

ORDINANCE NO. 70

AN ORDINANCE REGULATING THE SPEED OF VEHICLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS,
KANSAS:

SECTION 1. That Section 3-109 of the Revised Ordinances of the City of Westwood Hills be and the same hereby is repealed and that there be enacted in lieu thereof a new section reading as follows:

3-109. Speed Limitations and Restrictions.

(a) No person shall drive a vehicle on a street or highway at a speed greater than is reasonably prudent under the conditions then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street or highway in compliance with legal requirements and the duty of all persons to use due care.

(b) Having determined upon the basis of an engineering and traffic study and investigation that certain speed limits permitted under State Law are greater than is reasonable and safe under conditions existing within the City, the governing body thereof declares, except when a special hazard exists requiring a lower speed in compliance with paragraph (a) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway or street at a speed in excess of such maximum limits.

1. All vehicles, 35 miles per hour on Rainbow Boulevard.
2. All vehicles, 25 miles per hour on State Line Road.
3. All vehicles 25 miles per hour on all other streets in this city.

(c) The driver of every vehicle shall, consistent with requirements of paragraph (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or other highway conditions.

(d) Whenever the City Council shall determine that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist on any part of said street, said Council may by resolution determine and declare a reasonable and safe speed limit thereon which shall be effective at such times as may be determined when appropriate signs giving notice thereof are erected on the street or highway affected.

(e) In every charge of violation of this section, the complaint, also the summons, warrant or notice to appear, shall specify the speed at which the defendant is alleged to have driven and also the speed limit applicable at the place of the alleged violation.

2. This Ordinance shall take effect and be in force from and after its publication.

Passed by the City Council this 1st day of November, 1965.

Approved by the Mayor this 1st day of November, 1965.

Mayor

Attest:

City Clerk

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 1st day of November, 1965 and the record of the final vote on its passage is found in the minutes of the meeting of _____, 1965; that it was published in the Johnson County Herald on the _____ day of _____, 1965.

City Clerk

ORDINANCE NO. 70

AN ORDINANCE REGULATING THE SPEED OF VEHICLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS,
KANSAS:

SECTION 1. That Section 3-109 of the Revised Ordinances of the City of Westwood Hills be and the same hereby is repealed and that there be enacted in lieu thereof a new section reading as follows:

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(e) In every charge of violation of this section, the complaint, also the summons, warrant or notice to appear, shall specify the speed at which the defendant is alleged to have driven and also the speed limit applicable at the place of the alleged violation.

2. This Ordinance shall take effect and be in force from and after its publication.

Passed by the City Council this 1st day of November, 1965.

Approved by the Mayor this 1st day of November, 1965.

Michael Neegun
Mayor

Attest:
Don W. Rulberg
City Clerk

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 1st day of November, 1965 and the record of the final vote on its passage is found in the minutes of the meeting of November 1st, 1965; that it was published in the Johnson County Herald on the 18 day of November, 1965.

Don W. Rulberg
City Clerk

ORDINANCE NO. 69

AN ORDINANCE RELATING TO STOPPING,
STANDING, OR PARKING VEHICLES.

Be it ordained by the governing body of
the City of Westwood Hills:

Section 1. Ordinance No. 17 (Section 3-124 of the Revised Ordinances) is hereby repealed and the following section is hereby enacted in lieu thereof:

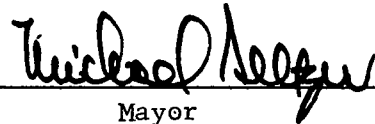
3-124. STOPPING, STANDING, OR PARKING VEHICLES. (a) No person shall park or leave a vehicle standing, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places: (1) In front of a driveway; (2) within an intersection; (3) within fifteen feet of a fire hydrant; (4) within twenty feet of a crosswalk; (5) within twenty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway; (6) adjacent to an island or parklet; (7) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic; (8) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (9) upon any bridge; (10) on any curb, sidewalk or parking, including any portion which is crossed by a driveway; (11) at any place where signs prohibit parking. (b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful. (c) No person shall repair any automobile in any street in the city except in case of an emergency. (d) No person shall park or leave a vehicle standing where permitted other than on the right hand side of the street and within 10 inches of the top of the curb.

Section 2. Any person violating Section 1 of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 3-301 Revised Ordinances.

