

(Published Summary in The McPherson Sentinel, _____, 2016, once)

ORDINANCE NO. 3225

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AMENDING SECTION 1-2 TO DEFINITION OF A “CITY CLERK”.**

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

Section 1. Amendment to Section 1-2. From and after the effective date of this ordinance, existing Code Section 1-2 is deleted in its entirety and in its place the following is inserted:

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Assistant. A term that applies to an appointed city official in which the official is designated to assist another appointed city official and cover official functions performed by the appointed official in their absence as if done by the official themselves. Whether to appoint an Assistant is left to the discretion of the governing body, but any Assistant appointed must meet all the qualifications of the City official that they assist. For example, the Assistant City Administrator would assist the City Administrator and perform in all respects the City Administrator’s functions and duties in the City Administrator’s absence. The term Assistant and Deputy are synonymous for all purposes.

Generally. When provisions conflict, the specific shall prevail over the general.

All provisions shall be liberally construed so that the intent of the governing body may be effectuated. Terms and phrases shall be construed according to the common and approved usage of the language, but technical terms, technical phrases, and terms and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

City. The term “city” shall mean the City of McPherson, Kansas.

Code. The term “Code” shall mean the McPherson City Code, as designated in section 1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event, the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. The term “legal holiday” shall include any day designated as a holiday by the United States Congress or the state legislature.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction “and,” “or” or “either...or,” the conjunction shall be interpreted as follows, except that when appropriate from the context, the terms “and” and “or” are interchangeable:

(1)

“And” indicates that all the connected terms, conditions, provisions or events apply.

(2)

“Or” indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3)

“Either...or” indicates that the connected terms, conditions, provisions or events apply singly, but not in combination.

County. The term “county” shall mean McPherson County, Kansas.

Delegation of authority. A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Following. The term “following” shall mean next after.

Gender. Terms of one gender include all other genders.

Governing body. The term “governing body” shall mean the city commission.

Includes. The term “includes” does not limit a term to a specified example.

Joint authority. All terms giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

K.S.A. The abbreviation “K.S.A.” shall mean the Kansas Statutes Annotated, as amended.

May. The term “may” is to be construed as being permissive and not mandatory.

May not. The term “may not” states a prohibition.

Month. The term “month” shall mean a calendar month.

Must. The term “must” shall be construed as being mandatory.

Number. Terms used in the singular number shall include the plural and the plural shall include the singular.

Oath. A solemn affirmation is the equivalent to an oath and a person shall be deemed to have sworn if such person makes such an affirmation.

Officers, departments, boards, commissions and employees.

References to officers, departments, boards, commissions or other employees are to city officers, city departments, city boards, city commissions and city employees.

Owner. The term “owner,” as applied to property, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.

Person. The term “person” shall mean any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term “personal property” shall mean any property other than real property.

Preceding. The term “preceding” shall mean next before.

Premises. The term “premises,” as applied to real property, shall include land and structures.

Property. The term “property” shall include real property, personal property and mixed property.

Real property, real estate and land. The terms “real property,” “real estate” and “land” shall include lands, buildings, tenements and hereditaments, and all rights and interests therein, except chattel interests.

Roadway. The term “roadway” shall mean that portion of a street improved or ordinarily used for vehicular traffic.

Shall. The term “shall” is to be construed as being mandatory.

Sidewalk. The term “sidewalk” shall mean that portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the sidewalk.

Signature and subscription. The terms “signature” and “subscription” shall include a mark when the person cannot write. In such situations, such person's name shall be written near the mark by a witness who writes his own name near such person's name.

State. The term “state” shall mean the State of Kansas.

Street. The term “street” shall mean any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the city. The term “street” also shall mean the entire width thereof between abutting property lines. The term “street” also shall include a sidewalk or footpath.

Tenant and occupant. The terms “tenant” and “occupant,” as applied to a building or land, shall include:

(1)

Any person holding, either alone or with others, a written or oral lease of such building or land.

(2)

Any person who, either alone or with others, occupies such building or land.

Tenses. The present tense shall include the past and future tenses. The future tense shall include the present tense.

Writing. The term “writing” shall include any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is authorized or required, it shall be made in writing in the English language.

Year. The term “year” shall mean a calendar year.

Section 2. Severability and Conflicting Provisions. If any phrase, clause, paragraph or section of this ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the governing body would have enacted the remaining portions of this ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid. All or parts of any Charter or regular ordinance conflicting with the provisions of this Ordinance are hereby repealed or amended to correspond accordingly.

Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city’s website in compliance with K.S.A. 12-3007(b).

PASSED by the city commission and signed by the Mayor this ____ day of _____, 2016.

CITY OF MCPHERSON, KANSAS

Thomas A. Brown, Mayor

(SEAL)

ATTEST:

Tamra K. Seely, City Clerk

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Ordinance No. 3149, Summary

On September ____, 2016, the City of McPherson Kansas adopted Ordinance No. _____, amending Section 1-2 of the McPherson City Code to add the definition of “Assistant” to the Code. A complete copy of this Ordinance may be obtained or viewed free of charge at www.mcpcity.com or at the City Clerk’s office in the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary as legally accurate and sufficient.