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ARTICLE 1. GENERAL PROVISIONS

1-1.1 CODE DESIGNATED.

The chapters, articles, and sections herein shall constitute and be designated as "The Code of the City of Meade, Kansas," and may be so cited. The Code may also be cited as the "Meade City Code." (Code 2019)

1-1.2 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.

- 1-1.2.1 *City* means the City of Meade, Kansas.
- 1-1.2.2 *Code* means this Code of the City of Meade, Kansas.
- 1-1.2.3 *County* means the County of Meade in the State of Kansas.
- 1-1.2.4 *Governing Body* means the mayor and City council of the City, or those persons appointed to fill a vacancy in the office of mayor or the council as provided in this Code.
- 1-1.2.5 *In the City* means and includes all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.
- 1-1.2.6 *Month* mean a calendar month.
- 1-1.2.7 *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."
- 1-1.2.8 *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, whether in fee simple or a lesser estate.
- 1-1.2.9 *Person* means a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit, as well as an individual.
- 1-1.2.10 *Property* means real, personal, and mixed property.
- 1-1.2.11 *Real Property* means lands, tenements and hereditaments, and all rights thereto and interests therein, equitable as well as legal.
- 1-1.2.12 *Sidewalk* means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

- 1-1.2.13 *Signature* or subscription includes a mark when the person cannot write when his or her name is written near such mark and is witnessed by a person who writes his or her own name as a witness.
- 1-1.2.14 *State* means the State of Kansas.
- 1-1.2.15 *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.
- 1-1.2.16 *Tenant* or *occupant* when applied to a building or land, shall mean any person holding a written or oral lease for, or who occupies the whole or a part of, such building or land, whether alone or with others.
- 1-1.2.17 *Writing* or *written* may 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.
- 1-1.2.18 *Year* means a calendar year, except where otherwise provided.

1-1.3 RULES OF CONSTRUCTION.

- 1-1.3.1 **COMPUTATION OF TIME.** The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- 1-1.3.2 **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.
- 1-1.3.3 **GENDER.** Words importing the masculine gender include the feminine and neuter.
- 1-1.3.4 **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.
- 1-1.3.5 **NUMBER.** Words used in the singular include the plural, and words used in the plural include the singular.
- 1-1.3.6 **OFFICERS, ETC.** Officers, departments, boards, commissions, and employees referred to in this Code shall mean officers, departments, boards, commissions, and employees of the City, unless the context clearly indicates otherwise.

1-1.3.7 SHALL, MAY. "Shall" is mandatory, and "may" is permissive.

1-1.3.8 TENSES. Words used in the past or present tense include the future as well as the past and present.

(Code 2019)

1-1.4 EXISTING ORDINANCES.

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments. (Code 2019)

1-1.5 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 2019)

1-1.6 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 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 2019)

1-1.7 PARENTHETICAL AND REFERENCE MATTER.

The matter in parenthesis at the ends 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. This Code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parenthesis is for information only and is not a part of this Code. (Code 2019)

1-1.8 AMENDMENTS; REPEAL.

Any portion of this Code may be amended by specific reference to the section number as follows: "Section _____ of the Code of the City of Meade 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 Meade is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provisions shall 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 Meade is hereby repealed." (Code 2019)

1-1.9 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. If 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. (K.S.A. 12-3002; Code 2019)

1-1.10 SAME; 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 2019)

1-1.11 SAME; PUBLICATION.

1-1.11.1 No ordinance, except those appropriating money, shall be in force until published in the official City newspaper by the City clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day, and year of such publication.

1-1.11.2 In lieu of Section 1-1.11.1, the City may opt to publish a summary of an ordinance so long as:

- (i) the publication is identified as a “summary” and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the City clerk;
- (ii) the City attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and
- (iii) the publication contains the City’s official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper.

1-1.11.3 If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition.

(K.S.A. 12-3007; Code 2019)

1-1.12 SAME; ORDINANCE BOOK.

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. (K.S.A. 12-3008; Code 2019)

1-1.13 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. (Code 2019)

1-1.14 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 is incorporated by reference herein as if set out in full and as provided in the State open records act and the City policy regarding open public records. (K.S.A. 12-120:121; Code 2019)

1-1.15 ALTERING CODE.

It shall be unlawful for any person, firm, or corporation 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 that will cause the law of the City of Meade to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this Code authorized by ordinance duly adopted by the Governing Body. (Code 2019)

1-1.16 SCOPE OF APPLICATION.

Any person convicted of doing any of the acts or things prohibited or made unlawful, or failing to do any of the things commanded to be done, as specified and set forth in this Code, shall be deemed in violation of this Code and punished in accordance with Section 1-1.17. Each day any violation of this Code continues shall constitute a separate offense. (Code 2019)

1-1.17 GENERAL PENALTY.

Whenever any offense is declared by any provision of this Code, absent a specific or unique punishment prescribed, the offender shall be punished by (a) a fine of not more than \$1,000; (b) imprisonment in jail for not more than 179 days; or (c) a combination of such fine and such imprisonment, neither to exceed to the amounts listed in (a) or (b). (Code 2019)

1-1.18 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 2019)

ARTICLE 2. GOVERNING BODY

1-2.1 GOVERNING BODY.

The Governing Body shall consist of a mayor and City council to be elected as set out in Chapter 6 of this Code. (Code 2019)

1-2.2 SAME; POWERS GENERALLY.

All powers exercised by cities of the third class or that shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the mayor and City council as Governing Body of the City. (K.S.A. 12-103; Code 2019)

1-2.3 SAME; MEETINGS.

- 1-2.3.1 Regular meetings of the Governing Body shall be held on the second and fourth Monday of each month at 7:00 P.M.
- 1-2.3.2 In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the City offices, the Governing Body shall fix the meeting date by majority vote no later than the meeting immediately prior to the meeting being changed.
- 1-2.3.3 Special meetings may be called by the mayor or acting mayor, on the written request of any three members of the council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.
- 1-2.3.4 Regular or special meetings of the Governing Body may be adjourned for the completion of its business at such subsequent time and place as the Governing Body shall determine in its motion to adjourn.

(K.S.A. 15-106; Code 2019)

1-2.4 SAME; QUORUM.

In all cases, it shall require a majority of the councilmen-elect to constitute a quorum to do business. (K.S.A. 15-106; Code 2019)

1-2.5 POWERS OF THE MAYOR.

The mayor shall preside at all meetings of the Governing Body. The mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:

- (i) Have the superintending control of all officers and affairs of the City;
- (ii) Take care that the ordinances of the City are complied with;

- (iii) Sign the commissions and appointments of all officers elected or appointed;
- (iv) Endorse the approval of the Governing Body on all official bonds;
- (v) From time to time communicate to the City council such information and recommend such measures as he or she may deem advisable;
- (vi) Have the power to approve or veto any ordinance as the laws of the state shall prescribe; and
- (vii) Sign all orders and drafts drawn upon the City treasury for money.