Section 3. This Ordinance shall take effect and be in force from and after publication.

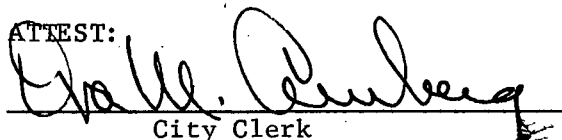
Passed by the City Council this 1st day of November, 1965.

Approved by the Mayor this 1st day of November, 1965.



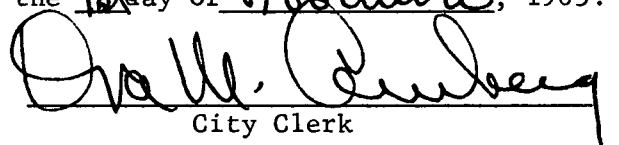
Mayor

ATTEST:



City Clerk

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 1st day of November, 1965 and the record of the final vote on its passage is found in the minutes of the meeting of Westwood Hills, 1965; that it was published in the Johnson County Herald on the 1st day of November, 1965.



City Clerk

CHAPTER V ZONING

ARTICLE 1

ZONING REGULATIONS

5-101 **DEFINITIONS**, Section 1. For the purpose of Article 1 of this chapter, certain terms and words are herein defined as follows:

- (a) Building. A structure having a roof, supported by columns or walls, whether or not completely enclosed.
- (b) Structure. Anything constructed or erected, the use of which demands a permanent location on the soil; or attached to something having a permanent location on the soil.
- (c) Appurtenance. A subordinate or accessory building or structure or portion of main building, the use of which is incidental and customary to that of the main building.
- (d) Dwelling. A building designated exclusively for residential occupancy.
- (e) Single Family. A single individual living upon the premises as a separate housekeeping unit or a collective body of persons, the relation between whom is of a permanent and domestic character, subsisting in common and living together upon the premises as a separate housekeeping unit.
- (f) Garage. An appurtenance for storage of motor vehicles.
- (g) Public Building. A building designed exclusively for city purposes.
- (h) Board. The Board of Zoning Appeals as established by Section 5-201.

5-102 **USE DISTRICT AND AREA REGULATIONS**. In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location, erection, alteration and repair of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map dated October 9, 1950, the residential district being the entire city except that portion in the retail district and the retail district being comprised of Lot 2, excepting the west 10 feet thereof, and Lots 43, 44, 45 and 46, in Block 5, Westwood Hills, an addition in Johnson County, Kansas. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot, tract or premise be used for any purpose, other than is permitted by this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located. Ordinance 63.

ARTICLE 1.

ZONING REGULATIONS

5-103 RESIDENTIAL DISTRICT. In a residential district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved unless otherwise provided in this article except as a single family dwelling, public playground or park.

No building, structure or appurtenance shall be erected on a lot, tract or parcel of land closer than 30 feet to the front property line, closer than 4 feet to the side property line, nor closer than 1.5 feet to the rear property line and on corner lots not closer than 20 feet to the side street or than the majority of the dwellings facing on such side street, whichever provides the greater setback, provided that, in the case of a homesite located upon a lot, tract or parcel of land where ground frontages, building lines or setbacks are set forth or established in a duly recorded plat or declaration of restrictions, or both, the ground frontage, buildings, and setbacks so set forth or established shall be complied with and prevail over the provisions therefor in this paragraph and in lieu thereof.

No fence of any type may be erected on a lot, tract or parcel of land between the street on which the improvement thereon fronts and the front building line thereof nor, as to a corner lot, between the side street and the side building line. A closed fence not exceeding a maximum height of 3 feet or an open fence may be erected inside a front building line or inside a corner side building line on a lot, tract or parcel of land provided that it shall not be erected within 5 feet of any adjoining property without the consent and approval of the board, which consent and approval shall not be given without at least five days' notice to the owner or occupant of such adjoining property and no other fence shall be erected without the consent and approval of the board. An open fence shall be deemed to mean a fence not in excess of 4 feet in height at any point and the solid area of which does not exceed 50 per cent of the face area of the fence; a closed fence is any masonry, concrete or other fence having a solid area exceeding 50 per cent of the total face area of the fence or any hedge. Ordinance 63.

5-104 RETAIL DISTRICT. In a retail district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, or altered unless otherwise provided in this article, except as follows, to wit:

(a) Stores and Professional Offices. Retail stores, stores for custom work, professional offices and banks.

