

ORDINANCE NO. 1607

AN ORDINANCE AMENDING SECTIONS 16-1 AND 16-2 OF THE MERRIAM CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF MERRIAM, KANSAS; INCORPORATING BY REFERENCE THE “ 2008 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” 24TH EDITION, WITH AMENDMENTS THERETO; AMENDING SECTION 10.13 THEREOF; AND REPEALING THOSE SECTIONS AMENDED HEREBY.

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

SECTION 1. Section 16-1 of the Merriam Code of Ordinances is hereby amended to read as follows:

“Sec.16-1. 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 Merriam, Kansas, that certain code known as the “2008 Uniform Public Offense Code for Kansas cities,” 24th edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such section as is hereafter modified. At least one (1) copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by Ordinance No. _____” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change 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. Section 16-2 of the Merriam Code of Ordinances is hereby amended to read as follows:

“Sec. 16-2. Amendment. Section 10.13 of the 2008 Uniform Public Offense Code, 24th Edition, as adopted herein, is hereby amended to read as follows:

10.13 BARBED WIRE. It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city unless such construction, setting up or maintenance is in compliance with the Zoning Regulations of the city.”

SECTION 3. Repeal. City of Merriam Ordinance No. 1571 as codified in Section 16-1 and 16-2 of the Code of Ordinances of the City of Merriam as such sections existed prior to the above amendment, is hereby repealed.

SECTION 4. Existing Sections. Except to the extent inconsistent with specific provisions of the Uniform Public Offense Code, as amended hereby, those sections of Chapter 16 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or repealed hereby shall remain in full force and effect.

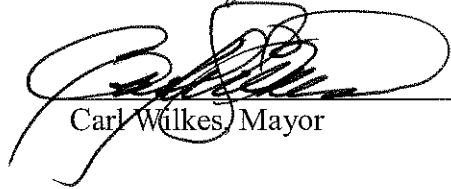
SECTION 5. Severability. If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

SECTION 6. Savings Clause. Neither the adoption of this Ordinance, nor the future repeal or amendment of any section or part or portion thereof, nor the repeal of Ordinance No. 1571, shall in any manner affect the prosecution for violation of this Ordinance or a violation of Ordinance No. 1571, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under either ordinance, nor be construed as affecting any of the provisions of these ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder shall continue in full force and effect.

SECTION 7. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED BY THE City Council the 18 day of August, 2008.

APPROVED BY THE Mayor the 18 day of August, 2008.

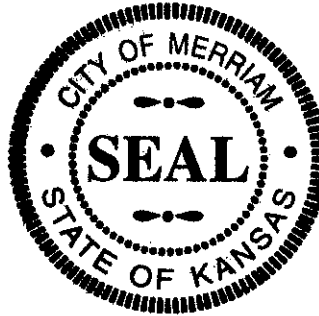


Carl Wilkes, Mayor

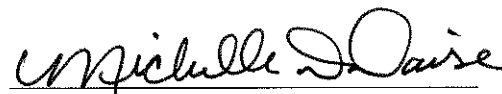
ATTEST:



Juliana Pinnick, Interim City Clerk



APPROVED AS TO FORM:



Michelle D. Daise, City Attorney