

**CITY OF WESTWOOD HILLS, KANSAS  
ORDINANCE NO. 269**

AN ORDINANCE ESTABLISHING REQUIREMENTS RELATING TO THE USE AND EXCAVATION OF THE PUBLIC RIGHT-OF-WAY FOR THE CITY OF WESTWOOD HILLS, KANSAS; BY INCORPORATING BY REFERENCE THE "USE AND EXCAVATION OF THE PUBLIC RIGHT-OF-WAY MANUAL" OF THE CITY OF WESTWOOD HILLS, KANSAS.

WHEREAS, the Governing Body has determined that it is advisable to amend the Municipal Code of the City to adopt revised right-of-way provisions pertaining to the right-of-way within the City by adopting the Use and Excavation of the Public Right-of-Way Manual.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

**Section 1.** Section 5-900 of Chapter 5 of the Code of the City of Westwood Hills is hereby adopted and shall read as follows:

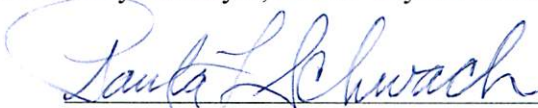
"5-900. INCORPORATING USE AND EXCAVATION OF THE PUBLIC RIGHT-OF-WAY MANUAL. There is hereby incorporated by reference for the purpose of regulating use of the right-of-way within the corporate limits of the City of Westwood Hills, Kansas, that certain code known as the "Use and Excavation of the Public Right-of-Way Manual," Edition 2018, prepared and published in booklet form by the City of Westwood Hills, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said Use and Excavation of the Public Right-of-Way Manual shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Westwood Hills, Kansas", to which shall be attached a copy of this section and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours."

**Section 2. INTERPRETATION.** The provisions of this Ordinance shall be liberally construed to carry out effectively their purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

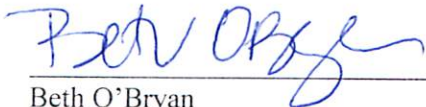
**Section 3. REPEAL AND SAVINGS CLAUSE.** Article 9 of Chapter 5, and all other ordinances inconsistent herewith are repealed; however, the repeal of said ordinances does not affect any right which has accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the ordinance repealed. The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of such provisions, and not as a new enactment.

**Section 4.** This ordinance shall take effect and be in force from and after its passage, approval by the Mayor, and publication once in the official City newspaper.


PASSED by the Governing Body, and APPROVED by the Mayor, this 12<sup>th</sup> day of February, 2018.

  
Paula Schwach, Mayor

ATTEST:

  
\_\_\_\_\_  
Beth O'Bryan  
City Clerk

APPROVED AS TO FORM:

  
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James R. Orr  
City Attorney