(K.S.A. 15-301:302, K.S.A. 15-305:306, K.S.A. 27-308:309; Code 2019)

1-2.6 PRESIDENT OF THE COUNCIL.

The City council shall elect one of its own body as president of the council. The president of the council shall preside at all meetings of the council in the absence of the mayor. In the absence of both the mayor and the president of the council, the council shall elect one of its members as "acting president of the council." The president and acting president, when occupying the place of mayor, shall have the same privileges as other councilmen but shall exercise no veto. (K.S.A. 15-310:311; Code 2019)

1-2.7 ADMINISTRATIVE POWERS.

The Governing Body may designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer, or the mayor. If no administrative authority is designated it shall be vested in the mayor. (Code 2019)

1-2.8 VACANCIES IN GOVERNING BODY; HOW FILLED.

If any person elected to the office of councilman does not qualify within the required time he shall be a vacancy in the office of councilman occurring by reason of failure or refusal to qualify, resignation, death, removal from the City, removal from office, or becoming mayor by reason of being president of the council when a vacancy occurs in the office of mayor, the mayor shall appoint, with the consent of a majority of the remaining councilmen, some suitable elector of the City to fill the vacancy until the expiration of the term of such office. In case of a vacancy in the office of mayor occurring by reason of resignation, death, removal from office, removal from the City, or refusal or failure to qualify, the president of the council, or in the case of the mayor-elect's refusal or failure to qualify, the new president to the council, shall become mayor until the expiration of the term, and a vacancy shall occur in the office of the councilman becoming mayor. (Code 2019)

1-2.9 COMPENSATION.

Members of the City council shall receive as compensation \$100.00 per each regular or special meeting of the Council of the City of Meade, Kansas which he attends, and the mayor shall receive \$150.00 per each regular or special meeting of the Council of the City of Meade, Kansas which he attends. (Code 2019)

1-2.10 EXPENSES.

Each member of the Governing Body and City employees shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:

- (i) Mileage at the same rate as is established by law by the state of Kansas for state employees for each mile traveled by the shortest route upon the performance of duties assigned by the mayor and/or council.
- (ii) Reimbursement for food, as set forth in the City's employee personnel manual, and lodging expenses upon the performance of duties assigned by the mayor and/or council provided such expenses shall be documented by proper receipts.

(Code 2019)

ARTICLE 3. OFFICERS AND EMPLOYEES

1-3.1 APPOINTMENT.

At the first regular meeting in May of each year the mayor, by and with the consent of the council, shall appoint a City clerk and City treasurer, and may appoint a City attorney, municipal judge, chief of police, public officer, environmental officer, and such other officers as may be deemed necessary for the best interest of the City. Such officers shall hold their respective offices until their successors have been appointed and qualified. All such appointments shall be entered on the journal of proceedings of the Governing Body. (K.S.A. 15-204; Code 2019)

1-3.2 EMPLOYEES.

The mayor with the consent of the council shall have authority to hire all other employees, or such authority may be delegated to the respective department heads. (Code 2019)

1-3.3 REMOVAL.

- 1-3.3.1 A majority of all members elect of the Governing Body may remove any appointed officer.
- 1-3.3.2 The mayor may suspend at any time any appointed officer.
- 1-3.3.3 Employees, other than appointed officers, may be removed by the mayor upon recommendation of the respective department heads, or such authority may be delegated directly to the respective department heads.

(K.S.A. 15-204; Code 2019)

1-3.4 VACANCY IN OFFICE.

Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the Governing Body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment. (K.S.A. 15-209; Code 2019)

1-3.5 CITY CLERK.

1-3.5.1 GENERAL DUTIES. The City clerk shall:

- (i) Be custodian of all City records, books, files, papers, documents and other personal effects belonging to the City and not properly pertaining to any other office;
- (ii) Carry on all official correspondence of the City;
- (iii) Attend and keep a record of the proceedings of all regular and special meetings of the Governing Body;
- (iv) Enter every appointment of office and the date thereof in the journal;

- (v) Enter or place each ordinance of the City in the ordinance books after its passage; and
- (vi) Publish all ordinances, except those appropriating money, and such resolutions, notices, and proclamations as may be required by law or ordinance. (Code 2019)

1-3.5.2 FISCAL RECORDS. The City clerk shall:

- (i) Prepare and keep suitable fiscal records according to generally accepted accounting principles;
- (ii) Assist in preparing the annual budget;
- (iii) Audit all claims against the City for goods or services rendered for the consideration of the Governing Body. His or her accounts shall properly show the amounts paid from any fund of the City and the cash balance existing in each fund;
- (iv) Keep an accurate account of all bonds issued by the City; and
- (v) Keep a record of all special assessments.

1-3.5.3 SEAL; OATHS. The City clerk shall:

- (i) Have custody of the corporate seal of the City and shall affix the same to the official copy of all ordinances, contracts, and other documents required to be authenticated;
- (ii) Have power to administer oaths for all purposes pertaining to the business and affairs of the City; and
- (iii) Keep suitable files of all such oaths required to be deposited in his or her office.

1-3.5.4 WITHHOLDING AGENTS. The City clerk is designated as the withholding agent of the City for the purposes of the Federal Revenue (Income) Act and shall perform the duties required of withholding agents by said act or any other act requiring withholding from the compensation of any City officer or employee. The clerk shall perform such other duties as may be prescribed by the Governing Body or the Kansas statutes. (Code 2019)

1-3.6 ASSISTANT CITY CLERK.

1-3.6.1 The office of assistant City clerk is hereby established. The mayor may appoint, by and with the consent of the City council, the assistant City clerk. Any person so appointed and confirmed shall hold the office for a term of one year and until a successor is

appointed and confirmed or until the Governing Body shall determine that said officer is no longer necessary or advisable.

1-3.6.2 The assistant City clerk shall perform those duties assigned to that office by the City clerk.

1-3.6.3 Whenever a vacancy occurs in the position of City clerk and the City is without a person appointed, confirmed, or qualified to hold that office, the assistant City clerk shall become the acting City clerk and fulfill the duties of that office.

1-3.6.4 Compensation of the assistant City clerk shall be set by the Governing Body.

(Code 2019)

1-3.7 CITY TREASURER.

The City treasurer shall:

- (i) Keep a full and accurate record of all money received and paid out in a ledger book provided by the Governing Body;
- (ii) Publish an annual financial statement;
- (iii) Deposit all public moneys and sign all checks of the City;
- (iv) Pay out City funds only upon orders or warrants properly signed by the mayor and City clerk; and
- (v) Perform such other duties as may be prescribed by the Governing Body or the Kansas statutes.