(b) Shops. Bakery, barber, beauty, light dry cleaning, and dyeing, confectionary, dress-making, florist, tailor and shoe repair.

(c) Other Businesses. Architects, advertising agencies, fire and police stations and municipal buildings.

(d) Other Uses. Any and all uses enumerated in Section 5-103.

(e) Height and Architectural Design Requirements. Buildings, structures and appurtenances to be used for any of the purposes

enumerated in sub-sections (a), (b) and (c) of this section, shall not exceed one story in height, and shall conform to the basic architectural design and construction of permanent buildings, structures and appurtenances presently existing in the said retail district.

(f) Off-Street Parking and Loading Requirements. For all buildings or structures not now constructed on and existing in the said retail district, off-street parking in the said retail district, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided within the said retail district as follows:

(1) One off-street parking space of at least 8.5 x 20.0 feet in size for each Two Hundred (200) square feet floor area of said building or structure.

(2) Said required off-street parking space shall not include any parking or loading area presently used or dedicated for said use within said retail district.

(3) Said off-street parking space shall be located immediately adjacent to and flush with the said building or structure.

(4) No presently existing street or curbing within said retail district shall be altered in any manner to provide the required off-street parking space or area without the specific approval of the Board of Zoning Appeals. Ordinance 46.

5-105. PROHIBITIONS.

(a) No dwelling shall be constructed or converted or used for occupancy by more than a single family.

(b) No business building shall be erected or any dwelling converted to or used for any business purpose nor business of any nature conducted within the City of Westwood Hills except in conformity with the use and area district in which located, as hereinabove set forth.

(c) No temporary or incompletd building or structure, nor any automotive equipment, trailer, garage or appurtenance incidental to a family dwelling shall be erected, maintained or used for residential or business purposes, temporarily or permanently.

(d) No incompletd building, structure or appurtenance shall be maintained or permitted for a period longer than six months.

(e) No building, structure or appurtenance damaged by fire or windstorm shall be permitted to remain in such damaged condition for a period longer than three months.

ARTICLE 1

ZONING REGULATIONS

(f) No building material, construction equipment, machinery or refuse shall be maintained or kept in the open upon any lot, plot, tract or premise within a residence district other than during actual construction operations upon said premises or related premises.

(g) No building, structure or appurtenance or any lot, block, tract or premise shall be used or occupied for any of the following purposes; (1) coal yard, lumber yard, junk yard; (2) tourist cabins, trailer camps; (3) feed store, poultry house, slaughter house, rendering or processing establishment; (4) multiple family residence, duplex, apartment house, lodging house, boarding house or rooming house, hotel, nursing home or hospital; (5) tavern, saloon, liquor store, night club; (6) manufacturing plant of any type or nature; (7) gas station, garage, or auto sales, whether new or used; (8) small animal hospital or kennels. Ordinance 28.

5-106 NON-CONFORMING USES. No provision of Article 1 of this chapter shall apply to existing buildings, structures, or appurtenances, nor to the existing use of any building, appurtenance, or structure or land at the time of the adoption of such provision, but the provisions of Article 1 of this chapter shall apply to any alteration, change, structural or otherwise, repair or restoration of a building, structure or appurtenance to provide for a purpose or a use in a manner different from the use or purpose to which it was put before such alteration, change, structural or otherwise, repair or restoration; provided, that nothing in Article 1 of this chapter shall prevent the restoration or repair of a building, structure or appurtenance damaged not more than 50% of its value by fire, explosion, act of God or public enemy, or prevent the continuance of the use of such building, structure, or appurtenance, or part thereof, as such use existed at the time of such damage. A non-conforming use changed to a conforming use may not thereafter be changed back to a non-conforming use. When a non-conforming use has been discontinued for a period of six months, it shall not be re-established and future use shall be in conformity with the provisions of Article 1 of this chapter, notwithstanding the purposes for which the premises were erected or used. Ordinance 28.

