

ORDINANCE NO. 1030

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF HORTON, KANSAS, AUTHORIZED BY ORDINANCE NO. 932 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 Horton, Kansas:

Section 1. The codification of ordinances of the City of Horton, Kansas, authorized by Ordinance No. 932 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Horton, Kansas, 2001," is hereby adopted and ordained as the "Code of the City of Horton, Kansas, 2001," 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 April 1, 2001, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Horton, Kansas, 2001," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.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.

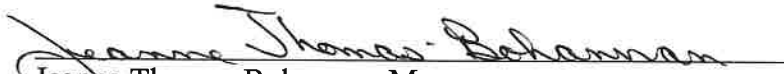
Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of 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 Horton, Kansas, 2001," 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 Horton, Kansas, 2001," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Horton, Kansas, this 21st day of May, 2001.


Jeanne Thomas-Bohannon, Mayor

ATTEST: 
Candice S. Schmitt, City Clerk

(SEAL)

ORDINANCE NO. 1031

AN ORDINANCE AMENDING ARTICLE 15-204 OF THE CITY CODE OF THE CITY OF HORTON, KANSAS.

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

SECTION 1: DEFINITIONS. Definitions contained in Article 15-101 of the City Code of the City of Horton, Kansas, shall apply to this ordinance.

SECTION 2: AMENDMENT. Article 15-204 of the City Code of the City of Horton, Kansas, is amended to read:

RESIDENTIAL AND COMMERCIAL RATES. The following rate per kilowatt-hour shall be available to consumers for residential use and to consumers for commercial use:

- (a) Effective October 1, 2001 per kilowatt hour -- \$.0884
- (b) Effective October 1, 2002 per kilowatt hour -- \$.0917
- (c) Effective October 1, 2003 per kilowatt hour -- \$.0950

SECTION 3: This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 4 day of June, 2001.


Mayor

ATTEST:


City Clerk

(First Published in the Horton Headlight on 7-19, 2001)

ORDINANCE NO. 1032

Traffic
Public
Standard
AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HORTON, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2001 PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCES NUMBERED 1009.

BE IT ORDAINED by the Governing Body of the City of Horton, Kansas;

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Horton, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2001, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as adopted by Ordinance No. 1032," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than _____ nor more than _____, except for speeding which shall not be less than _____ or more than _____. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

SECTION 4. REPEAL. Ordinance numbered 1009 is repealed.


SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be enforced from and after its publication in the official city newspaper.

Passed by the commission the 16 day of July, 2001.


Mayor

Seal:

Attest:


Candice S. Schmitt, City Clerk

(First Published in the Horton Headlight on 7-19, 2001)

ORDINANCE NO. 1033

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HORTON, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2001.

BE IT ORDAINED by the Governing body of the City of Horton, Kansas;

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Horton, Kansas, that certain code known as the "Uniform Public Offense Code" edition of 2001, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1033," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.


SECTION 2. REPEAL. Ordinance No. 1010 of the City of Horton, Kansas is hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be enforced from and after its publication in the official city newspaper.

Passed by the commission the 16 day of July, 2001.


Mayor

Attest:


Candice S. Schmitt, City Clerk

BILL NO. _____

ORDINANCE NO. 1034

An ordinance providing for and approving the transfer of the cable television franchise in the City of Horton, (the "City") granted pursuant to Ordinance No. 789, dated November 22, 1976 (the "Franchise Ordinance") as amended by Ordinance No. 973 dated October 2, 1995; Amending the Franchise Ordinance in certain respects; providing for publication of the caption; and providing the effective date of the transfer.

WHEREAS, by the Franchise Ordinance, the City has granted to CLR Video, L.L.C., a Kansas Limited Liability Company, ("CLR") the authority to operate a cable television system within the boundaries of the City; and

WHEREAS, CLR has requested that the City approve the proposed transfer and assignment of the Franchise Ordinance by CLR to Carson Communications, L.L.C. ("Carson Communications") and the City is willing to consent to such transfer and assignment.

NOW, THEREFORE, BE IT ORDAINED BY THE FRANCHISING AUTHORITY OF THE City:

Section 1. Transfer of Franchise Ordinance. Pursuant to the Franchise Ordinance, the City hereby grants consent and approval for the transfer and assignment of the Franchise Ordinance by CLR to Carson Communications. The Mayor, Council President, or Presiding Officer of the City, or any person designed by the Mayor, Council President, or Presiding Officer are hereby authorized to execute the Consent to Assignment attached hereto as Annex 1.

Section 2. Ordinance Affirmed. All terms and provisions of the Franchise Ordinance shall continue in full force and effect. As set forth in the Consent to Assignment, the City consents to the grant by Carson Communications of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by Carson Communications with respect to the cable television system to be operated by Carson Communications pursuant to the Franchise Ordinance.

Section 3. Effective Date. The transfer of the Franchise Ordinance shall be effective upon the closing transfer by CLR to Carson Communications of the cable television facilities serving the City of Horton. Carson Communications shall notify the City of the transfer of the Franchise Ordinance within thirty (30) days of such closing, and provide therewith a copy of the Assignment and Assumption of Franchise by which the Franchise Ordinance was transferred and assigned by CLR to Carson Communications.

Section 4. Inconsistency. In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of this Ordinance shall govern control.

Section 5. Publication. The City Secretary/Clerk is hereby directed to publish the caption of this Ordinance in an official newspaper in the City and to comply otherwise with all applicable notice requirements of law.

Passed and approved on this the 30 day of July, 2001.

City of Horton

By: Leanne Thomas-Belaman
Title: Mayor

ATTEST:

Andreas Schmitt
City Clerk

ORDINANCE 1035

ORDINANCE APPROVING THE ENTERING INTO OF AN INTERLOCAL AGREEMENT UNDER THE AUTHORITY OF K.S.A. 12-2901, ET SEQ.

BE IT ORDAINED on this 17 day of December, 2001, that the City of Horton, Kansas, hereby desires to enter into an Interlocal Agreement as a public agency under the provisions of K.S.A. 12-2901, et seq., for the purpose of exercising certain powers, privileges and authority concerning economic development in an area designated by the Interlocal Agreement and under the authority of such Interlocal Agreement.

BE IT FURTHER ORDAINED that the public or private agencies so entering into such joint or cooperative action concerning economic development shall be governed by the provisions of an Interlocal Agreement, said agreement to be approved by the Kansas Attorney General and subsequently submitted and filed with the Secretary of State of the State of Kansas and also filed in the Register of Deeds Office in the county where such political subdivision or agency is located.

BE IT FURTHER ORDAINED that the governing body of the City of Horton, Kansas hereby enacts by this Ordinance for the purpose of providing the authority of said City to enter into such agreement and further acknowledges that Jackson County, Kansas will be the initiating and precipitating county, or lead agency, under the provisions of the Interlocal Agreement.

BE IT FURTHER ORDAINED that the City of Horton, Kansas by this Ordinance does hereby authorize the execution of said Interlocal Agreement and does assent to the terms and conditions thereof.

BE IT FURTHER ORDAINED that this Ordinance was duly adopted by vote of the Horton City Commission on the date and year first above written.

Board of City Commissioners,
Horton, Kansas

Dave McClain
Mayor (Acting)

Attest:

Candice S. Schmitt
City Clerk