

CITY OF WESTWOOD HILLS, KANSAS  
ORDINANCE NO. 237

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF WESTWOOD HILLS, KANSAS, AUTHORIZED BY ORDINANCE NO. 236 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 Westwood Hills, Kansas:

Section 1. The codification of ordinances of the City of Westwood Hills, Kansas, authorized by Ordinance No. 236 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XII, all inclusive, and entitled the "Code of the City of Westwood Hills, Kansas, 2012," is hereby adopted and ordained as the "Code of the City of Westwood Hills, Kansas, 2012," 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 \_\_\_\_\_, 2012, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Westwood Hills, Kansas, 2012," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.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 Westwood Hills, Kansas, 2012," 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 Westwood Hills, Kansas, 2012," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Westwood Hills, Kansas, and Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John Heeney, Mayor

Attest:

\_\_\_\_\_  
Duncan Samuel, City Clerk

Approved as to form:

\_\_\_\_\_  
Ronald S. Reuter, City Attorney

CERTIFICATE OF CITY CLERK

Office of the City Clerk  
Westwood Hills, Kansas

State of Kansas     )  
                                  )  
Johnson County     )

I, Duncan Samuel, City Clerk of the City of Westwood Hills, Johnson County, Kansas do hereby certify that said city is a city of the third (3rd) 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. 236 and in accordance therewith is entitled the "Code of the City of Westwood Hills, Kansas, 2012," that said codification was adopted as the "Code of the City of Westwood Hills, Kansas, 2012," by the governing body by Ordinance No. 237 passed on the \_\_\_ day of \_\_\_\_\_, 2012, as authorized by Section 12-3015 of the Kansas Statutes Annotated; that said Ordinance No. 237 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. 237 constitute due passage of this code and all general ordinances contained therein; that the codification and adoptive Ordinance No. 237 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 Westwood Hills, Kansas, 2012," and the matter therein contained will take effect upon publication and be in force from and after \_\_\_\_\_, 2012.

Witness my hand and the seal of the City of Westwood Hills, Kansas, at my office in Westwood Hills, Kansas, this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Duncan Samuel, City Clerk  
Westwood Hills, Kansas

## **Chapter 12. CITIES AND MUNICIPALITIES**

### **Article 30. ORDINANCES OF CITIES**

*Current through the 2011 legislative session*

#### **§ 12-3009. Subjects which may be incorporated in ordinance by reference**

Any city is hereby authorized and empowered to incorporate in an ordinance by reference, in the manner hereinafter provided, any standard or model code or ordinance, regulation having the effect of law of a state officer, board or other agency, or statute, or portions thereof on any subject on which a city may legislate, which standard or model code or ordinance or state regulation is available in book or pamphlet form: *Provided*, That nothing herein shall be deemed to waive any statutory procedural requirement concerning a zoning ordinance, except that any city may incorporate by reference in conformity with K.S.A. 12-3010 a zoning ordinance or subdivision regulations in code form as that term is defined in K.S.A. 12-3301(c) if all other procedural requirements set forth in K.S.A. 12-708 are met.

**History.** L. 1959, ch. 64, § 9; L. 1969, ch. 87, § 1; April 25.

#### **§ 12-3010. Effect of incorporation by reference; requirements for incorporation and omission; marked copies to city clerk and officials**

The provisions of any standard or model code or ordinance, state regulation or statute or portions thereof incorporated in an ordinance by reference shall be as much a part of the ordinance as if the same had been set out in full therein when the ordinance shall have been passed by the governing body of the city and published in the manner provided by law, and any section, article, chapter, part or portion not incorporated shall be clearly and specifically described and declared to be omitted and any provisions changing or adding to the incorporated provisions shall be stated in full and published as a part of the ordinance. Instead of incorporating with omissions, the incorporating ordinance may designate specifically the sections, articles, chapters, parts or portions of the standard or model code or ordinance, state regulation or statute that are incorporated. No such ordinance shall be deemed to have incorporated therein any standard or model code or ordinance or state regulation unless the same shall be clearly described in the ordinance by name or title, the name or title of the agency, organization, or group or state officer, board or agency which prepared, compiled, published or promulgated the same, the year or edition of the work or other sufficiently identifying description, and statutes or portions thereof shall be identified by appropriate reference to Session Laws, Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto. At least one copy of any such standard or model code or ordinance or state regulation shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours. The police department, police judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of any such standard or model code or ordinance or state regulation similarly marked as may be deemed expedient.

History. L. 1959, ch. 64, § 10; L. 2007, ch. 142, § 3; April 26.

**§ 12-3011. Penalty provisions for incorporating ordinances**

All such incorporating ordinances shall include a penal section or sections within the limits authorized by law to be provided for the violation of the ordinances of the city: *Provided*, That if the incorporated code or ordinance, state regulation or statute contains penalty provisions which the city may or must inflict or if the incorporated code or ordinance is based upon a statute whose provisions a city is specifically authorized to parallel in whole or in part by ordinance with the same penalties, such incorporating ordinance need not provide penalties.

