

CHAPTER I. ADMINISTRATION

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1-101. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and be designated as "The Code of the City of Leawood, Kansas," and may be so cited. The code may also be cited as the "Leawood City Code."

(Code 1984)

1-102. DEFINITIONS. In the construction of this code and of all ordinances of the city, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise:

- (a) **City** shall mean the City of Leawood, Kansas.
- (b) **City Council (Council)** shall mean the eight councilmembers elected as provided by Section 6-101.
- (c) **Code** shall mean the Code of the City of Leawood, Kansas.
- (d) **Community Development Director or Director of Community Development** shall mean the Director of Planning.
- (e) **Comprehensive Development Plan or Comprehensive Plan** means the official

adopted Comprehensive Development Plan for the City of Leawood, and amendments relating thereto.

- (f) **Computation of time** within which an act is to be done shall exclude the first day and include the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
- (g) **Councilmember** shall mean a person duly elected to the city council, and shall not mean the mayor.
- (h) **County** means the County of Johnson in the State of Kansas.
- (i) **Delegation of Authority**. Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
- (j) **Employee** shall mean an employee of the city and includes those persons who do not serve definite terms of office, do not exercise any of the sovereign functions of government, and are engaged primarily in the performance of ministerial service to the city.
- (k) **Gender**. Words importing the masculine gender include the feminine and neuter.
- (l) **Governing Body** means the Mayor and the members of the City Council.
- (m) **In the City** shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police or other regulatory powers.
- (n) **Joint authority**. All words 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.
- (o) **Master Development Plan or Master Plan** shall mean the Comprehensive Development Plan or the Comprehensive Plan as defined herein above.
- (p) **Month** shall mean a calendar month.
- (q) **Number**. Words used in the singular include the plural and words used in the plural include the singular.

- (r) **Oath** includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word swear is equivalent to the word affirm.
- (s) **Officer** shall mean those appointive officers of the city, including but not limited to the city administrator, city clerk, director of finance, city attorney, fire chief, chief of police, director of public works, director of planning, director of building and code enforcement, director of information services, director of parks and recreation, and human resources director, and municipal judge, and any other officer who exercises some portion of the sovereign functions of government.
- (t) **Owner** applied to a building or land shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.
- (u) **Person** includes a firm, partnership, association of persons, corporations, organization or any other group acting as a unit, as well as an individual.
- (v) **Property** includes real, personal and mixed property.
- (w) **Shall, may**. Shall is mandatory and may is permissive.
- (x) **Sidewalk** means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

- (y) **Street** means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.
- (z) **Tenant or occupant** applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.
- (aa) **Tense.** Words used in the past or present tense include the future as well as the past and present.
- (bb) **Treasurer or City Treasurer** shall mean the Director of Finance.
- (cc) **Writing or written** shall include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.
- (dd) **Year** means a calendar year, except where otherwise provided.
 - (Ord. 1056C; 6-20-88)
 - (Ord. 1760C; 11-2-98)
 - (Ord. 2592C; 11-19-12)
 - (Ord. 2902C; 08-06-18)
 - (Ord. 3023; 12-21-20)

1-103. EXISTING ORDINANCES. The provisions appearing in this code, so far as they are in substance the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

(Code 1984)

1-104. EFFECT OF REPEAL. The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein.

(Code 1984)

1-105. CATCHLINES OF SECTIONS. The catchlines of the sections of this Code printed in capital letters are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titled, titles of such sections, nor as any part of any section, nor unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

(Code 1984)

1-106. PARENTHETICAL AND REFERENCE MATTER. The matter in parentheses at the end of sections is for information only and is not a part of the code. Citations indicate only the source and the text may or may not be changed by this code. All citations referencing "Code 1973" are to the Revised Ordinances of that date, as authorized by Ordinance No. 436, section 1-311. This code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parentheses is for information only and is not a part of this code.

(Code 1984)

1-107. AMENDMENTS; REPEAL. Any portion of this code may be amended by specific reference to the section number as follows: "That section _____ of the Code of the City of Leawood is hereby amended to read as follows: (The new

provisions shall then be set out in full.)"

A new section not existing in the code may be added as follows: "That the code of the City of Leawood is hereby amended by adding a section (or article or chapter) which reads as follows: (The new provisions shall then be set out in full.)"

All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) _____ of the Code of the City of Leawood is hereby repealed."

(K.S.A. 12-3004; Code 1984)

NOTE: *Whenever an existing section of this code is amended the original section must be repealed!*

1-108. POWERS GENERALLY. All powers exercised by cities of the first class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law.
(Ord. 1761C; 11-2-98)

1-109. ORDINANCES. The governing body shall have the care, management and control of the city and its finances, and shall pass all ordinances needed for the welfare of the city. All ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor thereof; provided, that where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.
(Ord. 1056C; 6-20-88)

1-110. SUBJECT AND TITLE; AMENDMENT. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.
(K.S.A. § 12-3004; Code 1984)

1-111. SIGNING OR VETO.

