

ORDINANCE NO. 2008-05

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF NICKERSON, KANSAS, AUTHORIZED BY ORDINANCE NO. 2001-09 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 Nickerson, Kansas:

Section 1. The codification of ordinances of the City of Nickerson, Kansas, authorized by Ordinance no. 2001-09 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 Nickerson, Kansas, 2008," is hereby adopted and ordained as the "Code of the City of Nickerson, Kansas, 2008," 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 March 21, 2008, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Nickerson, Kansas, 2008," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.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:

1. Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
2. Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
3. Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
4. Ordinances naming or changing the names of streets, avenues and boulevards;
5. Ordinances authorizing or directing public improvements to be made;
6. Ordinances creating districts for public improvements of whatsoever kind of nature;
7. Ordinances levying general taxes;
8. Ordinances levying special assessments or taxes;
9. Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
10. Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
11. Ordinances authorizing contracts;
12. Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
13. Ordinances relating to compensation of officials, officers and employees of the city;
14. 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 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 Nickerson, Kansas, 2008," 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 Nickerson, Kansas, 2008," as provided in K.S.A. 12/3015.

Passed by the Governing Body of the City of Nickerson, Kansas, this 5th day of May, 2008.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

(SEAL)

Nickerson
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This table shows the location within this code of all ordinances of a general nature passed prior to March 21, 2008.

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ORDINANCE NUMBER 2008-07

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2009 FOR THE City of Nickerson

WHEREAS, the City of Nickerson must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase

NOW THEREFORE, be it ordained by the Governing Body of the City of Nickerson:

Section One. In accordance with state law, the City of Nickerson has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2009 until December 31, 2009.

Section Two. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2008 budget.

Section Three. This ordinance shall take effect after publication once in the official city newspaper.

Passed and approved by the Governing Body on this 18th day of August, 2008.

Mayor

ATTEST: _____
City Clerk

(SEAL)

ORDINANCE NO. 2008-08

CITY OF NICKERSON

AN ORDINANCE CHANGING THE MUNICIPAL COURT COSTS OF THE CITY OF NICKERSON.

BE IT ORDAINED BY THE GOVERING BODY OF THE CITY OF NICKERSON, KANSAS:

Section 9-112 is hereby amended as follows:

COURT COSTS. Court costs shall be assessed in the amount of \$75.00 for every municipal court case in which a person is found guilty, pleads guilty or pleads nolo contendere.

This ordinance shall be in full force and effect from and after its adoption by the City Council and after its publication once in the official Nickerson City newspaper.

ADOPTED AND APPROVED by the governing body of the City of Nickerson, Kansas, this 2nd day of September, 2008.

BILL GOLDING, Mayor

Shari Anderson, City Clerk

GENERAL ORDINANCE 2008-09

An ordinance adopting the Standard Traffic Ordinances and Uniform Public Offense Code by reference.

Be it ordained by the governing body of the City of Nickerson, Kansas:

1. Standard Traffic Ordinance. The City of Nickerson, Kansas, does hereby adopt the standard traffic ordinances for Kansas Cities, Edition of 2008, as prepared by the League of Kansas Municipalities, by reference.
2. Uniform Public Offense Code. The City of Nickerson, Kansas, does hereby adopt the uniform public offense code for Kansas Cities, Edition of 2008, as prepared by the League of Kansas Municipalities, by reference.
3. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson city newspaper.
4. All prior ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE GOVERNING BODY this 4th day of August, 2008

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

PUBLISHED:

**GENERAL ORDINANCE NUMBER 2008-10
CITY OF NICKERSON**

**AN ORDINANCE CHANGING THE RATES FOR
COMMERCIAL USAGE OF WATER AND MODIFYING ORDINANCE 2004-05**

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

1. General Ordinance Number 2004-05 of the City of Nickerson is hereby amended in part as follows:
2. COMMERCIAL WATER RATES:

C. 5/8 inch meter	\$22.75
1 inch meter	\$27.75
2 inch meter	\$34.75

That said modification in commercial water rates shall be effective for all water consumed on or after January 1, 2009.

3. That all portions of ordinance number 2004-05 not modified by this ordinance shall remain in full force and effect.
4. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson city newspaper.

PASSED BY THE GOVERING BODY this ___ day of December, 2008.

Bill Golding Mayor

ATTEST:

Shari Anderson, City Clerk

PUBLISHED:

**GENERAL ORDINANCE NUMBER 2008-11
CITY OF NICKERSON**

**AN ORDINANCE CHANGING THE RATES FOR WATER USAGE BY RESIDENTIAL,
COMMERCIAL AND BULK USERS**

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

1. General Ordinance Number 2001-06, 2001-07, 2004-04, 2004-05 and 2008-10 are hereby repealed. The following is substituted in their place.