History. L. 1959, ch. 64, § 11; June 30.

**§ 12-3012. Amendment of standard, code or ordinance by sponsor after incorporation by references; effect**

The amendment of any standard or model code or ordinance or the publication of any new and revised such code or ordinance by the agency, organization, or group sponsoring the same shall in no wise affect the incorporating ordinance or the code or ordinance but such ordinance and the code or ordinance as incorporated shall continue in effect until the incorporating ordinance is repealed or a later standard or model code or ordinance is incorporated by reference. Any statute or section thereof or any state regulation or portion thereof which has been incorporated by reference and which is amended by the legislature or changed by the state officer, board or agency, shall cease to be effective until and unless incorporated by amendment of the incorporating ordinance or another incorporating ordinance.

History. L. 1959, ch. 64, § 12; June 30.

**§ 12-3014. Authorization; publication; supplements; recodifications**

The governing body of the city may from time to time provide for the compilation or revision and codification (such revision and codification hereinafter referred to as codification and when published called code) of the general ordinances of the city and the publication in book form of such compilation or codification, and may provide for keeping compilations and codifications up to date by supplements to permanently bound books or by insertion of amending or new ordinances in loose-leaf binders, and may provide for annual or occasional recodification of codifications housed in loose-leaf binders.

History. L. 1959, ch. 64, § 14; June 30.

**§ 12-3015. "Compilation" and "codification" defined; ordinance books; loose-leaf supplements**

The following terms shall have the meanings herein prescribed:

- (a) "Compilation" includes the collecting, assembling and organizing of existing ordinances of the city and publication thereof in permanently bound or loose-leaf book form;
- (b) "codification" includes the compilation and revision of the general ordinances of the city; the

changing of sections deemed advisable; the omission of sections deemed unnecessary; the addition of new provisions; and the adoption of the whole by an adopting ordinance and publication in permanently bound or loose-leaf book form.

The codification may contain citations to sections of previous ordinances retained or modified. All titles, effective sections and signatures of ordinances may be omitted. The codification may contain annotations to statutes, cross-references and other matter that may make the code more useful. The codification may incorporate by reference standard or model codes or ordinances, state regulations and statutes as authorized by K.S.A. 12-3009, 12-3010, 12-3011 and 12-3012, and amendments thereto. The ordinance adopting the codification shall recite that the codification was authorized by ordinance, and that it was made in conformity with K.S.A. 12-3014 and 12-3015, and amendments thereto. When the ordinance and the codification, along with a certificate of the city clerk that the same are true and correct copies are published in book form, the codification shall take effect and shall import absolute verity and be received in evidence in all courts and places without further proof.

One copy of the published book shall be kept on file with the "ordinance books" and constitute an "ordinance book." A loose-leaf code of ordinances, published pursuant hereto may be kept current by the periodic preparation of loose-leaf supplements. Whenever any ordinance expresses the intent of the governing body that it may be made a part of such loose-leaf code and the same is thereafter included in a supplement to such code, such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the governing body. The governing body shall make provision for furnishing insertions in loose-leaf compilations or codes to city personnel, purchasers, and others having copies of the original compilation or code.

At least three copies of the published book shall be kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable business hours.

**History.** L. 1959, ch. 64, § 15; L. 1965, ch. 113, § 1; L. 1983, ch. 70, § 1; April 7.

#### **§ 12-3016. Expense budgeted over two- or three-year period, when**

The governing body may, if the expense of the compilation or codification and publication to be done in one (1) year will exceed the amount that can be budgeted for such purpose in one (1) year, budget over a period of not to exceed three (3) years to build up the estimated amount, or in the event the work will extend through not to exceed two (2) budget years, may provide for payment from two (2) annual budgets.

**History.** L. 1959, ch. 64, § 16; June 30.

#### **§ 12-3017. Validity of ordinance not affected by repeal of statute under which passed**

The repeal of any statute, or section or sections of any statute, under which an ordinance of any city was passed shall not affect the validity of the ordinance if such ordinance could be passed by the city under the home rule power granted by article 12, section 5, of the constitution of Kansas in the absence of such statute.

**History.** L. 1963, ch. 455, § 1; April 4.

Subj: **Re: March Newsletter - Your Paragraph on the Codes**  
Date: 3/21/2007 9:53:16 P.M. Central Daylight Time  
From: [serenity\\_01@prodigy.net](mailto:serenity_01@prodigy.net)  
To: [SDS22863@aol.com](mailto:SDS22863@aol.com)

New Ordinances adopted for Building Codes and Zoning --The City has completed its work to adopt revisions to Chapters V and VIII of the City Code dealing with building codes for new and existing structures and dealing with zoning and the operations of the Planning Commission and the Board of Zoning Adjustments. This work began over two years ago with a property owner survey, a nine month planning effort which included multiple community meetings, and a hearing by the Planning Commission to take public comment over 10 months ago which resulted in a recommendation of adoption by the Planning Commission. This was followed by legal review and drafting revisions and finally by action of the City Council adopting the substantially revised ordinances.