- (a) The mayor shall have the power to sign or veto every ordinance passed by the council, with the exception of ordinances on which the mayor casts the deciding vote, and appropriation ordinances.
- (b) If the mayor refuses or neglects to sign, or is not present at the meeting, the ordinance shall take effect without the mayor's signature.
- (c) Any ordinance vetoed by the mayor may be passed over the veto by a vote of 3/4 of the whole number of council members-elect notwithstanding the veto.
- (d) If the mayor does not sign the ordinance, or return it with a veto stating his or her objections in writing, on or before the next regular meeting of the council, the ordinance will take effect without the mayor's signature.
- (e) The presiding officer of the council shall have no power to sign or veto any ordinance.

(Ord. 695; 05-04-81)

1-112. PUBLICATION. No ordinance, except those appropriating money, shall be in force until published in full or in summary form as allowed by K.S.A. § 12-3007 et seq., in the official city newspaper by the city clerk..

(Ord. 2565C; 08-20-12)
(K.S.A. § 12-3007)
(Code 1973, 1-202)

1-113. ORDINANCE BOOK.

- (a) Following final passage and approval of each ordinance, the city clerk shall enter the same in the ordinance book of the city as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.
- (b) The city clerk shall prepare and maintain a compilation of, and index to, those city ordinances which are not made a part of the Code of the City of Leawood, 1984, so as to enable convenient access by the public to such ordinances. Neither the index nor the compilation shall become a part of this Code, nor shall any implication or presumption of legislation intent be drawn therefrom.

(Code 1973, 1-203)
(Code 1984; K.S.A. § 12-3008)

1-114. RESOLUTIONS, MOTIONS. Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the city council, or if the mayor casts a favorable vote when the city council is equally divided.

(Ord. 1056C; 06-20-88)

1-115. QUORUM. A majority of the members-elect of the city council being present in person or by telephone or other medium for interactive communication shall constitute a quorum.

(Ord. 1056C; 06-20-88)
(Code 2000)
(Ord.1953C; 09-03-02)
(Ord. 2997; 05-12-2020)

1-116. COMMITTEES. The Governing Body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor with the consent of the council. Standing Committees shall be as designated. All other committees shall be ad hoc committees to be formed as needed and shall disband upon conclusion of their assigned task, unless otherwise directed by the city council. In 2016, standing committees shall be constituted at the second regular meeting in May. Effective in 2017, standing committees shall be constituted at the second regular meeting of the governing body in February each year with terms effective on March 1st. When a new member is appointed or elected to fill a vacancy on the governing body, he or she may be assigned to a standing committee. In such event the governing body may authorize the reappointment and reorganization of any or all committees.

Councilmembers appointed as liaisons shall not be voting members of the assigned committees and shall not be counted in determining the number required for a quorum or in determining whether or not a quorum is present.

(Ord. 1288C;04-06-92)
(Ord. 2752C; 10-05-15)
(Ord. 2766C; 12-21-15)

1-117. PROCEDURES. Each committee shall operate in accordance with the following general procedures:

- (a) All committee meetings shall be open to the public. A meeting may be closed to the public only in accordance with the provisions of the Kansas Open Meetings Act governing the conduct of executive sessions.
- (b) The city administrator shall maintain a calendar of all committee meetings and coordinate meeting places so as to avoid conflicts.
- (c) Insofar as possible, a staff member will be assigned to assist a committee. The staff person assigned to the committee shall be responsible for assisting the chairperson in preparation of the agenda, arrangements, reports, minutes, and shall perform other staff research or support as required by the committee.
- (d) The chairperson, with the assistance of the staff person assigned to the committee, shall be responsible for preparing the meeting agenda. Only those items referred to the committee by the city council should appear on the agenda.
- (e) Minutes of a committee meeting shall be kept and shall be retained by the city clerk and made available for public inspection upon request.
- (f) The chairperson of a committee shall report to the governing body all recommendations of the committee. Such a report should be submitted to the city administrator's office prior to the scheduled council meeting.
- (g) Committees, including the Planning Commission, shall only conduct business when a quorum is present in person or by telephone or other medium for interactive communication.

(Code 1973, 1-603)
(Code 2000)
(Ord. 2140C; 11-14-05)
(Ord. 2997; 05-12-2020)

1-118. EMERGENCY GOVERNMENT. In the event of a catastrophe in which all or a majority of the members of the governing body are fatally injured, the interim governing body shall be composed of the surviving members, the city attorney, the city clerk and a sufficient number of the appointed officials selected in the order of the greatest seniority in office to make up a governing body of the prescribed number.