- A. Residential Water Rates: Each residential household shall be subject to a minimum charge for up to the first 2000 gallons of water usage in the amount of \$22.75 per month. For water usage from 2001 gallons per month to 10,000 gallons per month an additional \$6.50 per 1000 gallons or any portion thereof shall be charged. For water usage from 10,001 gallons to 15,000 gallon an additional \$6.25 per 1,000 gallons or any portion thereof shall be charged. If a resident uses more than 15,001 gallons in one month there shall be a charge of \$6.00 per 1,000 gallons or any part thereof.

- A. Commercial Water Rates: Commercial water rates for the City of Nickerson shall be calculated as follows:

5/8 inch meter	\$22.75
1 inch meter	\$27.75
2 inch meter	\$34.75

- B. Water that is sold at the water tower shall be charged at the rate as follows:

For the first 2000 gallons the charge shall be \$22.75 per month. For water usage from 2001 gallons to 10,000 gallons per month an additional \$2.50 shall be charged for each 1000 gallons or any portion thereof. For water usage for 10,001 gallons to 15,000 gallons an additional \$2.25 per 1000 gallons or any portion thereof shall be charged. For water usage of 15,001 gallons or more in one month the charge shall be \$2.00 per 1000 gallons or any portion thereof.

3. That said modification in residential, commercial and bulk water rates shall be effective for all water consumed on or after January 1, 2009
4. Water sold to residences, commercial users and those purchasing water at the water tower shall be sold subject to the provisions of the Kansas Retailers Sales Tax Act as amended by K.S.A. 79-3606.

5. This ordinance shall take affect from and after its passage by the City Council and after its publication once in the official Nickerson City newspaper.

PASSED BY THE GOVERNING BODY this 15th day of December, 2008.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

PUBLISHED:

ORDINANCE NO. 2008-12

AN ORDINANCE LEVYING A CITY RETAILERS' SALES TAX IN THE AMOUNT OF ONE PERCENT (1%) WITHIN THE CITY OF NICKERSON, EFFECTIVE THE 1ST DAY OF APRIL, 2009.

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

SECTION 1. A majority of the electors voting thereon having approved, at the general election held on the 4th day of November, 2008, the levying of a retailers' sales tax in the City of Nickerson, for the purpose of curb and guttering for the West side of the unit block of North Nickerson Street; for park equipment and renovation and for property tax relief, as authorized by K.S.A. 12-187 et seq., and amendments thereto, there is hereby levied a city retailers' sales tax in the amount of one percent (1%) to take effect on the 1st day of April, 2009.

SECTION 2. Except as otherwise provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

SECTION 3. This ordinance shall be published one time in the official city newspaper and a copy duly certified and submitted to the state director of taxation.

Passed by the Governing Body of the City of Nickerson, this 22nd day of December, 2008.

Bill Golding, Mayor

ATTEST:

SHARI ANDERSON, City Clerk

CERTIFICATION OF ORDINANCE NO. 2008-12

I, the undersigned city clerk, do hereby certify that the attached, and foregoing document is a true and correct copy of the original of Ordinance No. 2008-12; that said ordinance was passed on the 22nd day of December, 2008; that the record of the final vote on passage is found on page 87 of minute book 15; and that it was published in The Sterling, Kansas, Bulletin on the 25th day of December, 2008.

Name: Shari Anderson, City Clerk

Date: _____

ORDINANCE NO. 2009-01

AN ORDINANCE EXPANDING THE DAYS OF SALE AT RETAIL OF CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF NICKERSON

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NICKERSON

Section 1. Pursuant to K.S.A. 41-2911 the sale at retail of cereal malt beverage in the original package shall be expanded to allow such sale within the city on any Sunday except Easter between the hours of 12:00 noon and 8:00 p.m.

Section 2. Said ordinance shall be published 2 consecutive weeks in the official city newspaper and shall take effect 60 days following the second publication unless within said 60 days a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with (b)(2) of K.S.A. 41-2911.

Adopted and passed by the governing body of the City of Nickerson, Kansas, this 5th day of January, 2009.

BILL GOLDING, Mayor

ATTEST:

SHARI ANDERSON, City Clerk

ORDINANCE NO. 2009-02

City of Nickerson

AN ORDINANCE ESTABLISHING AN INSPECTION AND PERMIT PROCEDURE FOR ALL MOBILE HOME PARKS WITHIN THE CITY OF NICKERSON, KANSAS.

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

Section 1. No person may operate or maintain a mobile home park within the City of Nickerson without first obtaining an annual permit to be issued by the public officer and/or building inspector of the City of Nickerson.