Highlights include: revisions to what requires a building permit and that construction documents require the stamp of a Kansas licensed architect; new architectural standards for all structures which will guide the Planning Commission in the issuance of permits and incorporating citizen feedback from the planning process; modification of the Minimum Property Maintenance Code to expand the explicit items that constitute public nuisance, adding the requirement for an occupancy permit for each rented or leased dwelling unit and a business license to offer a dwelling unit for lease. The zoning ordinance includes updates to conform to Kansas law.

.Councilwoman Paula Schwach who led this effort will host a public meeting in late April to review the changes for interested citizens.

**SDS22863@aol.com** wrote:

Hi Paula,

In the March 5 city council meeting you said you wanted to write a paragraph on the codes for the March newsletter. Do you still want to do? If so, please send to me as soon as possible. Once at the printers it can still take up to 3 days before it's ready to be mailed.

Thanks,  
Duncan

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AOL now offers free email to everyone. Find out more about what's free from AOL at [AOL.com](http://AOL.com).

To file

From Rosemary  
10, 1, 12

**ORDINANCE MATTERS – ADMINISTRATIVE DECISIONS** Part, more to come  
**CITY COUNCIL MEETING – OCTOBER 1, 2012** later

**Council Action required – Council to determine administratively (by resolution):**

**Section 1-1012:**

Need to set inspection fee for any public record request when record is not open and readily available to record custodian.

**Recommendation:** Set inspection fee of \$25. Alternatively, we could determine fee based upon time required to locate records and allow inspection.

hourly rate

**Section 1-1013:**

Need to establish copying fee for photocopies of public records (to cover cost of labor, materials and equipment). If copies produced by third party, charge should be actual cost to the city, including staff time, in reproducing such records.

**Recommendation:** If copies made internally, City will charge \$0.15 per copy. If copies are produced by third party, City will charge actual cost of copying plus charge for City Clerk's time.

set at hourly rate  
Yes, proba

→ Direct pass thru

**Section 2-202:**

Need to establish registration fee for dogs and cats. Ordinance provides that owners 60 years of age and over will owe no fee. Fee is for calendar year (January 1st – December 31st) and is delinquent after March 1st. No registration fee is charged for service animals.

**Recommendation:** Presently, no fee is charged for pet registration. Recommend continuing this policy and keeping registration fee at \$0.00.

while no fee to reg. animals if don't

**Section 6-305:**

Need to have solicitation permit form. Suggested application form is attached (tracks with ordinance requirements). Shall we provide copy of prohibited acts with application form?

look at page 2

**Section 6-308:**

Need to establish fee for solicitation permits, to be charged per each individual solicitor.

**Recommendation:** Set solicitation permit fee at \$5.00 per individual solicitor.

**Section 6-309:**

Need to have solicitation permit for City Clerk to issue. Suggested permit form is attached (tracks with ordinance requirements).

10.1.12  
plus page 3

**CITY OF WESTWOOD HILLS, KANSAS**  
**APPLICATION FOR SOLICITATION PERMIT**  
**(PURSUANT TO MUNICIPAL CODE SECTION 6-305)**

Applicant's Name: \_\_\_\_\_

Applicant's Principal Office Address: \_\_\_\_\_  
\_\_\_\_\_

Applicant's Telephone Number: \_\_\_\_\_

Address of Local Office (if different from above): \_\_\_\_\_  
\_\_\_\_\_

Names and Addresses of principal officers and executives (if applicant is not an individual):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names and Addresses of persons actually making solicitations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name, Address and Telephone Number of Supervisor/Contact Person (who may be contacted while solicitors are working within the City):

\_\_\_\_\_  
\_\_\_\_\_

Planned dates and times of solicitations:

\_\_\_\_\_

The undersigned hereby agrees and certifies that: (a) if the requested solicitation permit is granted, the applicant and all solicitors covered by this permit will follow and abide by all the City's rules and guidelines pertaining to solicitors; (b) if issued, the permit will not be used or represented in any way as an endorsement by the City or by any department or officer thereof; (c) the applicant and all persons for whom application is made will carry on their person a copy of the solicitation permit issued by the City, together with a form of picture identification such as a driver's license, while soliciting within the City; and (d) none of the solicitors for whom application has been made has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, moral turpitude, deceit, fraud, or the violation of any law regulating the act of soliciting within the past five (5) years in this state or any other state or subdivision thereof or of the United States.