(K.S.A. 10-803; K.S.A. 12-1608; Code 2019)

1-3.8 CITY ATTORNEY; OFFICE; DUTIES.

There is hereby established the office of City attorney. No person shall be eligible for the office of City attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The City attorney shall be charged with the general direction and supervision of the legal affairs of the City. The City attorney shall:

- (i) Attend meetings of the City council when so directed to attend by the council;
- (ii) Advise the City council and all officers of the City upon such legal questions affecting the City and its offices as may be submitted to him or her;
- (iii) When requested by the City council, give opinions in writing upon any such questions;

- (iv) Draft such ordinances, contracts, leases, easements, conveyances, and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the City;
- (v) Approve all ordinances of the City as to form and legality;
- (vi) Attend planning commission and board of zoning appeals meetings when so directed by the boards;
- (vii) Appear and prosecute all violations of City ordinances in municipal court when his or her services shall be required; and
- (viii) Perform such other duties as may be prescribed by the Governing Body and the Kansas statutes.

(Code 2019)

1-3.9 CITY PROSECUTOR; OFFICE; DUTIES.

There is hereby established the office of City prosecutor. No person shall be eligible for the office of City prosecutor who is not an attorney at law admitted to practice law in the State of Kansas. The City prosecutor shall:

- (i) Attend meetings of the Governing Body when so directed to attend by the mayor or City attorney;
- (ii) Advise the City council and all officers of the City upon legal questions affecting the City and its officers as may be submitted to him or her;
- (iii) Draft such ordinances and other instruments in writing as may be submitted to him or her in the regular transactions of the affairs of the City;
- (iv) Appear and prosecute all violations of City ordinances in municipal court; and
- (v) Perform such other duties as may be prescribed by the Governing Body and the Kansas statutes.

The Governing Body may appoint a City prosecutor in accordance with Section 1-3.1. In the event that there is no City prosecutor, the City attorney shall serve in such capacity.

(Code 2019)

1-3.10 CITY ENGINEER.

There is hereby established the office of City engineer. The mayor may appoint, by and with the consent of the City council, the City engineer. The City engineer shall be a licensed professional engineer in the State of Kansas. He or she shall be responsible for:

- (i) The design and specifications for all City streets, sewers, water lines, public buildings, and other public facilities;

- (ii) The inspection of all public works projects including streets, sewers, water lines, and other public facilities; and
- (iii) The general supervision of the maintenance and repair of all public facilities.

(Code 2019)

1-3.11 APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION.

The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments. (Code 2019)

ARTICLE 4. PERSONNEL POLICY AND EMPLOYEE BENEFITS

1-4.1 PERSONNEL POLICIES AND GUIDELINES.

There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "City of Meade, Kansas Employee Handbook." One copy of said document shall be marked or stamped "Official Copy as adopted by the Code of the City of Meade" and which there shall be attached a copy of this Section. Said official copy shall be filed with the City clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the City shall be supplied with copies of such rules and regulations as may be deemed necessary. (Code 2019)

ARTICLE 5. OATHS AND BONDS

1-5.1 OATH; AFFIRMATION.

All officers and employees of the City, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the City, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

- (i) Oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position). So help me God."
- (ii) Affirmation: "I do solemnly, sincerely, and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of _____ (enter name of office or position). This I do under the pains and penalties of perjury."

(K.S.A. 75-4308, 54-104, 54-106; Code 2019)

1-5.2 OATHS FILED.

All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the City and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed by the City clerk. (Code 2019)

1-5.3 BONDS REQUIRED.

1-5.3.1 The following City officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the City. The bond shall be in the following amount, to wit:

- (i) City treasurer: \$10,000;
- (ii) City clerk: \$20,000;
- (iii) Clerk of municipal court: \$1,000;
- (iv) Judge of municipal court: \$1,000; and
- (v) City superintendent: \$20,000.

1-5.3.2 The Governing Body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the Governing Body may, by resolution, designate.

(Code 2019)

1-5.4 SAME; PREMIUMS.

All premiums on surety bonds shall be paid by the City. (K.S.A. 78-111; Code 2019)

1-5.5 CONDITION OF BONDS.

Each of the bonds required in Section 1-5.3 of this Article shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and of the City, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer by virtue of his or her office. (Code 2019)

1-5.6 APPROVAL OF BONDS.

All bonds given to the City shall be approved as to their form by the City attorney and as to surety and sufficiency by the Governing Body, unless otherwise provided by the laws of the State of Kansas. (Code 2019)

ARTICLE 6. OPEN RECORDS

1-6.1 POLICY.

- 1-6.1.1 It is hereby declared to be the policy of the City that all public records which are made, maintained, or kept by or are in the possession of the City, its officers, and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the Kansas Open Records Act.
- 1-6.1.2 Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting, or copying such records while they are in the possession, custody, and control of the appointed or designated record custodian thereof, or his or her designated representative.

(Code 2019)

1-6.2 RECORD CUSTODIANS.

All City officers and employees appointed or designated as record custodians under this Article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this City for inspecting and copying open public records. (Code 2019)

1-6.3 LOCAL FREEDOM OF INFORMATION OFFICER.

The Local Freedom of Information Officer shall:

- (i) Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- (ii) Be available to assist the City and members of the general public to resolve disputes relating the Kansas Open Records Act; and
- (iii) Respond to inquiries relating to the Kansas Open Records Act.

(Code 2019)

1-6.4 PUBLIC REQUEST FOR ACCESS.

All City offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any City office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record. (Code 2019)

1-6.5 FACILITIES FOR PUBLIC INSPECTION.

All City offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the City clerk, being the principal record keeper of the City, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the City clerk except when the requested records are not in that office and are available in another City office. (Code 2019)

1-6.6 PROCEDURES FOR INSPECTION.

Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the Governing Body for record inspection and copying, including those procedures established by record custodians as authorized by the Governing Body. Such procedures shall be posted in each City office keeping and maintaining open public records. (Code 2019)

1-6.7 APPOINTMENT OF OFFICIAL CUSTODIANS.

The following City officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- 1-6.7.1 City clerk - All public records kept and maintained in the City clerk's office and all other public records not provided for elsewhere in this Section.
- 1-6.7.2 City Treasurer - All public records not on file in the office of the City clerk and kept and maintained in the City treasurer's office.
- 1-6.7.3 Chief of Police - All public records not on file in the office of the City clerk and kept and maintained in the City police department.
- 1-6.7.4 City Attorney - All public records not on file in the office of the City clerk and kept and maintained in the City attorney's office.
- 1-6.7.5 Clerk of the Municipal Court - All public records not on file in the office of the City clerk and kept and maintained in the municipal court.