5-107 PERMITS, LICENSES. No building, structure or appurtenance shall be constructed, erected, added to or materially altered, structurally or otherwise changed, remodeled, or improved or any exterior mechanical equipment installed, nor any such work be commenced upon any lot, tract or parcel of land unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the City Clerk of the City of Westwood Hills, a building permit therefor, as herein provided. Minor alterations, such as painting, decorating, landscaping, patching, maintenance, changes in material or configuration of pavement, reroofing with materials similar to existing materials, and installation of room air conditioners, screens, storm doors and windows shall be considered as minor repairs and no permit therefor shall be required. Applications for building permits shall be filed with the City

ARTICLE 1

ZONING REGULATIONS

Clerk of Westwood Hills, setting forth the legal description of the lot, plot, tract or premise, together with a general description of the building, structure or appurtenance to be constructed, erected, materially altered, structurally or otherwise changed, remodeled or improved, including the approximate size and shape, square foot area, principal material of construction, location of the building, structure or appurtenance upon the lot, plot, tract or premise, the intended use and a set of detailed plans prepared by a professional architect. No such permit shall be issued unless such application sets forth in reasonable detail all of the information herein required, and it can be determined therefrom that the construction, erection, alteration, changing, remodeling or improving shall be in all respects in conformity with the provisions of this chapter. In the event of the refusal of the City Clerk to issue such a building permit, or in the event the City Clerk shall issue such a building permit, which the City Council or a property owner or citizen of the city shall feel violates the terms of this ordinance, the applicant, City Council, property owner, or citizen shall upon written request made within 10 days after such refusal or issuance have the right to a hearing before the Board at the next regular meeting or, in the Board's discretion, at a special meeting called for that purpose. At the conclusion of such hearing, the Board shall promptly render its decision and such decision shall be final. Ordinance 63.

ARTICLE 2

BOARD OF ZONING APPEALS

5-201 BOARD OF ZONING APPEALS--POWERS. There is hereby created a Board of Zoning Appeals consisting of the duly elected councilmen of the city, the mayor to be an ex-officio member and presiding officer with the right to cast a vote only in the event of a tie vote by the other members of the Board voting at any meeting. The Board of Zoning Appeals shall administer the application of Article 1 of this chapter and the zoning regulations of the city, hear and determine appeals from the issuance of or refusal to issue a building permit and have the right and authority, in its discretion to authorize exceptions to any of such regulations by either (1) a special temporary permit for a period not exceeding two years, or (2) by a special permit for a specific purpose after conducting a public hearing thereon after reasonable notice thereof by publication prior thereto. Ordinance 63.

ARTICLE 3

PENALTIES

5-301 PENALTIES FOR VIOLATION OF ARTICLE 1. Any person, firm, or corporation violating any of the provisions of Article 1 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 for such offense. Each and every day that such violation continues shall constitute a separate offense. Ordinance 28.

ARTICLE 4

VALIDITY OF CHAPTER

5-401 VALIDITY OF CHAPTER. Should any section, clause or provision of this chapter be invalid or unconstitutional, the same shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so invalid or unconstitutional. Ordinance 28.



AFFIDAVIT OF PUBLICATION
State of Kansas, County of Johnson, ss:
LOYD NEFF

of lawful age, being duly sworn upon oath states that he is the Editor of the Johnson County Herald, that said newspaper has been published at least weekly, fifty (50) times a year, and has been so published for at least one year prior to the first publication of the attached notice.

That said paper has a general paid circulation on a semi-weekly basis, was entered as second class matter July 17, 1924 at the postoffice at Overland Park, Kansas, under the Act of March 3, 1897, is not a trade, religious, or fraternal publication, and is printed in Johnson County, Kansas.

The attached notice is a true copy, and was printed and published in the regular and entire issue of the Johnson County Herald for.....1.....consecutive weeks:

First week:November 18, 1965.....

Second week:

Third week:

Fourth week:

Fifth week:

Sixth week:

Lloyd Neff
Lloyd Neff, Editor

Subscribed in my presence and sworn to before me

this18..... day ofNovember....., 1965.

Charry L. Lawhead
Notary Public in and for
Johnson County, Kansas

My commission expires January 23, 1967

Publication fee - - - - - \$ 11.70

Affidavits, Notary's fee - - - - - \$

Additional copies - - - @ - - - \$

Total publication fee - - - - - \$ 11.70

IN THE.....COURT OF
JOHNSON COUNTY, KANSAS
State of Kansas, Johnson County, ss:

....., 19.....