Applicant's Signature: \_\_\_\_\_

## 6-306. PROHIBITED ACTS.

a. It shall be unlawful for any solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at any residence or dwelling at which a sign bearing the words "No Solicitors" or "No Trespassers," or other similar words indicating that such persons are not wanted on the premises, is exposed to public view; provided that this paragraph shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof.

b. It shall be unlawful for any solicitor to solicit prior to 10:00 a.m. or after dusk of any day. In addition, it shall be unlawful for any solicitor to solicit between 5:30 p.m. and 7:00 p.m. local time, of any day.

c. It shall be unlawful for any solicitor to engage in soliciting upon any premises or in any residence or dwelling after having been asked by the owner or occupant to leave the premises, residence, or dwelling.

d. It shall be unlawful for any solicitor to make more than one solicitation call at the same residential premises for identical goods, services, or contributions within any consecutive 14 day period, without receiving a prior invitation therefor from the occupants of the premises. This provision shall be construed to include solicitation upon the same premises by employees, agents, or other persons acting on behalf of the same person more than once during the aforesaid period without a prior invitation as herein provided.

e. It shall be unlawful for any solicitor to fail to provide, at the request of the purchaser, a written receipt for purchases exceeding \$5 in cash or tangible property which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment.

f. It shall be unlawful for any solicitor to fail at the outset to disclose to the prospective buyer the name of the company, product or organization he or she represents.

g. It shall be unlawful for any solicitor to make any assertion, representation or statement which misrepresents the purpose of his or her call, or use any plan, scheme, or ruse which misrepresents such purpose.

h. It shall be unlawful for any solicitor to conduct his or her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, would increase traffic congestion or delay, would constitute a hazard to traffic, life or property, or would create or cause an obstruction to adequate access to fire, police or sanitation vehicles.

i. It shall be unlawful for any person to solicit who has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, moral turpitude, deceit, fraud, or the violation of any law regulating the act of soliciting as defined in this chapter within the past five (5) years in this state or any other state or subdivision thereof or of the United States.

j. It shall be unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance other than the main entrance of the residence.

k. It shall be unlawful for any person to solicit or attempt to solicit without carrying upon their person a copy of the permit issued by the city authorizing the solicitation, as described in section 6-305(g) of this article, and a form of picture identification such as a driver's license.

**CITY OF WESTWOOD HILLS, KANSAS**  
**SOLICITATION PERMIT**  
**(PURSUANT TO MUNICIPAL CODE SECTION 6-309)**

Solicitor's Name: \_\_\_\_\_

Solicitor's Address: \_\_\_\_\_  
\_\_\_\_\_

Name and Address of Company/Organization for whom or which solicitation is conducted:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date on which Permit Expires: \_\_\_\_\_

**Notice:** This solicitation permit does not constitute an endorsement by the City of Westwood Hills, Kansas, or by any of its departments, officers or employees, of the purpose or the person conducting the solicitation.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

LAW OFFICES

**POLSINELLI, WHITE, VARDEMAN & SHALTON**  
A PROFESSIONAL CORPORATION

ST. LOUIS OFFICE  
ONE METROPOLITAN SQUARE  
211 NORTH BROADWAY, SUITE 1440  
ST. LOUIS, MISSOURI 63102  
(314) 231-1950  
FAX (314) 231-1776

PLAZA STEPPES BUILDING  
700 WEST 47TH STREET, SUITE 1000  
KANSAS CITY, MISSOURI 64112-1802  
(816) 753-1000  
FAX (816) 753-1536

KANSAS OFFICE  
LIGHTON PLAZA I  
7300 COLLEGE BLVD., SUITE 300  
OVERLAND PARK, KANSAS 66210  
(913) 451-8788  
FAX (913) 451-6205

June 23, 1993

VIA HAND DELIVERY

Ms. Patti Fuhrman  
City Clerk, Westwood Hills  
2117 W. 50th Street  
Westwood Hills, Kansas 66205

Dear Patti:

Enclosed you will find an overview of city ordinances, numbers 114 through 161. Please note that we do not have executed copies of many of the ordinances in the files. By "executed copy" I mean a copy of the ordinance signed and dated by the mayor. Perhaps the executed copies are in the minute book. In some cases we only have the newspaper clippings which show the publication date(s). For the ordinances with newspaper clippings only, please review the minute book to determine whether we have an executed copy.

In addition, there was no copy of Ordinance 158 nor of Ordinance 160 in the files. For Ordinance 158, please see the August, 1992 minutes. Ordinance 160 was, I believe, to be an enactment of the latest public offenses. Please see if you can find something on this in the minute book. Let me know what you find, so I can update the ordinance chart.

Patti, for our next Council meeting please place on the agenda a discussion of the ordinance review. In particular we should discuss the inadvertent repeal of Ordinance 153, the "House For Sale" ordinance; and the renumbering of the sections in Ordinance 157, which deals with pavement cutting. Time permitting, we may also discuss "hot" topics like the City Tree Ordinance and the Parabolic of Dish Type Antennae Ordinance.