Section 2. That on or before January 31 of each calendar year the authorized representative of every mobile home park within the city of Nickerson being either the owner or manager shall prepare and file with the City Clerk an annual mobile home park permit application that shall be provided to said person by the City of Nickerson.

Section 3. At the time of the filing of said application there shall also be paid an application fee of \$10.00 for each approved space in said mobile home park

Section 4. Said mobile home park shall be inspected annually for compliance with all regulations of the City of Nickerson including, but not limited to, issues of health and sanitation and building code requirements.

Section 5. The annual permit for operation of said mobile home park shall not be issued unless said park is in compliance with all applicable governmental regulations.

Section 6. This ordinance shall be in full force and effect from and after its adoption by the City Council and after its publication once in the official Nickerson City newspaper.

ADOPTED AND APPROVED by the governing body of the City of Nickerson, Kansas, this 19th day of January, 2009.

BILL GOLDING, Mayor

Shari Anderson, City Clerk

GENERAL ORDINANCE NUMBER 2009-03

AMENDMENT TO SECTION 15-415 OF THE CODE TO THE

CITY OF NICKERSON

AN ORDINANCE CHANGING THE RATES FOR TRASH SERVICE

BY RESIDENTS AND COMMERCIAL USERS

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

1. Section Number 15-415 of the Code of the City of Nickerson shall be amended to include the following changes:

A. Residential Trash Service Rates: All residential trash service customers shall be charged the following rates: \$8.60 per month commencing May 1, 2009, through April 30, 2010, plus a 50¢ administrative surcharge for the City of Nickerson. Customers needing an additional cart will be charged \$14.60 plus the 50¢ administrative charge.

B. Commercial Trash Rates: All commercial trash service customers shall be charged the following rates commencing May 1, 2009, through April 30, 2010:

Minimum Rate (1) 90 Gal. Cart	\$10.50
Container Size (1) 1 ½ Yard Dumpster	\$46.00
Container Size (1) 2 Yard Dumpster	\$49.00
Container Size (1) 3 Yard Dumpster	\$54.00
Container Size (1) 4 Yard Dumpster	\$68.00
Container Size (1) 6 Yard Dumpster	\$71.00

In addition to the above stated charges there will be a 50¢ administrative fee charged by the City of Nickerson.

2. That all other provisions of Section 15-415 of the Code of the City of Nickerson not modified by this amendment shall remain in full force and effect.

3. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson City newspaper.

PASSED BY THE GOVERNING BODY this 2nd day of March, 2009.

ATTEST:

Bill Golding, Mayor

Shari Anderson, City Clerk

GENERAL ORDINANCE NO. 2009-04

**AN ORDINANCE AMENDING CODE SECTION 7-304 RELATING TO THE
DISCHARGE OF FIREWORKS**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NICKERSON,
KANSAS; Section 7-304 of the code of the City of Nickerson, Kansas shall be amended to read as
follows:

7-304: DISCHARGE OF FIREWORKS; TIME PROHIBITED. It shall be unlawful for
any person to discharge, fire or ignite any fireworks except during the hours of 8:00 a.m. to 12:00
a.m. on each day of the period of July 1st through July 4th of any year and from 8:00 p.m. on
December 31st to 1:00 a.m. on January 1, except for permits obtained under Section 7-305.

All other provisions of Chapter 7, Article 3 of the Code of the City of Nickerson, Kansas, no
modified by this amendment shall remain in full force and effect.

This ordinance shall take affect from and after its passage by the City Council and after its
publication once in the official Nickerson city newspaper.

Passed by the governing body this 17th day of August, 2009.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

GENERAL ORDINANCE 2009-05

An ordinance adopting the Standard Traffic Ordinances and Uniform Public Offense Code by reference.

Be it ordained by the governing body of the City of Nickerson, Kansas:

1. Standard Traffic Ordinance. The City of Nickerson, Kansas, does hereby adopt the standard traffic ordinances for Kansas Cities, Edition of 2009, as prepared by the League of Kansas Municipalities, by reference.
2. Uniform Public Offense Code. The City of Nickerson, Kansas, does hereby adopt the uniform public offense code for Kansas Cities, Edition of 2009, as prepared by the League of Kansas Municipalities, by reference.
3. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson city newspaper.
4. All prior ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE GOVERNING BODY this 8th day of September, 2009

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE NO. 2009-06

AN ORDINANCE TO REVISE AND UPDATE THE NICKERSON FLOODPLAIN MANAGEMENT ZONING REGULATIONS BY REPEALING SECTION 16-301 THROUGH SECTION 16-325 OF THE NICKERSON CITY CODE DEALING WITH FLOODPLAIN ZONING AND INCORPORATING BY REFERENCE NEW FLOODPLAIN ZONING REGULATIONS BASED ON THE MODEL RECOMMENDED BY FEMA AND THE KANSAS DEPARTMENT OF AGRICULTURE.