(Code 2019)

1-6.8 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.

The City clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in Section 1-6.3. (Code 2019)

1-6.9 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

- 1-6.9.1 Each of the official custodians appointed in Section 1-6.7 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.
- 1-6.9.2 Whenever an official custodian shall appoint another person as a record custodian he or she shall notify the City clerk of such designation, and the City clerk shall maintain a register of all such designations.

(Code 2019)

1-6.10 DUTIES OF CUSTODIANS.

All City officers and employees appointed or designated as record custodians under this Article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this City for inspecting and copying open public records. (Code 2019)

1-6.11 REQUESTS TO BE DIRECTED TO CUSTODIANS.

- 1-6.11.1 All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
- 1-6.11.2 Whenever any City officer or employee appointed or designated as a custodian under this Article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

(Code 2019)

1-6.12 FEE ADMINISTRATION.

The City clerk is hereby authorized to provide the clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the City treasurer not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which

amounts shall be periodically audited by the clerk-finance officer and treasurer of the City.
(Code 2019)

1-6.13 INSPECTION FEE.

- 1-6.13.1 Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.
- 1-6.13.2 In all cases not covered by Subsection 1-6.13.1, a record inspection fee shall be charged at a rate established by resolution by a majority of the Governing Body of City of Meade, Kansas.

(Code 2019)

1-6.14 COPYING FEE.

- 1-6.14.1 A fee of \$0.25 per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials, and equipment.
- 1-6.14.2 For copying any public records that cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

(Code 2019)

1-6.15 PREPAYMENT OF FEES.

- 1-6.15.1 A record custodian may demand prepayment of the fees established by this Article whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
- 1-6.15.2 Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$25.
- 1-6.15.3 Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

(Code 2019)

1-6.16 PAYMENT.

All fees charged under this Article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the City. (Code 2019)

ARTICLE 7. INVESTMENT OF IDLE FUNDS

1-7.1 PURPOSE AND GOALS.

It is the purpose of this statement to set forth the public policies of the City relating to the investment of public moneys, and establish procedural requirements as to investment management practice. The objective of the investment policy and program of the City shall be the safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal. Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services. (Code 2019)

1-7.2 DEFINITIONS.

As used in this Article the following words and phrases shall be defined as follows:

- 1-7.2.1 *Bank* means any bank incorporated under the laws of the State of Kansas or any other state, or organized under the laws of the United States, that has a main or branch office in Kansas.
- 1-7.2.2 *Savings and loan association* means any savings and loan association incorporated under the laws of the State of Kansas or any other state, or organized under the laws of the United States, that has a main or branch office in Kansas.
- 1-7.2.3 *Savings bank* means any savings bank organized under the laws of the United States that has a main or branch office in Kansas.
- 1-7.2.4 *Main office* means the place of business specified in the articles of association, certificate of authority, or similar document where the business of the institution is carried on and which is not a branch.
- 1-7.2.5 *Branch* means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid, or money lent. Branch does not include an automated teller machine, remote service unit, or similar device or a loan production office.
- 1-7.2.6 *Investment rate* means a rate that is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The zero-to-ninety-day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve System for the previous week.

(Code 2019)

1-7.3 ACTIVE FUNDS; DESIGNATION OF DEPOSITORIES; ELIGIBLE DEPOSITORIES.

- 1-7.3.1 The Governing Body shall designate the banks, savings and loan associations, and savings banks that shall serve as depositories of its funds. The clerk, treasurer, or other City officer or employee having the custody of City funds shall deposit such funds only at the designated banks, savings and loan associations, and savings banks. Only banks, savings and loan associations, and savings banks that have main or branch offices in Meade County shall be designated as official depositories. No such bank, savings bank or savings, and loan association shall be designated as a depository until the City is assured that it can obtain satisfactory security for its deposits.
- 1-7.3.2 The clerk, treasurer, or other City officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the Governing Body fails to designate an official depository or depositories, the officer thereof having custody of City funds shall deposit such funds with one or more banks, savings and loan associations, or savings banks that have main or branch offices in Meade County if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the Governing Body showing the names and locations of such banks, savings and loan associations, and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.
- 1-7.3.3 If eligible banks, savings and loan associations, or savings banks under Subsections 1-7.3.1 or 1-7.3.2 cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this Section, then banks, savings and loan associations, or savings banks that have main or branch offices in any immediately adjoining county may receive deposits of the City's active funds, if such banks, savings and loan associations, or savings banks have been designated as official depositories under Subsection 1-7.3.1 and the City can obtain satisfactory security therefor.

(Code 2019)

1-7.4 INVESTMENT OF IDLE FUNDS.

- 1-7.4.1 Temporarily idle moneys of the City not currently needed may in accordance with the procedure hereinafter described be invested:
- (i) In temporary notes or no-fund warrants issued by the City;

- (ii) In savings deposits, demand deposits, time deposits, open accounts, certificates of deposit, or time certificates of deposit with maturities of not more than two years:
 - (a) In banks, savings and loan associations, and savings banks that have main or branch offices located in the City; or
 - (b) If no main or branch office of a bank, savings and loan association, or savings bank is located in the City, then in banks, savings and loan associations, and savings banks, which have main or branch offices in the county or counties in which all or part of the City is located;
- (iii) In repurchase agreements with:
 - (a) Banks, savings and loan associations, and savings banks, that have main or branch offices located in the City for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or
 - (b)
 - (1) If no main or branch office of a bank, savings and loan association or savings bank, is located in the City; or
 - (2) If no such bank, savings and loan association, or savings bank having a main or branch office located in the City is willing to enter into such an agreement with the City at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations, or savings banks that have main or branch offices in the county or counties in which all or part of the City is located; or
 - (3) If no bank, savings and loan association, or savings bank having a main or branch office in such county or counties is willing to enter into such an agreement with the City at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations, or savings banks located within the State of Kansas;

- (iv) In direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the Governing Body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations, and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers that report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities that is registered in compliance with the requirements of section 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 2005 Supp. 17-12a401, and amendments thereto;
- (v) In the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;
- (vi) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto; or
- (vii) In multiple municipal client investment pools managed by the trust departments of banks that have main or branch offices located in county or counties where City is located or with trust companies incorporated under the laws of this State which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which the City of Meade is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions, and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.

