 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 the words "This Chapter," "This Article," "This Division," etc., as the case may be, or to "Sections _____ through _____". The inserted section numbers will 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.

(Code 1982)

State law reference-Codification authorized, K.S.A. 12-3014-12-3016.

Sec. 1-311 General penalty.

Classification of misdemeanors, corresponding terms of confinement and fines are established as follows:

- A. *Class A.* Penalty upon conviction for a Class A Misdemeanor shall be imprisonment of not more than one year, or by fine of not more than \$2,500.00, or by both such fine and imprisonment.
- B. *Class B.* Penalty upon conviction for a Class B Misdemeanor shall be imprisonment of not more than six months, or by fine of not more than \$1,000.00, or by both such fine and imprisonment.
- C. *Class C.* Penalty upon conviction for a Class C Misdemeanor shall be imprisonment of not more than one month, or by fine of not more than \$500.00.

GENERAL PROVISIONS
CHAPTER 1

Misdemeanors not specified as to Class shall be deemed Class C misdemeanors and shall carry the same penalty unless otherwise provided.

REVISED: (*Ord. No. 2894-91-A, 08-21-91*)

State law reference-Classification of misdemeanors, K.S.A. 21-4502, 21-4503.