WHEREAS, in accordance with Kansas Statute, the City of Nickerson currently regulates and manages floodplain zoning development through its floodplain zoning regulations found in Sections 16-301 through 16-325 of the Nickerson City Ordinances dealing with floodplain management zoning; and

WHEREAS, in accordance with state and federal law, all such floodplain zoning regulations must be approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and must coordinate with the requirements and regulations of the National Flood Insurance Act of 1968 as amended; and

WHEREAS, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and the officials of the Federal Emergency Management Agency (FEMA) Region VII have recommended that Nickerson revise its floodplain management zoning regulations and adopt new regulations based upon the recommended model floodplain management regulations;

WHEREAS, upon the recommendation of the City Council, the Governing Body has determined that it is in the best interest of Nickerson to revise and update the Nickerson floodplain management zoning regulations by repealing the City of Nickerson's current floodplain management zoning regulations and adopting and incorporation by reference new regulations based upon the recommended model floodplain management zoning regulations;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NICKERSON, KANSAS;

SECTION 1.

That Section 16-301 through 16-325 of the Nickerson City Code dealing with floodplain management zoning are hereby repealed.

SECTION 2.

That the Nickerson Floodplain Management Ordinance is hereby amended by adding a new Ordinance No. 2009-06, which reads as follows:

INCORPORATION OF FLOODPLAIN MANAGEMENT ZONING ORDINANCE. Pursuant to the provisions of K.S.A. 12-3009, 12-3010 and 12-3301, there is hereby incorporated by

reference for the purpose of providing floodplain zoning regulations with the City of Nickerson, Kansas, all of the zoning regulations contained in that document thereafter known and referred to as **the “Floodplain Management Ordinance for the City of Nickerson, Kansas,”** which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

No fewer than three copies of the Floodplain Management Ordinance for the City of Nickerson, Kansas, shall be marked or **stamped “Official Copy as incorporated by Ordinance No. 2009-06 of the City of Nickerson, Kansas,”** and such copies shall be filed with the city clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from city hall. All City officials requiring the use of the Floodplain Management Ordinance for the City of Nickerson, Kansas, shall be supplied, at the expenses of the City, such number of official copies of such ordinances as may be deemed expedient by the Governing Body.

SECTION 3.

This ordinance shall be in full force and effect from and after its passage by the City Council and after its publication once in the official Nickerson City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF NICKERSON, KANSAS, THIS 28TH DAY OF DECEMBER, 2009.

BILL GOLDING, Mayor

Attest:

Shari Anderson, City Clerk

ORDINANCE NO. 2009-07

CITY OF NICKERSON

AN ORDINANCE AMENDING PORTIONS OF GENERAL ORDINANCE NUMBER 839 SETTING SPECIAL HOURS OF CURFEW FOR MINORS ON HALLOWEEN.

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

That Section 1 of General Ordinance Number 839 is hereby amended to read as follows:

1. 11-209 HALLOWEEN CURFEW. On Halloween on each year it shall be unlawful for any minor wander, lounge, loaf, loiter or play in, about or upon any public street, alley, sidewalk, vacant lot, parking lot, park, playground, public place or other place normally accessible to the general public for public use whether on foot or in a vehicle or by any other means after 9:00 p.m. on Halloween until 6:00 a.m. the following morning; provided, however, such prohibition shall not apply to minors who are accompanied by a parent or legal guardian, nor to those who are enroute by the most direct and accessible route from their homes to an authorized place of employment or a public school function, nor to minors returning by the most direct and accessible route from their place of employment or a public school function; provided further, that the term "authorized" as used in this section shall denote prior written authorization by a parent or legal guardian.

All other sections of General Ordinance Number 839 not amended herein shall remain in full force and effect.

This ordinance shall be in full force and effect from and after its passage by the City Council and after its publication once in the official Nickerson City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF NICKERSON, KANSAS, THIS 30th DAY OF DECEMBER, 2008.

BILL GOLDING, Mayor

Shari Anderson, City Clerk

PUBLISHED:

GENERAL ORDINANCE 2009-08

An ordinance adopting the 2009 International Building Code, 2009 International Plumbing Code, 2009 International Mechanical Code, 2008 National Electrical Code, 2009 NFPA 101 Life Safety Code, and 2009 NFPA Fire Code.