**POLSINELLI, WHITE, VARDEMAN & SHALTON**

June 23, 1993  
Page 2

If you need the ordinance file back, please let me know. I'll be happy to deliver it to your doorstep. Call me at 753-1000 if you have any questions.

Sincerely yours,



Patrick J. Wibbenmeyer

Enclosure

June 23, 1993  
By Patrick Wibben  
Councilman.

CITY OF WESTWOOD HILLS

LIST OF ORDINANCES

Ordinances 112 and 113 codified Westwood Hills ordinances into the Municipal Code ("Code"), and, with few exceptions, repealed earlier ordinances which were inconsistent with the Code. The Code was first published March 5, 1979.

Since the above codification, the City of Westwood Hills has passed numerous additions and amendments to the Code. The following chart (a) lists the ordinances approved since publication of the Code, beginning with Ordinance 114, (b) states a brief description of the ordinance, and (c) notes specific additions or amendments to the Code. Various ordinances do not affect the Code and, thus, have not been assigned Code section numbers.

<u>Ordinance Number</u>	<u>Description of Ordinance</u>
114	Construction Hours. Adds: 8-204(K) and (L); 8-503 (later repealed by O.129); 8-508 (later repealed by O.129). Amends: 8-601; 8-203(1).  No executed copy on file, only newspaper clipping.
115	Implements Retailer's Sales Tax of .5%
116	American Cablevision of KC, Inc. CATV Franchise Ordinance.  Expires 4-7-95.
117	Building Permit Ordinance. Amends: 8-508 (later repealed by O.122 and O.129).
118	City Tree Ordinance. Includes a description of the city trees. Repeals: 4-301 through 4-304. Adds: 4-301 through 4-308.
119	KCPL: Electronic Traffic Control System.
120	Enacts 2% Intangibles Tax. Later repealed by O.121.

Ordinance  
Number

Description of Ordinance

- 121 Enacts 2% Intangibles Tax for 1982.  
Repeals: 0.120. Later repealed by city  
vote.
- 122 Posting Building Permits, and Violations.  
Adds: 8-509 and 8-510.  
Repeals: 0.117.
- 123 Continues the Johnson County Cooperative  
Animal Control Commission.  
  
Newspaper clipping only.
- 124 Enacts 2% Intangibles Tax for 1983. Later  
repealed by city vote.  
  
Newspaper clipping only.
- 125 Authorizes election to vote on Proposition  
of Eliminating Intangibles Tax and authoriz-  
ing higher property taxes to offset lost  
revenue.
- 126 KCPL: Electric Street Lighting System.
- 127 Enacts an additional .5% Retailer's Sales  
Tax. The total City of Westwood Hills sales  
tax is 1%.
- 128 Repeals 2% Intangibles Tax, following vote.  
  
No executed copy on file.
- 129 Building Permit Procedures.  
Repeals: 0.117, and sections 3 and 4 of  
0.114.  
Amends: 8-501 through 8-509.  
  
No executed copy on file.
- 130 Standard Traffic Ordinance.  
Amends: 11-101.  
Adds: 11-104.  
  
No executed copy on file.

Ordinance  
Number

Description of Ordinance

- 131 Parabolic or Dish Type Antennae Ordinance.  
Newspaper clipping only. 4-12-85.
- 132 Solar Energy Ordinance.
- 133 Dams and Bridges Ordinance.  
Amends: 8-204(H).
- 134 Standard Traffic Ordinance.  
Amends: 11-101.  
Newspaper clipping only.
- 135 Controlled Substance Ordinance.  
Adds: 10-601 through 10-606.
- 136 Snow Ordinance.  
Adds: 11-306.2; 11-306.5; (vehicles may be  
towed at owner's expense).  
No executed copy on file.
- 137 Alarm System Ordinance.  
No executed copy on file.
- 138 Special Liability Expense Fund.  
No executed copy on file.
- 139 Motor Vehicle Liability Ordinance.  
Adds: 11-104, 11-105, 11-106.  
11-104 is the same language as KSA 40-3104.  
11-105 is the same language as KSA 40-3105.  
11-106 is the same language as KSA 40-3106.  
9-6-87.  
No executed copy on file.
- 140 Standard Traffic Ordinance.  
Amends 11-101. Later repealed by O.147.
- 141 Animals Running at Large.  
Amends: 7-108 and 7-109.

Ordinance  
Number

Description of Ordinance

- 142 Pit Bull Ordinance.  
Adds: 7-112A.
- 143 Setbacks Required.  
Amends: 8-202 (B).
- 144 Standard Traffic Ordinance.  
Amends: 11-101.
- 145 Annual Sewage Service Charge. Repeals prior  
sewer service charges.
- 146 Solid Waste Collection Hours.  
Adds: 4-501, 4-502, 4-503.
- 147 Standard Traffic Ordinance.  
Amends: 11-101 and 11-102.  
Adds: § 37 to S.T.O.  
Repeals: O.140 and others inconsistent with  
O.147. Later repealed by O.151.
- 148 Uniform Building Code.  
Amends: 5-102, 5-103, 5-104, 5-105, 5-106,  
5-202, 5-203, 5-204, 5-501.  
  