1-7.4.2 The investments authorized in Subsections (iv), (v), (vi), or (vii) of this Section shall be utilized only if the banks, savings and loan associations, and savings banks eligible for investments authorized in Subsection (ii), cannot or will not make the investments authorized in Subsection (ii) available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

1-7.4.3 In selecting a depository pursuant to Subsection (ii), if a bank, savings and loan association, or savings bank eligible for an investment deposit thereunder has an office located in the City and

such financial institution will make such deposits available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the Governing Body shall select one or more of such eligible financial institutions for deposit of funds pursuant to this Section. If no such financial institution qualifies for such deposits, the City shall select for such deposits one or more eligible banks, savings and loan associations, or savings banks that have offices in the county or counties in which all or a part of the City is located which will make such deposits available to the City at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.

(Ord. 417; Code 2019)

1-7.5 PROCEDURES AND RESTRICTIONS.

The City clerk shall periodically report to the Governing Body as to the amount of money available for investment and the period of time such amounts will be available for investment and shall submit such recommendations as deemed necessary for the efficient and safe management of City finances. The recommendations of the City clerk shall provide for an investment program that shall so limit the amounts invested and shall schedule the maturities of investments so that the City will, at all times, have sufficient moneys available on demand deposit to assure prompt payment of all City obligations. (Code 2019)

1-7.6 CUSTODY AND SAFEKEEPING.

Securities purchased pursuant to this Article shall be under the care of the City clerk, City treasurer, and mayor and shall be held in the custody of a state or national bank or trust company or shall be kept by such officers in a safety deposit box of the City in a bank or trust company. Securities in the original or receipt form held in the custody of a bank or trust company shall be held in the name of the City, and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the City officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the City in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers. (Code 2019)

1-7.7 SALE OR TRANSFER.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in Section 1-7.5, it becomes necessary to transfer or sell any securities of such funds, the officers specified in Section 1-7.6 may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement, or assignment for and on behalf of the City. (Code 2019)

1-7.8 INTEREST ON TIME DEPOSITS.

The City clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law. (K.S.A. 12-1677; Code 2019)

ARTICLE 1. GENERAL PROVISIONS

2-1.1 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall be defined as follows.

- 2-1.1.1 *Abandon* includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- 2-1.1.2 *Animals* means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees, or birds that have been tamed, domesticated, or captivated.
- 2-1.1.3 *Animal shelter* means the facility or facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals under the authority of this Chapter or State law.
- 2-1.1.4 *At-large* means to be outside of a fence or other enclosure that restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.
- 2-1.1.5 *Bite* means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal that is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.
- 2-1.1.6 *Cat* means any member of the species *felis catus*, regardless of sex.
- 2-1.1.7 *Dangerous or vicious animal* means any animal deemed to be dangerous or vicious per Section 2-1.15.
- 2-1.1.8 *Dog* means any member of the species *canis familiaris*, regardless of sex.
- 2-1.1.9 *Fowl* means all animals that are included in the zoological class *aves*, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.
- 2-1.1.10 *Harbor* means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure, or place of business or any other premises where he or she resides or controls.

- 2-1.1.11 *Humane live animal trap* means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.
- 2-1.1.12 *Humanely euthanize* means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.
- 2-1.1.13 *Immediate control* means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- 2-1.1.14 *Kennel* means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than five dogs.
- 2-1.1.15 *Livestock* includes, but is not limited to cattle, horses, goats, sheep, or other animals commonly regarded or used as farm or ranch animals.
- 2-1.1.16 *Neutered* means any male or female cat or dog that has been permanently rendered sterile.
- 2-1.1.17 *Own* means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal.
- 2-1.1.18 *Owner* means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in Subsection 2-1.1.17 above. If a minor owns any such animal subject to the provisions of this Chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this Chapter.
- 2-1.1.19 *Vaccination* means an injection of a vaccine approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.
- 2-1.1.20 *Veterinarian* means a doctor of veterinary medicine licensed by the State of Kansas.

(Code 2019)

2-1.2 ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.

- 2-1.2.1 There is hereby created the position of animal control officer for the City. Such officer shall be the City chief of police, unless the Governing Body appoints another person to serve as the animal control officer and such officer shall be charged with the

enforcement of this Chapter. Any person employed by the City as an animal control officer shall have such powers and authority as allowed by law in the enforcement of this Chapter. All animal control officers shall be subject to the supervision and direction of the chief of police of the City. It shall be the duty of the animal control officer to notify the City of Meade Police Department of any suspected violation of Section(s) 2-1.7, 2-1.9, 2-1.10, and 2-1.15 of this Code. Upon notification of a suspected violation, the law enforcement officer shall consult with the animal control officer, interview the witnesses, if any, and make a record of the incident. If a dispute arises between the animal control officer and the law enforcement officer regarding the disposition of the incident, the law enforcement officer has final decision making authority. Nothing in this subsection shall be construed to prohibit notification to the City of Meade Police Department for any suspected violation of any section of this Ordinance.

- 2-1.2.2 Except as provided in Section 2-1.2.3, it shall be the duty of the animal control officer to take up and impound all animals found in the City in violation of the provisions of this Chapter.
- 2-1.2.3 As an alternative to the provisions of Section 2-1.2.2, any law enforcement officer or the animal control officer may issue a citation to the owner, harborer or keeper of an animal in violation of this Chapter, and the person receiving the citation shall, within 45 days, appear in the municipal court of the City to answer the charged violation of this Chapter.

(Code 2019)

2-1.3 SAME; CAPTURE/DESTRUCTION.

When deemed necessary by law enforcement officers or the animal control officer for the health, safety, and welfare of the residents of the City, such officers and/or their agents may:

- (i) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this Chapter as creating a nuisance in the City;
- (ii) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the animal control officer, in his or her discretion, to be of a danger to itself or to the public health and safety.
- (iii) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 2-1.15, or any animal creating a nuisance as defined in section 2-1.11, where such animal is impossible or impractical to catch, capture or tranquilize.

(Code 2019)

2-1.4 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

- 2-1.4.1 The animal control officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this Chapter.
- 2-1.4.2 It shall be unlawful for any person to interfere with the animal control officer in the exercise of his or her duties.

(Code 2019)

2-1.5 MUNICIPAL POUND ESTABLISHED.

A municipal pound shall be established to carry out the provisions of this Chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the pound shall have the following services and facilities as a minimum:

- (i) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this Chapter;
- (ii) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this Chapter;
- (iii) Individual isolation facilities for sick, biting, rabid and suspected rabid animals; and
- (iv) Facilities for the humane destruction of animals.

(Code 2019)

2-1.6 BREAKING POUND.

- 2-1.6.1 It shall be unlawful for any unauthorized person to open, unlock, break open, or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this City any animal taken up by him or her under the provisions of this Chapter, or in any manner interfere with or hinder any authorized officer or employee of this City in catching, taking up, or impounding any animal.
- 2-1.6.2 It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.