Be it ordained by the governing body of the City of Nickerson, Kansas:

1. 2009 International Building Code. The City of Nickerson, Kansas, does hereby adopt the 2009 International Building Code by reference.
2. 2009 International Plumbing Code. The City of Nickerson, Kansas, does hereby adopt the 2009 International Plumbing Code by reference.
3. 2009 International Mechanical Code. The City of Nickerson, Kansas does hereby adopt the 2009 International Mechanical Code by reference.
4. 2008 National Electrical Code. The City of Nickerson, Kansas, does hereby adopt the 2008 National Electrical Code by reference.
5. 2009 NFPA 101 Life Safety Code. The City of Nickerson, Kansas, does hereby adopt the 2009 NFPA 101 Life Safety Code by reference.
6. 2009 NFPA Fire Code. The City of Nickerson, Kansas, does hereby adopt the 2009 NFPA Fire Code by reference.
7. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson city newspaper.
8. All prior ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE GOVERNING BODY this 16th day of November, 2009.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE NO. 2009-09

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF NICKERSON BY ADDING SECTION 13-311 ENTITLED DUTY TO TRIM.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NICKERSON, KANSAS, AS FOLLOWS:

SECTION 1. Chapter 13 of the code of the City of Nickerson, Kansas, is hereby amended by adding Section 13-311 which reads as follows:

13-311. DUTY TO TRIM . It shall be the duty of the owner, or agent, of real estate in the City abutting upon a public way to keep all trees and shrubs, located on all streets and alleys, or located adjacent to streets and alleys, properly trimmed in a manner that they will not interfere with the public travel on a public way, or constitute a traffic hazard. The following conditions are hereby deemed to be a public nuisance and interfere with the use of streets or alleys and sidewalks:

1. Tree or shrub limbs or branches which overhang in the paved or driving portion of a street, alley or roadway at a height of less than 13 feet;
2. Tree limbs or branches, which overhand a public sidewalk at a height of less than eight (8) feet;
3. Tree limbs or branches, which interfere with the visibility of any traffic control device or sign;
4. Tree limbs or branches, which obstruct the light from any street lamp.

It shall be the duty of the owner, or agent of real estate in the City abutting upon a public street or alley to keep all trees, tree limbs and branches properly trimmed in a manner that they will not constitute a public nuisance and will not violate the above set forth standards. If the Superintendent of Streets finds that there are violations of the standards as above set forth, the Superintendent of Streets shall have the right to abate said public nuisances. If, in the opinion of the Superintendent of Streets, an emergency abatement is required to protect the public health, safety, and welfare, he may issue an Order directing the owner, or agent of the real estate to take appropriate action to immediately abate the nuisance causing the emergency. If the owner, or agent, does not take immediate action to abate the emergency, or is not immediately available, the superintendent of Streets shall act to abate the emergency. If any costs are incurred from the abatement, said costs are to be assessed and collected from the owner of said real estate, or abutting real estate, directly from said owner or by assessment on the tax rolls as hereinafter provided. In the event the Superintendent of Streets determines that a violation exists, and said violation does not constitute an emergency condition, the Superintendent of Streets shall cause a Notice of Abatement to be served upon the owner, or agent, of real estate on which the offending tree or shrub is located, or to which the street or alley abuts. After receiving notice of such violation the property owner, or agent, shall have not less than 20 days to comply with the requirements set forth herein. The notice by personal service shall be sent by regular mail, certified or restricted mail with return receipt requested, or by publication notice. If the owner, or agent, fails to abate the nuisance within the time prescribed by the notice given said owner, or agent, then the Superintendent of Streets may cause said nuisance to be abated and have the costs therefore, including

reasonable administrative costs, assessed to the abutting property owner, or property owner, as a special assessment provided by K.S.A. 12-3201

This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson City newspaper.

PASSED BY THE GOVERNING BODY this 16th day of November, 2009.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE NO. 2010-01

CITY OF NICKERSON

AN ORDINANCE REZONING PROPERTY AT 507 SOUTH MORGAN, NICKERSON, KANSAS, FROM R-1 RESIDENTIAL TO C-2 GENERAL COMMERCIAL.

BE IT ORDAINED BY THE GOVERING BODY OF THE CITY OF NICKERSON, KANSAS:

Section 1. The zoning at 507 South Nickerson Road legally described as the North Half of the North Half of the Southeast Quarter of the Northeast Quarter, Section 16, Township 22 South, Range 7 West, Reno County, Kansas, except a tract commencing at the Southeast corner of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter for a point of beginning thence North 150', thence West 200', thence South 150', thence East 200' to the point of beginning is hereby rezoned from R-1 residential to C-2 general commercial.

Section 2. This ordinance shall take effect upon its publication in the official city newspaper.

ADOPTED AND PASSED by the governing body of the City of Nickerson, Kansas, this 4th day of September, 2007.