No executed copy on file. Newspaper clip-  
ping only.
- 149 Green Space Regulations.
- 150 Home Occupations.  
Adds: 6-601 through 6-610.  
  
No executed copy on file.
- 151 Standard Traffic Ordinance.  
Amends: 11-101, 11-102.  
Adds: § 37(d) to S.T.O.  
Repeals: O.147 and others inconsistent with  
O.151.
- 152 KCPL: Construct and Maintain Works and  
Plants and Supply Electric or Other Energy.  
  
This ordinance passed because O.80 was to  
expire in April, 1990.

Ordinance  
Number

Description of Ordinance

- 153 "House for Sale" Ordinance.  
Inadvertently repealed by O.154.
- 154 Standard Traffic Ordinance.  
Amends: 11-101, 11-102.  
Adds: § 37(d) to S.T.O.  
Repeals: O.153 (inadvertently).  
  
Should have repealed O.151.
- 155 Public Offenses.  
Repeals: Chapter 10.  
Adds: New Chapter 10, 10-101; 9-11 of  
Uniform Public Offense Code.  
Amends: 10-201 through 10-209.
- 156 Noisy Animals.  
Amends: 7-111.
- 157 Cutting Pavement.  
Adds: Chapter 5, 6-101 through 6-112  
  
Ordinance needs renumbering. Sections  
passed should be renumbered as 5-601 through  
5-612, not 6-101 through 6-112.  
  
2-3-92.
- 158 Nothing on File. See 8-92 minutes.
- 159 Standard Traffic Ordinance.  
Amends: 11-101 and 11-102 and § 37(d).  
  
Did not repeal O.154.
- 160 Nothing on File. Should be ordinance on  
public offenses.
- 161 50th Terrace Special Assessments on Curbs  
and Gutters. Needs to be numbered.

**RONALD S. REUTER**  
ATTORNEY AT LAW  
4800 RAINBOW BLVD., SUITE 100  
WESTWOOD, KANSAS 66205-1932

August 26, 2002

Mrs. Shawna Samuel  
City Clerk, Westwood Hills  
2004 West 50<sup>th</sup> Street  
Westwood Hills, Kansas 66205

Re: Ordinances and Ordinance Book

Dear Shawna:

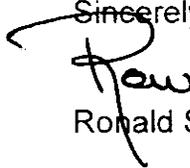
This is in response to your call concerning copies of the recently passed ordinances of the City of Westwood Hills. I thought it might be helpful to pass along to you a copy of some of the Kansas statutes concerning city ordinances, so I am enclosing K.S.A. 12-3001 through K.S.A. 12-3012. I don't believe I ever furnished Patti with a copy of the Kansas statutes so she may not have had the benefit to knowing what to do with the ordinances that were enacted and the affidavits of publication that were received.

K.S.A. 12-3006, 12-3007 and 12-3008 generally establish the city clerk's responsibilities with regard to ordinances. As a practical matter I can probably provide the number for the ordinance, although I would rely upon the City Clerk to provide me with the next number for an ordinance if I did not have a record of the last ordinance number or if I were unsure of the number. I might also fax the ordinance to the publisher of the newspaper for publication. I usually advise the publisher to send the affidavit of publication and statement of costs to you.

I think K.S.A. 12-3008 makes you the official keeper of the ordinances of the city. I do not keep an ordinance book nor do I keep the evidence that such ordinance was published as required by law. I don't know how other cities maintain their ordinance books, but I recall from my days as city attorney of Roeland Park, that the city clerk maintained a three ringed notebook where she kept the ordinances bearing the signatures of the Mayor and City Clerk and following the ordinance she inserted the affidavit of publication received from the publisher of the newspaper.

If you want to make a copy of the affidavit for me, I can attempt to establish a back-up copy of an ordinance book, however, I don't feel a need to maintain such a book for my records. If you have any questions please give me a call.

