

**CODE**  
**OF THE**  
**CITY OF CUNNINGHAM**  
**KANSAS**

Published Under the Authority and by the Direction of  
The Governing Body of the City of Cunningham,  
Kansas, this 1st day of September, 1993

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A Codification of the General Ordinances  
of The City of Cunningham, Kansas

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**ROSTER OF CITY OFFICIALS**

**CITY OF CUNNINGHAM**

**GOVERNING BODY**

**Mayor**

Jack Meyers

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**Councilmembers**

Curt Rakestraw

Ann Fewin

Kent Scripsick

Monte Rose

Leon Murphy

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**Administrative Officials**

Dee Mills  
City Clerk

Curt Watkins  
City Attorney

Lois Becker  
City Treasurer

Jim Patton  
City Superintendent



## PREFACE

This volume contains the Code of the City of Cunningham, Kansas, 1993. As expressed in the adopting ordinance, the code supercedes all ordinances passed prior to August 1, 1993 which are not included herein or recognized as continuing in force by reference thereto. The code was prepared by the staff of the League of Kansas Municipalities and Cunningham city officials under the authority of Sections 12-3014:3015 of the Kansas Statutes Annotated.

This code is arranged in chapters, articles, and sections in a manner similar to the Kansas Statutes Annotated arrangement. Headnotes and footnotes are included; however, these do not constitute a part of the code and no implication or presumption of intent or construction is to be drawn therefrom.

Any section of this code may be amended or repealed by ordinary ordinance by reference to the code section number as follows:

"Section 1-105 of the Code of the City of Cunningham is hereby amended to read as follows: (the new provisions shall then be set out in full)."

A new section not heretofore existing in the code may be added as follows:

"The Code of the City of Cunningham is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provision shall be set out in full)."

All sections or articles or chapters to be repealed shall be repealed by specific reference as follows:

"Section 1-105 (or article or chapter) of the Code of the City of Cunningham is hereby repealed."

The user's attention is directed to the League of Kansas Municipalities publication, **Handbook for the City Governing Body**, with the supplement for cities of the third class, both as a source of general information and as an index to the pertinent sections of the Kansas Statutes Annotated.

An index is included in this volume, and the user's attention is also directed to indexes which may appear in standard codes incorporated by reference in this Code.

PREPARED AND PUBLISHED BY  
THE LEAGUE OF KANSAS MUNICIPALITIES

Donald L. Moler, Jr.  
Senior Legal Counsel

Harry Herington  
Attorney

Amy Aufdemberge  
Law Clerk

**ORDINANCE NO. 248**

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF CUNNINGHAM, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN PERMANENTLY BOUND OR LOOSELEAF BOOK FORM.

Be it Ordained by the Governing Body of the City of Cunningham:

Section 1. That a codification of the general ordinances of the City of Cunningham, Kansas, including supplements thereto, as authorized by K.S.A. 12-3014 and 12-3015, is hereby ordered, authorized and provided for, the preparation of which shall be done by the League of Kansas Municipalities as provided by contract. When completed, the codification shall be adopted by ordinance and published together with the adopting ordinance in loose-leaf book form. No fewer than 10 copies shall be published. Such codification shall be entitled, "Code of the City of Cunningham, Kansas," of the year in which the work is completed and ready for publication. The said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this 24th day of February, 1992.

/s/ Jack Myers, Mayor

ATTEST:

/s/ Dee Mills, City Clerk

(SEAL)

## ORDINANCE NO. 250

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF CUNNINGHAM, KANSAS, AUTHORIZED BY ORDINANCE NO. 248 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 Cunningham, Kansas:

Section 1. The codification of ordinances of the City of Cunningham, Kansas, authorized by Ordinance No. 248 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 Cunningham, Kansas, 1993," is hereby adopted and ordained as the "Code of the City of Cunningham, Kansas, 1993," 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 August 1, 1993, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Cunningham, Kansas, 1993," 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 Cunningham, Kansas, 1993," 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 Cunningham, Kansas, 1993," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Cunningham, Kansas, this 30th day of August, 1993.

/s/ Jack Meyers, Mayor

ATTEST: /s/ Dee Mills, City Clerk

(SEAL)

**CERTIFICATE OF THE CITY CLERK**

Office of the City Clerk  
City of Cunningham, Kansas

State of Kansas            )  
  )  
Kingman County            )

I, Dee Mills, City Clerk of the City of Cunningham, Kingman County, Kansas do hereby certify that said city is a city of the third 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. 248 and in accordance therewith is entitled the "Code of the City of Cunningham, Kansas, 1993," that said codification was adopted as the "Code of the City of Cunningham, Kansas, 1993," by the governing body by Ordinance No. 250 passed on the 30th day of August 1993, as authorized by Section 12-3015 of the Kansas Statutes Annotated; that said Ordinance No. 250 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. 250 constitute due passage of this code and all general ordinances contained therein; that the codification and adoptive Ordinance No. 250 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 Cunningham, Kansas, 1993," and the matter therein contained will take effect upon publication and be in force from and after September 1, 1993.

Witness my hand and the seal of the City of Cunningham, Kansas, at my office in Cunningham, Kansas, this 30th day of August, 1993.

/s/ Dee Mills, City Clerk  
City of Cunningham, Kansas

(S E A L)



**CUNNINGHAM**  
**COMPARATIVE TABLE OF ORDINANCES**

This table shows the location within this code of all ordinances of a general nature passed prior to August 1, 1993.

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231	15-401
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C.O. No. 236	Appendix A



## CUNNINGHAM

### Comparative Table - 1993 Code - 1969 Code

This table shows the location within this code of those sections of the 1969 Code which have been included in the 1993 Code. Sections of the 1969 Code not included have been omitted as repealed, superceded, obsolete or not of a general and permanent nature.

<u>1969</u> <u>Code</u>	<u>1993</u> <u>Code</u>	<u>1969</u> <u>Code</u>	<u>1993</u> <u>Code</u>	<u>1969</u> <u>Code</u>	<u>1993</u> <u>Code</u>
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