(Code 2019)

2-1.7 CRUELTY TO ANIMALS.

2-1.7.1 Except as described in Subsection 2-1.7.3, it shall be unlawful for any person to:

- (i) Intentionally abandon or leave any animal in any place without making provisions for its proper care;
- (ii) Have physical custody of any animal and intentionally fail to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
- (iii) Intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall for the purpose of sport or entertainment; or
- (iv) Intentionally cause any physical injury other than acts constituting a felony as defined in K.S.A. 21-6412, and amendments thereto.

2-1.7.2 In addition to the penalties provided in Section 1-1.17 of this Code, the municipal court judge may order a person convicted of violation under this Section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.

2-1.7.3 The provisions of Section 2-1.7.1 shall not apply to:

- (i) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;
- (ii) Bona fide experiments carried on by commonly recognized research facilities;
- (iii) Killing, attempting to kill, trapping, catching, or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;
- (iv) Rodeo practices accepted by the rodeo cowboys' association;
- (v) The humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner, or by any officer or agent of an incorporated humane society, operator of an animal shelter or pound, local or state health officer, or veterinarian three

business days following the receipt of any such animal at such society, shelter or pound;

- (vi) With respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
- (vii) The killing of any animal by any person at any time that may be found outside of the owned or rented property of the owner or custodian of such animal and that is found injuring or posing a threat to any person, farm animal, or property;
- (viii) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
- (ix) Laying an equine down for medical or identification purposes; or
- (x) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a et seq., and amendments thereto.

(Code 2019)

2-1.8 KEEPING ANIMALS.

2-1.8.1 Except as otherwise provided in this Code, it shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the City to possess and maintain any animal or fowl within the City or permit to be maintained thereon any stable, shed, pen, or other place where horses, mules, cattle, sheep, goats, swine, or undomesticated animals are kept.

2-1.8.2 This Section shall not apply to:

- (i) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention, and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the City;
- (ii) The maintaining of dogs that are regulated by Article 2 of this Chapter;
- (iii) The maintaining of nonpoisonous and nonvicious animals and fowl that are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable

animals, when kept as household pets and in a safe and sanitary manner in accordance with Section 2-1.12 of this Chapter; or

- (iv) The transporting of animals through the City by ordinary and customary means.

(Code 2019)

2-1.9 ANIMAL TRAPS.

It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground that makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism, or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals. (Code 2019)

2-1.10 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

2-1.10.1 It shall be unlawful for the owner of any animal to keep or maintain such animal in the City so as to constitute a nuisance.

2-1.10.2 For the purpose of this Section, nuisance is defined as any animal that:

- (i) Molests or interferes with persons in the public right-of-way;
- (ii) Attacks or injures persons or other domestic animals;
- (iii) Damages public or private property other than that of its owner or harborer by its activities or with its excrement;
- (iv) Scatters refuse that is bagged or otherwise contained; or
- (v) Causes any condition that threatens or endangers the health or well-being of persons or other animals.

2-1.10.3 If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath at the trial on the complaint.

(Code 2019)

2-1.11 NOISY ANIMALS.

The keeping or harboring of any animal which by loud, frequent, and habitual barking, howling, yelping, mewling, roaring, or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the City may abate it by taking up, impounding, and/or disposing of the animal at the expense of the owner. (Code 2019)

2-1.12 ANIMAL CONFINES; SHELTERS.

- 2-1.12.1 It shall be unlawful for any person to keep or maintain any animal in any yard, structure, or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and that is not devoid of rodents and vermin.
- 2-1.12.2 Excrement shall be removed at least once each week from any animal shelter, pen, or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.
- 2-1.12.3 All animal shelters, pens, and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
- 2-1.12.4 All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.
- 2-1.12.5 Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.
- 2-1.12.6 All animal shelters must have secure sides and floor, and if the animal is capable of climbing the sides, then the structure must also have a secure top.
- 2-1.12.7 All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition that could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(Code 2019)

2-1.13 SAME; STOCKYARDS; COMMERCIAL HOLDING PENS.

Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the health officer, to control fly breeding or to control other conditions adversely affecting the public health, including the following:

- 2-1.13.1 Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes.
- 2-1.13.2 Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins.
- 2-1.13.3 Premises subject to the terms of this Section shall be maintained free of rodent harborage and in accordance with Sections 9-6.1:9-6.8 of this Code.
- 2-1.13.4 Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.
- 2-1.13.5 Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
- 2-1.13.6 Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property.
- 2-1.13.7 The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.
- 2-1.13.8 Holding lots, pens and floors of sheds and buildings where animals are held and that are maintained by persons subject to a commercial, industrial, or agricultural classification permit according to the terms of this Chapter shall be surfaced with concrete or asphaltic materials; and the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses, which drainage system shall be subject to the approval of the health officer. The health officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses, or sheep.

- 2-1.13.9 Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial, or agricultural permit according to the terms of this Chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the health officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the health officer. (Code 2019)

2-1.14 DEATH OF ANIMALS.

All dead animals shall be disposed of by the owner or keeper within 24 hours of the animal's death, by burial, incineration in a facility approved by the animal control officer, by rendering, or by other lawful means approved by the animal control officer. No dead animal shall be dumped on any public or private property. (Code 2019)

2-1.15 VICIOUS ANIMALS.

- 2-1.15.1 **PROHIBITED.** It shall be unlawful for any person to keep, possess or harbor a vicious animal within the City. Impoundment of animals whose owners have been cited for violation of this Section shall be at the discretion of the animal control officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal.
- 2-1.15.2 **DEFINITION.** For purposes of this Chapter a vicious animal shall mean:
- (i) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;
 - (ii) Any animal that attacks a human being or domestic animal without provocation. Provided, however, that a dog that attacks a chicken or chickens will not be considered a vicious animal;
 - (iii) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or
 - (iv) Any animal that is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.
- 2-1.15.3 **COMPLAINT.** Whenever a sworn complaint is filed in the municipal court against the owner of an animal alleging that such animal is vicious and in violation of this Section, the municipal judge shall hold a hearing to determine whether or not the animal is vicious

within the meaning of this Section and thereby is in violation of this Section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the municipal judge shall consider the following:

- (i) The seriousness of the attack or bite;
- (ii) Past history of attacks or bites;
- (iii) Likelihood of attacks or bites in the future;
- (iv) The condition and circumstances under which the animal is kept or confined; and
- (v) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

The municipal judge shall order the impoundment, the muzzling in accordance with Subsection 2-1.15.4, and/or the confinement of the animal accused of being in violation of this Section in a manner and location that will insure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling, or otherwise safe confinement is not possible, or if prior court orders to restrain such animal have gone unheeded, the municipal judge may order the animal immediately destroyed.

