

## **BILL NO. 17-157**

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AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI BY AMENDING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION, TO PROVIDE THAT THE INTERPRETATION AND ENFORCEMENT OF ORDINANCES ARE TO BE COMPLIANT WITH CHANGES IN FEDERAL OR STATE LAW.

WHEREAS, various new state or federal statutes and regulations continue to be enacted, supplemented, promulgated, amended, as well as subjected to judicial challenge regarding regulation of certain communications providers, services, and operations as they pertain to local Rights-of-way, Zoning Regulations, and other municipal authority; and,

WHEREAS, despite the uncertainty created by these circumstances, the City Council desires to continue at all times to ensure compliance with such changing applicable law, and therefore, finds it in the best interest of the public to amend the Code of Ordinances of the City of Lee's Summit, Missouri ("Code") to be deemed to conform with any changes in state or federal law that may be validly enacted and lawfully applicable; and

WHEREAS, the City Council desires to enact a "self-preemption provision" to the entire Code to ensure provisions that superseded or preempted by the frequently-changing legal requirements imposed on cities are interpreted in a lawful manner until such provisions are amended or repealed, when appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 1-2, Definitions and rules of construction, of Chapter 1, General Provisions, of the Code is hereby amended by enacting and adding one new sentence to be added to the end of Section 1-2 which new sentence shall read as follows:

No provision of this Code shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Code of Ordinances of the City of Lee's Summit, Missouri is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

SECTION 2. If any one or more of the terms, provisions or conditions of this ordinance shall to any extent be declared invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, none of the remaining terms, provisions or conditions of this ordinance shall be affected thereby and each provision of this ordinance shall be valid and enforceable to the fullest extent permitted by law.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor of Lee's Summit.

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PASSED by the City Council of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*