BILL GOLDING, Mayor

Shari Anderson, City Clerk

ORDINANCE NO. 2010-02

AN ORDINANCE REZONING PROPERTY AT 403 WEST HIGHWAY 96, NICKERSON, KANSAS, FROM R-1 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL.

BE IT ORDAINED BY THE GOVERING BODY OF THE CITY OF NICKERSON, KANSAS:

Section 1. The zoning at 403 West Highway 96, legally described as Lot 9, Block 1, Kinney's 1st Addition to the City of Nickerson, Kansas, along with 8.37 feet of vacated adjacent alleyway containing 0.9 acres all located in Section 16, Township 22, Range 7 West in the City of Nickerson is hereby rezoned from R-1 residential to I-1 light industrial.

Section 2. This ordinance shall take effect upon its publication in the official city newspaper.

ADOPTED AND PASSED by the governing body of the City of Nickerson, Kansas, this 7th day of July, 2003.

BILL GOLDING, Mayor

Shari Anderson, City Clerk

ORDINANCE 2010-03

CITY OF NICKERSON

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF NICKERSON:

BE IT ORDAINED by the governing body of the City of Nickerson, Kansas:

1. Ordinance No. 2001-11. The zoning ordinances for the city are hereby amended as follows:

Lots 1, 2, 3, 4, and 5 Block 40, City of Nickerson, Reno County, Kansas, shall hereby be zoned I-2, Light Industrial, same being changed from R-1, single family dwelling district.

2. That all other portions of the previously adopted zoning ordinances shall remain in full force and effect with the above stated modification.

3. This ordinance shall take effect from and after its passage by the city council and after its publication once in the official Nickerson City newspaper.

Passed by the governing body this 7th day of June, 2010.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE NO. 2010-04

AN ORDINANCE AMENDING GENERAL ORDINANCE NO. 2005-02 AND 2006-05 INVOLVING CHAPTER 7, ARTICLE 3 OF THE CITY CODE RELATING TO THE SALE, USE, DISTRIBUTION AND STORAGE OF FIREWORKS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NICKERSON, KANSAS; that General Ordinance 2005-02 and 2006-05, Chapter 7, Article 3 of the Code of the City of Nickerson, Kansas, shall be amended to include the following changes and additions:

7-303 WHEN SALE OF FIREWORKS IS LAWFUL. It shall be lawful for any person to sell at retail, or offer to sell at retail, deliver or give away to individuals any fireworks permitted under Chapter 7, Article 3, from 8:00 a.m. to 12:00 midnight on June 27th through July 5th.

7-304 DISCHARGE OF FIREWORKS; TIME PROHIBITED. It shall be unlawful for any person to discharge, fire or ignite fireworks except during the hours of 8:00 a.m. to 11:00 p.m. on June 27th through July 3rd, from 8:00 a.m. to 12:00 midnight on July 4th and from 8:00 a.m. to 11:00 p.m. on July 5th. When on occasions these said dates include Sunday, shooting of fireworks shall be delayed until 12:00 noon. It shall be unlawful persons to discharge, fire or ignite fireworks at any other time unless authorized by ordinance of the City of Nickerson or as allowed under permits obtained under Section 7-305.

7-316 PENALTY. Violation of this ordinance shall be deemed a misdemeanor and upon conviction thereof shall be punishable by a fine of no more than \$500.00 for each violation.

All other provisions of Chapter 7, Article 3 of the Code of the City of Nickerson, Kansas, not modified by this amendment shall remain in full force and effect.

This ordinance shall take affect from and after its passage by the City council and after its publication once in the official Nickerson city newspaper.

Passed by the governing body this 7th day of June, 2010.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

GENERAL ORDINANCE 2010-05

An ordinance adopting the Standard Traffic Ordinances and Uniform Public Offense Code by reference.

Be it ordained by the governing body of the City of Nickerson, Kansas:

1. Standard Traffic Ordinance. The City of Nickerson, Kansas, does hereby adopt the standard traffic ordinances for Kansas Cities, Edition of 2010, as prepared by the League of Kansas Municipalities, by reference.
2. Uniform Public Offense Code. The City of Nickerson, Kansas, does hereby adopt the uniform public offense code for Kansas Cities, Edition of 2010, as prepared by the League of Kansas Municipalities, by reference.
3. This ordinance shall take effect from and after its passage by the City Council and after its publication once in the official Nickerson city newspaper.
4. All prior ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE GOVERNING BODY this 7th day of September, 2010

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE 2010-06

CITY OF NICKERSON

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF NICKERSON:

BE IT ORDAINED by the governing body of the City of Nickerson, Kansas:

1. Ordinance No. 2001-11. The zoning ordinances for the city are hereby amended as follows:

Lots 4-10 Block 41, City of Nickerson, Reno County, Kansas, shall hereby be zoned I-2, Light Industrial, same being changed from R-1, single family dwelling district.