Sincerely,

  
Ronald S. Reuter

RSR/rr  
Enclosure

Article 30. - ORDINANCES OF CITIES

- 12-3001. Consideration at public meeting, when; final passage; emergency measures.
- 12-3002. Vote by yeas and nays; majority of members-elect required.
- 12-3003. Signing or veto of ordinances in council cities, exceptions; passage over veto; signing ordinances in commission cities; procedure; attestation; seal.
- 12-3004. Subject and title of ordinance; amendment.
- 12-3005. Style or ordaining clause.
- 12-3006. Numbering.
- 12-3007. Publication; effective date.
- 12-3008. Ordinance books; certifications by city clerk.
- 12-3009. Subjects which may be incorporated in ordinance by reference.
- 12-3010. Effect of incorporation by reference; requirements for incorporation and omission; marked copies to city clerk and officials.
- 12-3011. Penalty provisions for incorporating ordinances.
- 12-3012. Amendment of standard, code or ordinance by sponsor after incorporation by references; effect.
- 12-3013. Petition for proposed ordinance; requirements; passage or election; form of ballot; approval, effect; amendment or repeal; publication.
- 12-3014. Authorization; publication; supplements; recodifications.
- 12-3015. "Compilation" and "codification" defined; ordinance books; loose-leaf supplements.
- 12-3016. Expense budgeted over two- or three-year period, when.
- 12-3017. Validity of ordinance not affected by repeal of statute under which passed.

GENERAL PROVISIONS

- 12-3001. Consideration at public meeting, when; final passage; emergency measures.

All ordinances of a city shall be considered at a public meeting of the governing body except as otherwise herein provided or where a statute provides a different procedure for an ordinance for a specific purpose: *Provided*, That in commission cities of the first class no ordinance other than one providing for the appropriation of funds, shall be passed finally on the day it is introduced, except in the case of public emergencies, and then only when requested by the mayor in writing, but no ordinance granting a franchise or special privilege shall ever be passed as an emergency measure.

**History:** L. 1959, ch. 64, § 1; June 30.

- 12-3002. Vote by yeas and nays; majority of members-elect required.

The vote on any ordinance, except as otherwise provided herein, shall be by yeas and nays, which shall be entered on the journal by the clerk. No ordinance shall be valid unless a majority of all the members-elect of the council of council cities or mayor and other commissioners of commission cities vote in favor thereof: *Provided*, That in council cities where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.

**History:** L. 1959, ch. 64, § 2; June 30.

- 12-3003. Signing or veto of ordinances in council cities, exceptions; passage over veto; signing ordinances in commission cities; procedure; attestation; seal.

The mayor of a council city shall have the power to sign or veto any ordinance passed by the council: *Provided*, That ordinances on which the mayor casts the deciding vote and appropriation ordinances the mayor

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shall have no veto and he or she shall sign such ordinances if present at the meeting, and if the mayor refuses or neglects to sign or be not present at the meeting they shall take effect without his or her signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of three-fourths (3/4) of the whole number of councilmen elected, notwithstanding the veto: *Provided*, That if the mayor does not sign his or her approval of the ordinance, or return the same with his or her veto, stating his or her objection in writing, on or before the next regular meeting of the council, the ordinance shall take effect without the mayor's signature, such fact to be endorsed by the city clerk on the ordinance and at the end of the ordinance as entered in the "ordinance book": *Provided further*, That the president of the council or acting president of the council shall have no power to sign or veto any ordinance.

The mayor or chairman of a commission shall sign all ordinances but shall have no veto power: *Provided*, That if such mayor or chairman is not present at the meeting at which the ordinance is passed, the president of the board, acting president of the board, commissioner of finance and revenue, or a commissioner designated by the commission shall sign the ordinance as follows: "(Name) (Title)" and where directed by the commission, "by direction of the commission, the mayor (or chairman) being absent from the meeting." After the last section of each ordinance shall be a statement substantially as follows: "Passed by the (council) (commission) the \_\_\_ day of \_\_\_, 19\_\_"; followed by "(Approved) (Signed) by the mayor" with signature of the mayor; or "Passed over the mayor's veto"; or, "The mayor not having approved the ordinance on or before the next regular meeting, took effect without the mayor's signature"; or in council cities in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto.

**History:** L. 1959, ch. 64, § 3; June 30.

12-3004. Subject and title of ordinance; amendment.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.

**History:** L. 1959, ch. 64, § 4; June 30.

12-3005. Style or ordaining clause.

The style or ordaining clause of all ordinances shall be: "Be it ordained by the governing body of the city of \_\_\_\_\_:"

**History:** L. 1959, ch. 64, § 5; June 30.

12-3006. Numbering.

After an ordinance shall have been passed, the city clerk shall assign to it a number: *Provided*, That appropriation ordinances may be numbered in a separate series.

**History:** L. 1959, ch. 64, § 6; June 30.

12-3007. Publication; effective date.

The city clerk shall cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, passed over the mayor's veto or will take effect without

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signature, to be published once in the official city newspaper, unless a statute requires more publications. Ordinances shall take effect the day of publication unless a different and later day is stated in the ordinance or otherwise specified by statute: *Provided*, That appropriation ordinances shall take effect upon passage. The publisher shall print in a line preceding the number of the ordinance a statement in parentheses as follows: (Published \_\_, 19\_\_), giving the month, day and year. The manner of publication and effective date of codifications shall be as hereinafter provided.

**History:** L. 1959, ch. 64, § 7; June 30.

12-3008. Ordinance books; certifications by city clerk.