(Code 1973, 1-116)

1-119. CITY RECORDS. The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121, inclusive, which statutes are incorporated herein by reference as if set out in full.

(Code 1984)

1-120. ALTERING CODE. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Leawood to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance passed by the governing body.

(Code 1984)

1-121. SCOPE OF APPLICATION. Any person convicted of doing any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this code, shall be deemed guilty of a violation of this code and punished in accordance with section 1-122. Each day any violation of this code continues shall constitute a separate offense.

(Code 1984)

1-121A CERTAIN CODE PROVISIONS SUSPENDED DUE TO THE COVID-19 PANDEMIC. Due to the COVID-19 pandemic, certain provisions of the Code of the City of Leawood, 2000 are temporarily suspended or modified as follows:

- (a) Provisions of this Code requiring a business or occupational license are hereby suspended until July 1, 2021.
- (b) The following provisions of the Leawood City Code, adopting new standards which became effective on May 1, 2020 [the New Building Codes], are suspended until June 1, 2020. As used herein, New Building Codes refers to each of the following:
 - 1. Leawood Building Code, Section 4-101, et seq.
 - 2. International Building Code, Section 4-201, et seq.
 - 3. National Electrical Code, Section 4-301, et seq.
 - 4. International Plumbing Code, Section 4-401, et seq.
 - 5. International Mechanical Code, Section 4-501, et seq.
 - 6. International Fuel Gas Code, Section 4-601, et seq.
 - 7. International Existing Building Code, Section 4-701, et seq.
 - 8. International Energy Conservation Code, Section 4-801, et seq.
 - 9. International Residential Code, Section 4-901, et seq.
 - 10. International Swimming Pool, Spa, and Hot Tub Code, Section 4-1001, et seq.
 - 11. International Fire Code, Section 7-201, et seq.
 - 12. International Property Maintenance Code, Section 8-501, et seq.

Persons filing building plans with the City prior to June 1, 2020, may utilize either the New Building Codes or the Building Code in effect on April 30, 2020.

- (c) The imposition of any penalty for late pet license renewals, found in Section 2-201(g) and the City's Fee Resolution, is suspended through December 31, 2020.

Persons licensing their pets or renewing pet licenses prior to December 31, 2020, shall not be subject to any such penalty.

- (d) The City may approve a provisional Massage Therapist License under section 5-510 of the Code, without requiring fingerprints, provided the applicant meets all other requirements of Section 5-510. Provisional Massage Therapist Licenses issued without fingerprints shall be for a term not to exceed three months, renewable without additional application fees. This Subsection (d) shall remain in place until such time as the City Administrator determines that fingerprints can be obtained by the City without undue risk.
- (e) The City may accept plans or an application under Section 4-904(A)(2) electronically, if the design professional preparing the plans consents in the electronic submission to the copying of such plans. When a requesting Homes Association has provided an email address, such plans or application may be submitted to the Homes Association by email. This subsection shall expire on July 1, 2021.
- (f) The fees set forth in the Code for certain alcoholic liquor and cereal malt beverage licenses are temporarily reduced for applications made on or after March 1, 2020 and on or before June 30, 2021 as follows:
 - (1) The fee set forth in Section 3-211 for licenses for retail liquor stores will be \$200 for a two year license.
 - (2) The fee set forth in Section 3-213 of the Code, for licenses for drinking establishments and Class A & B Clubs will be \$200 for a two year license.
 - (3) The fee set forth in Section 3-215 for a caterer's license to sell liquor by the drink will be \$50 for a two year license.
 - (4) The fee set forth in Section 3-107(a) for a cereal malt beverage license for consumption on premise will be \$25 per year, in addition to the required state fee.
 - (5) The fee set forth in Section 3-107(b) for a cereal malt beverage license for off premise consumption will be \$25 per year, in addition to the required state fee.

(Ord. 2995; 05-04-2020)

- 1-122. GENERAL PENALTY.** The governing body shall have power to enact and make all necessary ordinances, rules and regulations for maintaining the peace, good government, and welfare of the city and its trade and commerce; and all ordinances may be enforced by prescribing and inflicting upon inhabitants or other persons violating the same, fine and/or imprisonment. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.
- (a) A fine not less than one dollar or exceeding \$500; or,
 - (b) Imprisonment in the city jail not exceeding 180 days; or,
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above, as may be just for any one offense, recoverable with costs of suit.

(Ord. 1759C; 11-02-98)

1-123. SEVERABILITY. If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this code or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this code.
(Code 1984)