2. That all other portions of the previously adopted zoning ordinances shall remain in full force and effect with the above stated modification.
3. This ordinance shall take effect from and after its passage by the city council and after its publication once in the official Nickerson City newspaper.

Passed by the governing body this 15th day of November, 2010.

Bill Golding, Mayor

ATTEST:

Shari Anderson, City Clerk

ORDINANCE NO. 2011-01

AN ORDINANCE AMENDING SECTION 15-220(a) OF ORDINANCE NO. 2011-01 OF THE CITY OF NICKERSON, KANSAS

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

15-220(a) Ordinance No. 2011-01 is hereby amended as follows:

TERMINATION OF SERVICES (a) Unpaid amounts will be delinquent at 5:00 p.m. on the 15th day of the month following the monthly billing, and a late charge will be assessed to all delinquent accounts totaling 10% of the account less sales tax. Partial payments of 50% or more of the total due shall be accepted but shall not delay the cut-off or hearing procedures described herein. If the 15th day of the month is on a Saturday, Sunday or legal holiday, the time to pay will be extended until the next business day.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 21ST DAY OF FEBRUARY, 2011.

Mayor

Attest:

City Clerk

ORDINANCE NO. 2011-02

AN ORDINANCE AMENDING SECTION 1-302 OF ORDINANCE NO. 2011-02 OF THE CITY OF NICKERSON, KANSAS

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

1-302 Ordinance No. 2011-02 is hereby amended as follows:

EMPLOYEES. The mayor shall have authority to hire all other employees, or such authority may be delegated to the respective department heads. The Department Heads must follow the sequence set forth by the City of Nickerson.

1. Announce/Post the Position
2. Review/Evaluate Applications
3. Perform Reference Checks
4. Schedule/Conduct Interviews
5. Make the Selection
6. Perform Background Checks

(Code 1987, 2-640; Code 2008; 2011-02)

This ordinance shall be in full force and in effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 2ND DAY OF MAY, 2011.

Mayor

Attest:

City Clerk

ORDINANCE NO. 2011-03

AN ORDINANCE AMENDING SECTION 8-805 PROCEDURE(a) Relating to Insurance Proceeds

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

8-805 PROCEDURE(a) Code 2008 is hereby amended as follows:

PROCEDURE (a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS ____ DAY _____, 2011.

Mayor

Attest:

City Clerk

Seal

ORDINANCE NO. 2011-04

AN ORDINANCE AMENDING SECTION 15-103; RELATING TO DELINQUENT UTILITY NOTICES AND HEARINGS.

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

Section 15-103 of the 2008 Code of the City of Nickerson is hereby amended to read as follows:

15-103. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

- (1) The amount due, plus delinquency charge;
- (2) Notice that service will be terminated if the amount due is not paid within 10 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges;
- (3) Notice that the customer has the right to a hearing before the designated hearing officer;
- (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than close of business on the fifth day from the date of the notice, unless that date shall be on a Saturday, Sunday, or legal holiday, in which event such notice will give the consumer until close of business the next business day in which to file the request.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, place, and time of the hearing, and that the customer shall have an opportunity to appear at such hearing in person or by attorney.

(d) The Hearing shall be held on the fourth Thursday of each month at City Hall at the time specified by the Hearing Officer.

- (1) The Hearing Officer Position shall be held by an individual Council Member each month, the Council, at its discretion, will determine the appointment schedule of its members.
- (2) The appointed Hearing Officer shall notify the City Clerk the time at which the meeting will occur on the fourth Thursday of the month they are serving.
- (3) Hearings shall only be granted for legitimate disputes over billing amounts or financial hardship issues.
- (4) Utility customers shall be granted no more than 1 hearing per 3 month cycle.

(Ord. 817, Secs. 1:2; Code 2008; Ord. 2011-04)

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 5th DAY OF July, 2011.

Mayor

Attest:

City Clerk

ORDINANCE NO. 2011-05

AN ORDINANCE AMENDING SECTION 15-104; RELATING TO DELINQUENT UTILITY HEARINGS.

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

Section 15-104 of the 2008 Code of the City of Nickerson is hereby amended to read as follows:

15-104. SAME; FINDING. (a) Following the Hearing, the Hearing Officer shall indicate his/her findings concerning the delinquent account on the Water Hearing Record Form.

(1) If the Hearing Officer shall find that service should not be terminated, the agreed upon payment schedule shall be indicated on the Water Hearing Record Form, which shall be signed by both the Hearing Officer and the customer.