2-1.15.4 VICIOUS DOGS TO BE MUZZLED. It shall be the duty of every owner, keeper or harbinger of any dog in the City, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the City, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping, or harboring any dog within the City limits contrary to this Section shall be guilty of a violation of this Code.

2-1.15.5 IMMEDIATE DESTRUCTION. Nothing in this Chapter shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

2-1.15.6 RELEASE. If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this Section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this Chapter. The municipal judge may, upon making a finding that an

animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines that may result from a violation of this Section.

(Ord. 2009-1; Code 2019)

2-1.16 RUNNING AT LARGE.

It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the City. Any animal or fowl found at large shall be impounded as provided in Section 2-1.17 or 2-2.7. The foregoing shall not apply to dogs on a leash totally in personal control of its owner, harborer, or other person responsible for the behavior of the dog, but this provision does not condone or authorize a person to allow a dog to go upon the private property of another for any purpose without the consent of the owner or occupant of the property. All dogs shall be securely confined indoors or in a securely enclosed pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides and floor, and if the dog is capable of climbing the sides, then the structure must also have a secure top. All such structures must have adequate light and ventilation and be kept in a clean and sanitary condition. Such pens or kennels constructed on residential premises shall, where possible, be totally located in the back yard of the premises. If the pen or kennel cannot be located in the back yard it shall only be constructed at another location upon written approval of the Governing Body of the City upon written application to the Governing Body showing the precise intended locations and the specifications of building materials to be used and dimensions. Such structures shall be subject to inspection by the animal control officer, or any law enforcement officer at any time. A dog shall not, under any circumstance, be confined by only a rope, chain or other similar device. (Code 2019)

2-1.17 IMPOUNDMENT; FEE; NOTICE; RECORD.

- 2-1.17.1 The animal control officer or law enforcement officer shall impound any animal or fowl found at large in the City or constituting a nuisance or otherwise in violation of this Chapter in a suitable pound or enclosure provided or contracted for by the City. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.
- 2-1.17.2 The City shall be entitled to receive from such owner an impoundment fee of \$20 plus the actual cost of feeding and maintaining the animal while impounded. A boarding fee of \$5 per day shall also be imposed.
- 2-1.17.3 In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the animal control officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof with a description of the animal and

the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this Code.

- 2-1.17.4 The animal control officer shall each month submit a report to the City council showing the number of animals impounded and disposed of and the fees collected pursuant to this Article and shall pay those fees to the City clerk for credit to the general operating fund.

(Code 2019)

2-1.18 REDEMPTION OF IMPOUNDED ANIMALS.

At any time before the sale or destruction of any animal impounded under the provisions of this Article, except for animals impounded under Sections 2-1.15 and 2-1.19, the owner thereof may redeem the animal by paying the animal control officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment and signing an affidavit verifying to be the owner or harbinger of the animal. (Code 2019)

2-1.19 IMPOUNDMENT OF RABIES SUSPECTS.

- 2-1.19.1 Any law enforcement officer or animal control officer may take up, upon private or public property, any animal that has bitten or scratched a person or other animal and impound the animal in a veterinary hospital, an animal care facility, or the City pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local health officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the state board of health.
- 2-1.19.2 In lieu of the provisions of Subsection 2-1.19.1, the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the City, or one that otherwise approved by the animal control officer, for observation. Such veterinarian shall report his or her findings in writing to the animal control officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned

over to the animal control officer or any law enforcement officer to be killed and examination made by the state board of health.

- 2-1.19.3 Any animal desired for observation by the local health officer under this Section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden, or harbored. Any person violating this provision shall be guilty of a violation of this Code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

(Code 2019)

2-1.20 ANIMALS BITTEN BY RABID ANIMALS.

Whenever a dog, cat, or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health officer and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

- (i) The animal that was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;
- (ii) If the bitten animal has a current vaccination, it shall be confined for 90 days;
- (iii) The bitten animal shall be released from confinement only upon written order from the local health officer, who declares the animal to be free of rabies; and
- (iv) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

(Code 2019)

2-1.21 EMERGENCY; PROCLAMATION.

The mayor is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the City to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer or the animal control officer of the City. The owner of such animal shall be prosecuted for such violation hereof. (Code 2019)

2-1.22 VEHICULAR ACCIDENTS INVOLVING ANIMALS.

Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the animal control officer or any law enforcement officer. (Code 2019)

2-1.23 KENNEL LICENSES.

- 2-1.23.1 No person or household shall own or harbor more than 6 dogs of six months of age or older or more than one litter of pups, or more than 6 cats of more than six months of age or more than one litter of kittens, or more than a total of 6 dogs and cats more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the City Clerk.
- 2-1.23.2 Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the City and the State of Kansas, and a certificate by the zoning code enforcement officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the City. If the City clerk has not received any protest against the kennel, the City clerk may issue a renewal of an existing kennel license at the same location without any report from the animal control officer and zoning code enforcement officer. If the animal control officer or the zoning code enforcement officer finds that the holder of any kennel license is violating any zoning law, or any other law of the State of Kansas, or of the City, or is maintaining the facility in a manner detrimental to the health, safety, or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the City clerk, and the license shall not be renewed except after a public hearing before the Governing Body.
- 2-1.23.3 The animal control officer, the zoning enforcement officer, or any law enforcement officer shall have the right to inspect any premises licensed under this Section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.
- 2-1.23.4 The Governing Body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:
 - (i) The kennel is maintained in violation of any applicable law of the State of Kansas or of the City;
 - (ii) The kennel is maintained so as to be a public nuisance; or

- (iii) The kennel is maintained so as to be detrimental to the health, safety, or peace of mind of persons residing in the immediate vicinity.

2-1.23.5 This Section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

(Code 2019)

ARTICLE 2. DOGS

2-2.1 REGISTRATION AND VACCINATION REQUIRED; FEE.

- 2-2.1.1 Every owner of any dog over six months of age shall annually register with the City clerk his or her name and address with the name, sex, and description of each dog owned and kept within the City. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the City to fail to register such animal within 30 days from acquisition or bringing the dog into the City. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.
- 2-2.1.2 Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six months of age to fail to maintain effective rabies immunization of such dog.
- 2-2.1.3 The owner or harbinger of any dog shall, at the time of registering such dog, present to the City clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.
- 2-2.1.4 The City clerk shall collect an annual registration fee of \$5 for each dog. If the owner of a dog asks that proof of such registration and the dog tag named in Section 2-2.2 be mailed to such owner, an additional \$5 fee shall be charged. Registration fees will not be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home in the City during a calendar year.
- 2-2.1.5 The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before February 15th of each year without penalty.
- 2-2.1.6 Every owner or harbinger of dog or dogs who shall fail to register the same prior to the 15th day of February of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$5.