The within Proof of Publication approved by

Johnson County Herald—Fully qualified to
publish legal notices

CITY OF WESTWOOD, KANSAS
(First Published in Johnson County Herald, Thursday, Nov. 18, 1965)

ORDINANCE NO. 70

AN ORDINANCE REGULATING THE SPEED OF VEHICLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

SECTION 1. That Section 3-109 of the Revised Ordinances of the City of Westwood Hills be and the same hereby is repealed and that there be enacted in lieu thereof a new section reading as follows:

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(b) Having determined upon the basis of an engineering and traffic study and investigation that certain speed limits permitted under State Law are greater than is reasonable and safe under conditions existing within the City, the governing body thereof declares, except when a special hazard exists requiring a lower speed in compliance with paragraph (a) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway or street at a speed in excess of such maximum limits.

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Approved by the Mayor this 1st day of November, 1965.

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Mayor

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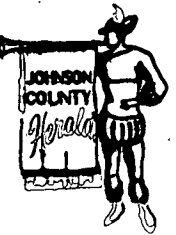
Case No.

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vs.

Defendant.

PROOF OF PUBLICATION



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Michael Seltzer,
Mayor
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Case No.

Plaintiff.

vs.

Defendant.

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3-109. Speed Limitations and Restrictions.

(a) No person shall drive a vehicle on a street or highway at a speed greater than is reasonably prudent under the conditions then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street or highway in compliance with legal requirements and the duty of all persons to use due care.

(b) Having determined upon the basis of an engineering and traffic study and investigation that certain speed limits permitted under State Law are greater than is reasonable and safe under conditions existing within the City, the governing body thereof declares, except when a special hazard exists requiring a lower speed in compliance with paragraph (a) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway or street at a speed in excess of such maximum limits.

1. All vehicles, 35 miles per hour on Rainbow Boulevard.
2. All vehicles, 25 miles per hour on State Line Road.
3. All vehicles 25 miles per hour on all other streets in this city.

(c) The driver of every vehicle shall, consistent with requirements of paragraph (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or other highway conditions.

(d) Whenever the City Council shall determine that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist on any part of said street, said Council may by resolution determine and declare a reasonable and safe speed limit thereon which shall be effective at such times as may be determined when appropriate signs giving notice thereof are erected on the street or highway affected.

(e) In every charge of violation of this section, the complaint, also the summons, warrant or notice to appear, shall specify the speed at which the defendant is alleged to have driven and also the speed limit applicable at the place of the alleged violation.

2. This Ordinance shall take effect and be in force from and after its publication.

Passed by the City Council this 1st day of November, 1965.

Approved by the Mayor this 1st day of November, 1965.

Mayor

Attest:

City Clerk

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 1st day of November, 1965 and the record of the final vote on its passage is found in the minutes of the meeting of _____, 1965; that it was published in the Johnson County Herald on the _____ day of _____, 1965.

City Clerk

ORDINANCE NO. 69

AN ORDINANCE RELATING TO STOPPING,
STANDING, OR PARKING VEHICLES.

Be it ordained by the governing body of
the City of Westwood Hills:

Section 1. Ordinance No. 17 (Section 3-124 of the Revised Ordinances) is hereby repealed and the following section is hereby enacted in lieu thereof:

3-124. STOPPING, STANDING, OR PARKING VEHICLES. (a) No person shall park or leave a vehicle standing, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places: (1) In front of a driveway; (2) within an intersection; (3) within fifteen feet of a fire hydrant; (4) within twenty feet of a crosswalk; (5) within twenty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway; (6) adjacent to an island or parklet; (7) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic; (8) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (9) upon any bridge; (10) on any curb, sidewalk or parking, including any portion which is crossed by a driveway; (11) at any place where signs prohibit parking. (b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful. (c) No person shall repair any automobile in any street in the city except in case of an emergency. (d) No person shall park or leave a vehicle standing where permitted other than on the right hand side of the street and within 10 inches of the top of the curb.

Section 2. Any person violating Section 1 of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 3-301 Revised Ordinances.

Section 3. This Ordinance shall take effect and be in force from and after publication.

Passed by the City Council this 1st day of November, 1965.
Approved by the Mayor this 1st day of November, 1965.

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 1st day of November, 1965 and the record of the final vote on its passage is found in the minutes of the meeting of _____, 1965; that it was published in the Johnson County Herald on the ____ day of _____, 1965.

City Clerk