(2) If the Hearing Officer finds that the customers billing was in error and an adjustment to the balance due is required, the adjustment payment schedule shall be indicated on the Water Hearing Record Form, which shall be signed by both the Hearing Officer and the customer.

(3) If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the Hearing. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service.

(b) Upon conclusion of the Hearing, the Water Hearing Record From shall be presented to the City Clerk so the appropriate action on the customer's account may be taken.

(c) The customer can appeal the decision made by the Hearing Officer before the entire council at the next Council Meeting (Ord. 2011-05)

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 5th DAY OF Jul, 2011.

Attest:

Mayor

City Clerk

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING SECTION 15-220(b) - (c), AND REPEALING SECTION 15-220(d) - (f); RELATING TO UTILITY HEARING DATES.

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

Section 15-220(b) of the 2008 Code of the City of Nickerson is hereby amended to read as follows:

(b) The notice of delinquency shall inform the customer that the customer's water bill is delinquent, that the customer has a right to make written application to the city clerk for a hearing as to the delinquency up until 5:00 p.m. of the 5th day after the date of the notice, and that if the customer does not apply for a hearing by that date or does not pay the bill within 10 days from the date of the notice unless either of those dates shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges; the customer's water service shall be cut off.

Section 15-220(c) of the Code of the City of Nickerson is hereby amended to read as follows:

(c) If payment of the account in full has not been received by 5:00 p.m. on the tenth day from the date of the notice, unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges then said water service shall be terminated. A disconnect fee of \$15.00 will be charged anytime said service is disconnected by the City. In order for said service to be reestablished all delinquent water bills, the disconnect fee, and a reconnect fee of an additional \$15.00 shall be paid by said customer in advance before said service is restored by the City. (Ord. 2007-04, Sec. 1; Code 2008; Ord. 2011-06) Sections 15-220(d), 15-220(e), and 15-220(f) 2008 Code of the City of Nickerson are hereby repealed and no longer in force.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 5th DAY OF July, 2011.

Attest:

Mayor

City Clerk

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING SECTION 15-220(b) - (c), AND REPEALING SECTION 15-220(d) - (f); RELATING TO UTILITY HEARING DATES.

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

Section 15-220(b) of the 2008 Code of the City of Nickerson is hereby amended to read as follows:

(b) The notice of delinquency shall inform the customer that the customer's water bill is delinquent, that the customer has a right to make written application to the city clerk for a hearing as to the delinquency up until 5:00 p.m. of the 5th day after the date of the notice, and that if the customer does not apply for a hearing by that date or does not pay the bill within 10 days from the date of the notice unless either of those dates shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges; the customer's water service shall be cut off.

Section 15-220(c) of the Code of the City of Nickerson is hereby amended to read as follows:

(c) If payment of the account in full has not been received by 5:00 p.m. on the tenth day from the date of the notice, unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the consumer until the close of the next business day in which to pay the charges then said water service shall be terminated. A disconnect fee of \$15.00 will be charged anytime said service is disconnected by the City. In order for said service to be reestablished all delinquent water bills, the disconnect fee, and a reconnect fee of an additional \$15.00 shall be paid by said customer in advance before said service is restored by the City. (Ord. 2007-04, Sec. 1; Code 2008; Ord. 2011-06)

Sections 15-220(d), 15-220(e), and 15-220(f) 2008 Code of the City of Nickerson are hereby repealed and no longer in force.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED BY THE GOVERNING BODY THIS 5th DAY OF July, 2011.

Attest:

Mayor

City Clerk

ORDINANCE NO. 2011-07

City of Nickerson

An ordinance regulating traffic within the corporate limits of the City of Nickerson, Kansas.
Be it Ordained by the Governing Body of the City of Nickerson:

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city of Nickerson, Kansas; that certain standard traffic ordinances known as the "Standard Traffic Ordinance for Kansas cities", 2011 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas.

A minimum of one copy of such ordinance shall be marked or stamped "Official copy as incorporated by Ordinance No. 2011-07," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

Passed By The Governing Body This 18th day of July, 2011.

Mayor

Attest:

City Clerk

ORDINANCE NO. 2011-08

City of Nickerson

An ordinance regulating public offenses within the corporate limits of the City of Nickerson, Kansas.

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city of Nickerson, Kansas; that certain code known as the "Uniform Public offense Code for Kansas cities", 2011 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas.

A minimum of one copy of such code shall be marked or stamped "Official copy as incorporated by Ordinance No. 2011-08," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

1. 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.
2. 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. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offenses for which a fine has been established in a schedule of fines shall pay a fine fixed by the court.

This ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

Passed By The Governing Body This 18th day of July, 2011.

Attest:

Mayor

City Clerk