The city clerk shall keep an "ordinance book" in which shall be entered at length in plain and distinct handwriting or typewriting or printed copy, a copy of every ordinance immediately after its publication, or in the case of appropriation ordinances, immediately after passage: *Provided*, That if the "ordinance book" be a loose-leaf book the original ordinance, typed on paper designed for the purpose, may be inserted therein: *Provided further*, That appropriation ordinances may be entered in a separate "ordinance book." The ordinances as entered in the "ordinance book" need not be signed by the mayor or attested by the city clerk but such signatures may be written or typed or as shown on an attached printed copy.

The city clerk shall append at the end of each ordinance entered in the "ordinance book" a certificate substantially as follows: "I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the \_\_\_\_\_ day of \_\_, 19\_\_; that the record of the final vote on its passage is found on page \_\_\_ of journal \_\_\_\_\_; that it was published in the (name of newspaper) on the \_\_\_\_\_ day of \_\_, 19\_\_."

Each "ordinance book" shall be appropriately designated by number or by letter or letters or by years, or otherwise.

All ordinances of the city may be proved by the certificate of the city clerk, under the seal of the city.

**History:** L. 1959, ch. 64, § 8; June 30.

INCORPORATION BY REFERENCE

12-3009. Subjects which may be incorporated in ordinance by reference.

Any city is hereby authorized and empowered to incorporate in an ordinance by reference, in the manner hereinafter provided, any standard or model code or ordinance, regulation having the effect of law of a state officer, board or other agency, or statute, or portions thereof on any subject on which a city may legislate, which standard or model code or ordinance or state regulation is available in book or pamphlet form: *Provided*, That nothing herein shall be deemed to waive any statutory procedural requirement concerning a zoning ordinance, except that any city may incorporate by reference in conformity with K.S.A. 12-3010 a zoning ordinance or subdivision regulations in code form as that term is defined in K.S.A. 12-3301(c) if all other procedural requirements set forth in K.S.A. 12-708 are met.

**History:** L. 1959, ch. 64, § 9; L. 1969, ch. 87, § 1; April 25.

12-3010. Effect of incorporation by reference; requirements for incorporation and omission; marked copies to city clerk and officials.

The provisions of any standard or model code or ordinance, state

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regulation or statute or portions thereof incorporated in an ordinance by reference shall be as much a part of the ordinance as if the same had been set out in full therein when the ordinance shall have been passed by the governing body of the city and published in the manner provided by law, and any section, article, chapter, part or portion not incorporated shall be clearly and specifically described and declared to be omitted and any provisions changing or adding to the incorporated provisions shall be stated in full and published as a part of the ordinance:

*Provided*, That instead of incorporating with omissions, the incorporating ordinance may designate specifically the sections, articles, chapters, parts or portions of the standard or model code or ordinance, state regulation or statute that are incorporated: *Provided further*, That no such ordinance shall be deemed to have incorporated therein any standard or model code or ordinance or state regulation unless the same shall be clearly described in the ordinance by name or title, the name or title of the agency, organization, or group or state officer, board or agency which prepared, compiled, published or promulgated the same, the year or edition of the work or other sufficiently identifying description, and statutes or portions thereof shall be identified by appropriate reference to Session Laws, General Statutes or Supplements thereto: *Provided further*, That not less than three (3) copies of any such standard or model code or ordinance or state regulation shall be marked or stamped "official copy as incorporated by Ordinance No. \_\_\_\_\_," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours: *Provided further*, That the police department, police judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of any such standard or model code or ordinance or state regulation similarly marked as may be deemed expedient.

**History:** L. 1959, ch. 64, § 10; June 30.

12-3011. Penalty provisions for incorporating ordinances.

All such incorporating ordinances shall include a penal section or sections within the limits authorized by law to be provided for the violation of the ordinances of the city: *Provided*, That if the incorporated code or ordinance, state regulation or statute contains penalty provisions which the city may or must inflict or if the incorporated code or ordinance is based upon a statute whose provisions a city is specifically authorized to parallel in whole or in part by ordinance with the same penalties, such incorporating ordinance need not provide penalties.

**History:** L. 1959, ch. 64, § 11; June 30.

12-3012. Amendment of standard, code or ordinance by sponsor after incorporation by references; effect.

The amendment of any standard or model code or ordinance or the publication of any new and revised such code or ordinance by the agency, organization, or group sponsoring the same shall in no wise affect the incorporating ordinance or the code or ordinance but such ordinance and the code or ordinance as incorporated shall continue in effect until the incorporating ordinance is repealed or a later standard or model code or ordinance is incorporated by reference. Any statute or section thereof or any state regulation or portion thereof which has been incorporated by reference and which is amended by the legislature or changed by the state officer, board or agency, shall cease to be effective until and unless incorporated by amendment of the incorporating ordinance or another

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incorporating ordinance.

**History:** L. 1959, ch. 64, § 12; June 30.