

CITY OF PAWNEE ROCK

Insurance Commissioner

August 3, 2017

420 SW 9th Street

Topeka, KS 66612-1678

Dear Commissioner,

I have been advised by Larry Baer, General Counsel, LKM, to send a certified copy of the City of Pawnee Rock, Kansas Code to you. This is in regards to Tornado damage in Pawnee Rock and the Insurance Proceeds Fund.

The "new" Insurance Proceeds Fund provisions were adopted by the city as part of its codification process back in 2011. I am enclosing a certified copy of Ordinance 307, dated 7th of February, 2011, which is the ordinance that adopted the City Code and a certified copy of the codification ordinance 307, dated 11 February, 2008. Chapter VIII, Article 8 Insurance Proceeds Fund also included.

Sincerely,



Cathy Grover, City Clerk

enclosures:



508 Centre Street, PO BOX 218,

Pawnee Rock, KS 67567

620-982-4386

FAX: 620-982-4805

PawneeRock@gbta.net

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CODE
OF THE
CITY OF PAWNEE ROCK
KANSAS

Published Under the Authority and by the Direction of
The Governing Body of the City of Pawnee Rock
Kansas, this 7th day of February, 2011

A Codification of the General Ordinances
of the City of Pawnee Rock, Kansas

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obtained from the League of Kansas Municipalities

ROSTER OF CITY OFFICIALS

CITY OF PAWNEE ROCK

GOVERNING BODY

Mayor

Tim Parret

Councilmembers

Gary Adams

Vickie Alsup

Joe Billus

Barry Jack

Nicki Roof

Administrative Officials

Jennifer Bell
City Clerk

Ron Smith
City Attorney

Jane Stienert
City Treasurer

PREFACE

This volume contains the Code of the City of Pawnee Rock, Kansas, 2011. As expressed in the adopting ordinance, the code supersedes all ordinances passed prior to February 7, 2011 that 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 Pawnee Rock 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Any section of this code may be amended or repealed by ordinary ordinance by reference to the code section number as follows: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 Pawnee Rock 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 Pawnee Rock 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 Pawnee Rock is hereby repealed."

The user's attention is directed to the **Governing Body Handbook**, published by the League of Kansas Municipalities, 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

Sandra Jacquot
General Counsel

Nathan Eberline
Staff Attorney

ORDINANCE NO. 307

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF PAWNEE ROCK, KANSAS, AUTHORIZED BY ORDINANCE NO. 307 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 Pawnee Rock, Kansas:

Section 1. The codification of ordinances of the City of Pawnee Rock, Kansas, authorized by Ordinance No. 307 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 Pawnee Rock, Kansas, 2011," is hereby adopted and ordained as the "Code of the City of Pawnee Rock, Kansas, 2011," 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 February 7, 2011, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Pawnee Rock, Kansas, 2011," 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 Pawnee Rock, Kansas, 2011," 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 Pawnee Rock, Kansas, 2011," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Pawnee Rock, Kansas, this 7th day of February, 2011.

Tim Parret
Mayor

ATTEST: Jennifer Ball
City Clerk

(SEAL)

ORDINANCE NO. 307

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF PAWNEE ROCK, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN LOOSELEAF BOOK FORM.

Be It Ordained by the Governing Body of the City of Pawnee Rock:

Section 1. That a codification of the general ordinances of the City of Pawnee Rock, 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 and no fewer than 10 copies shall be published. Such codification shall be entitled, "Code of the City of Pawnee Rock, 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 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.

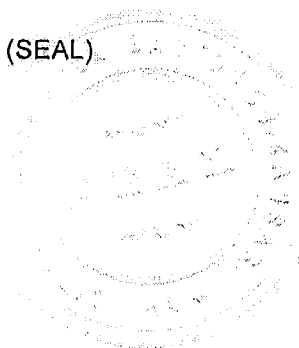
Section 2. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this 11 day of February, 2008

John Paul
Mayor

ATTEST: Kathy Bohm
City Clerk

(SEAL)



CERTIFICATE OF THE CITY CLERK

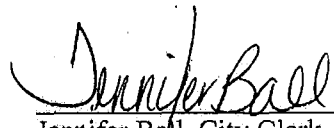
Office of the City Clerk
City of Pawnee Rock, Kansas

State of Kansas)
)
Barton County)

I, Jennifer Ball, City Clerk of the City of Pawnee Rock, Barton 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. 307 and in accordance therewith is entitled the "Code of the City of Pawnee Rock, Kansas 2011," that said codification was adopted as the "Code of the City of Pawnee Rock, Kansas, 2011," by the governing body by Ordinance No. 307A passed on the seventh (7th) day of February, 2011, as authorized by Section 12-3015 of the Kansas Statutes Annotated; that said Ordinance No. 307A 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. 307A constitute due passage of this code and all general ordinances contained therein; that the codification and adoptive Ordinance No. 307A 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 Pawnee Rock, Kansas, 2011," and the matter therein contained will take effect upon publication and be in force from and after February 7, 2011.

Witness my hand and the seal of the City of Pawnee Rock, Kansas, at my office in Pawnee Rock, Kansas, this seventh (7th) day of February, 2011.



Jennifer Ball, City Clerk
City of Pawnee Rock, Kansas

(SEAL)

ARTICLE 8. INSURANCE PROCEEDS FUND

- 8-801. SCOPE AND APPLICATION. The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article. (Code 2011)
- 8-802. LIEN CREATED. The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion, or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. (Code 2011)
- 8-803. SAME; ENCUMBRANCES. Prior to final settlement on any claim covered by section 8-702, the insurer or insurers shall contact the county treasurer, Barton County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Barton County, Kansas. (Code 2011)
- 8-804. SAME; PRO RATA BASIS. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure. (Code 2011)
- 8-805. 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.
- (b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.
(Code 2011)

8-806. FUND CREATED; DEPOSIT OF MONEYS. The city treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account. (Code 2011)

8-807. BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.
(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.
(b) Within 20 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
(c) Prior to the expiration of the 20 days established by subsection (b) of this section, the chief building inspector shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the city treasurer.
(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.
(Code 2011)

8-808. REMOVAL OF STRUCTURE; EXCESS MONEYS. If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Code 2011)

8-809. SAME; DISPOSITION OF FUNDS. If the chief building inspector, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 8-705(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the

insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under section 8-705(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred. (Code 2011)

8-810. EFFECT UPON INSURANCE POLICIES. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Code 2011)

8-811. INSURERS; LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article. (Code 2011)