

Passed April 13, 2010  
Published April 21, 2010

**Ordinance No. 2014**

**AN ORDINANCE PROVIDING FOR RECODIFICATION OF THE DERBY MUNICIPAL CODE; PROVIDING GENERALLY FOR THE REPEAL OF CERTAIN OTHER ORDINANCES OF THE CITY NOT INCLUDED IN SUCH CODE; EXCEPTING SPECIAL AND CERTAIN GENERAL ORDINANCES OF THE CITY FROM REPEAL; SAVING RIGHTS, DUTIES, FORFEITURES AND PENALTIES; AND PROVIDING RULES FOR CONSTRUCTION THEREOF.**

**WHEREAS**, the Governing Body of the City of Derby, Kansas has heretofore authorized codification and revision of the general ordinances of the City of Derby, Kansas, and the publication of such codification and revision in loose-leaf book form, all pursuant to K.S.A. 12-3014 and 12-3015, and such codification and revision has been made in accordance with said statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

**SECTION 1.** There is hereby adopted, pursuant to K.S.A. 12-3014 and 12-3015 and amendments thereto and as heretofore authorized by ordinance, a certain code entitled "Derby Municipal Code," containing certain ordinances of a general and permanent nature, compiled, consolidated, revised, and catalogued as Titles 1 through 17, including certain titles reserved for future use, of which code not less than three copies shall be kept on file by the city clerk with the ordinance books of the City.

**SECTION 2.** The provisions of said code shall be in force from and after April 21, 2010, and after publication of this ordinance in the official newspaper. All ordinances of a general and permanent nature in force on November 18, 2009, and not contained in said code are hereby repealed from and after the effective date of this ordinance; provided, that this ordinance shall not be construed to repeal, and otherwise shall have no effect on, ordinances of the City which became or become effective on or after November 19, 2009.

**SECTION 3.** In construing this Ordinance, the following classes of ordinances shall not be considered or held to have been repealed hereby:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances specifying the corporate boundaries of the City;
- (c) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys or boulevards;

(d) Ordinances establishing or changing grades of streets, avenues, alleys or boulevards;

(e) Ordinances naming or changing the names of streets, avenues or boulevards; and Ordinances designating main trafficways or major trafficways;

(f) Ordinances authorizing or directing public improvements to be made;

(g) Ordinances creating districts for public improvements of whatever kind or nature;

(h) Ordinances levying general taxes;

(i) Ordinances levying special assessments or taxes;

(j) Ordinances granting any rights, privileges, easements or franchises to any person, firm or corporation;

(k) Ordinances authorizing the issuance of bonds or other instruments of indebtedness by the City;

(l) Ordinances relating to zoning;

(m) Ordinances authorizing contracts;

(n) Ordinances pertaining to annexation, vacation, or exclusion of territory; and

(o) Ordinances relating to compensation of officials, officers and employees of the City;

(p) Ordinances creating or authorizing creation of a lien upon insurance proceeds; and

(q) Charter ordinances;

provided; that the 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 action.

**SECTION 4.** The arrangement and classification of the several titles, chapters, articles and sections of the code adopted by Section 1 of this ordinance, and any headnotes and footnotes at the end of sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and 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 or invalidate any rights acquired, fines, penalties, forfeitures or other liabilities incurred

thereunder, or to limit initiation or prosecution of actions involving any of the provisions of said ordinances or parts thereof, and arising out of acts or omissions occurring prior to such repeal.


**SECTION 6.** If for any reason any chapter, article, section, subsection, sentence, portion or part of the Derby Municipal Code, or the application thereof to any person or circumstances, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Code.

**SECTION 7.** Any and all ordinances adopting earlier editions of this Code are hereby repealed.

**SECTION 8.** One copy of the Derby Municipal Code shall be kept on file with other City ordinance books and not less than three copies of such Code in book form shall be maintained in the office of the city clerk. All such Codes shall be certified by the City Clerk to be true and correct.

**SECTION 9.** This ordinance and the Derby Municipal Code shall be in force and effect from and after its publication in the official newspaper.

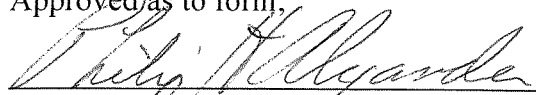
**PASSED BY THE GOVERNING BODY** this 13th day of April, 2010.

  
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Dion P. Avello, Mayor

ATTEST:

  
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Jean Epperson, City Clerk

Approved as to form:

  
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Philip H. Alexander, City Attorney