(Code 2019)

2-2.2 DOG TAGS.

It shall be the duty of the City clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered

the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog so registered. When any tag has become lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. It shall be unlawful for any person to take off or remove the City registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. (Code 2019)

2-2.3 SAME; COUNTERFEIT TAG.

It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged, or counterfeited tag or imitation thereof. (Code 2019)

2-2.4 EVIDENCE OF VACCINATION.

It shall be unlawful for the owner of any dog kept within the City to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog. (Code 2019)

2-2.5 VISITING DOGS.

The provisions of this Article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the City for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times. (Code 2019)

2-2.6 RUNNING AT LARGE; FINE.

- 2-2.6.1 It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the City at any time.
- 2-2.6.2 Any dog running at large within the City shall be impounded as set out in Section 2-2.7.
- 2-2.6.3 **PENALTY.** For the first offense of an animal running at large with a tag as required by Section 2-2.2, the owner or harbinger claiming any animal, shall, in addition to presenting a registration receipt, pay the cost of the board bill. For a second offense within a one-year period, the owner or harbinger shall pay a minimum fine of \$50, but no more than \$100, and/or be subject to imprisonment for up to 10 days in jail, plus the board bill. For a third and all subsequent offenses within a one-year period, the owner or harbinger shall pay a fine not to exceed \$500 and/or be subject to imprisonment for up to 30 days in jail, plus the cost of the board bill, and the judge may order the dog disposed of.
- 2-2.6.4 **ENHANCED PENALTY FOR DOGS WITHOUT TAGS.** The owner of any dog impounded for running at large without the tag required by Section 2-2.2 shall, in addition to the fines stated above, pay an additional fee of \$50.

(Code 2019)

2-2.7 IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

- 2-2.7.1 Any dog found in violation of the provisions of this Article shall be subject to impoundment by the City pursuant to Section 2-1.17
- 2-2.7.2 A record of all dogs impounded shall be kept by the City containing the following information: color, sex, weight, height, identifying marks, registration number, if any, and the date of impoundment.
- 2-2.7.3 No dog impounded under this Section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the City shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized, or otherwise disposed of.
- 2-2.7.4 If at any time before the sale or destruction of any dog impounded under the provisions of this Article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, except that this Section shall not apply to any dog alleged as being vicious under Section 2-1.15 or suspected of rabies under Section 2-1.19 of this Code.
- 2-2.7.5 Any dog impounded may not be released without a current rabies vaccination.
- 2-2.7.6 Impoundment hereunder shall not preclude any court from imposing and executing any fine that might otherwise be levied under this Article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.
- 2-2.7.7 The redemption of any dog impounded for a violation of any provision of this Chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog.

(Code 2019)

2-2.8 DISPOSITION OF UNCLAIMED DOGS.

- 2-2.8.1 If any dog is not redeemed by its owner or harborer within the time allowed for redemption as specified in Section 2-2.7 thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.
- 2-2.8.2 No dog may be transferred to the permanent custody of a prospective owner unless:
- (i) Such dog has been surgically spayed or neutered before the physical transfer of the dog occurs; or
 - (ii) The prospective owner signs an agreement to have the dog spayed or neutered and deposits with the City not less than the lowest nor more than the highest cost of spaying or neutering in the region as determined by the City. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog, the City shall keep the deposit and may reclaim the unspayed or unneutered dog.
- 2-2.8.3 Nothing in this Section shall be construed to require sterilization of a dog that is being held by the City and that may be claimed by its rightful owner within the holding period established in Section 2-2.7.

(Code 2019)

2-2.9 CONFINEMENT OF DOGS IN HEAT.

Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and the area of enclosure shall be so constructed so that no other dog or dogs may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital, or to the City pound. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the City pound shall be charged at the rate established from time to time by the City pound for routine confinement. (Code 2019)

2-2.10 MUZZLING.

Whenever the animal control officer shall deem it necessary for the protection and welfare of the inhabitants of the City, he or she shall issue an order requiring all dogs kept within the City to be effectively muzzled for such length of time as may be specified in the order

to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the City for such period of time as the mayor may deem necessary. (Code 2019)

ARTICLE 3. OTHER ANIMALS

2-3.1 EXOTIC ANIMALS.

2-3.1.1 It shall be unlawful for any person, firm, or corporation to keep, maintain or have in his or her possession or under his or her control within the City any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious, or dangerous propensities.

2-3.1.2 It shall be unlawful for any person to keep, maintain, or have in his or her possession or under his or her control within the City any of the following animals:

- (i) All poisonous animals including rear-fang snakes;
- (ii) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs;
- (iii) Baboons;
- (iv) Badgers;
- (v) Bears;
- (vi) Bison;
- (vii) Bobcats;
- (viii) Cheetahs;
- (ix) Crocodilians, 30 inches in length or more;
- (x) Constrictor snakes, six feet in length or more;
- (xi) Coyotes;
- (xii) Deer, including all members of the deer family such as white-tailed deer, elk, antelope, and moose;
- (xiii) Elephants;
- (xiv) Game cocks and other fighting birds;
- (xv) Hippopotami;
- (xvi) Hyenas;
- (xvii) Jaguars;
- (xviii) Leopards;

- (xix) Lions;
- (xx) Lynxes;
- (xxi) Monkeys;
- (xxii) Ostriches;
- (xxiii) Pumas; also known as cougars, mountain lions and panthers;
- (xxiv) Raccoons;
- (xxv) Rhinoceroses;
- (xxvi) Skunks;
- (xxvii) Tigers; or
- (xxviii) Wolves.

2-3.1.3 The prohibitions of this Section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

- (i) Their location conforms to the provisions of the zoning ordinance of the City;
- (ii) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and
- (iii) Animals are maintained in quarters so constructed as to prevent their escape.

2-3.1.4 The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed, or removed from the City.

(Code 2019)

ARTICLE 4. RESERVED

ARTICLE 5. CATS

2-5.1 PERMIT REQUIRED.

No person, firm, corporation, or entity shall own or possess a concentration in excess of four (4) cats within the corporate limits of the City of Meade without a cattery permit issued by the City. All cats maintained at a cattery shall be confined inside a structure. (Code 2019)

2-5.2 EXCEPTION FOR KITTENS.

There shall be exempted from this ordinance, persons who possess four (4) or more cats as a result of litters born to a cat in the possession of such person, which said exemption shall apply for a period of no more than ninety (90) days. (Code 2019)

2-5.3 APPLICATION AND PERMIT

- 2-5.3.1 Application for a cattery permit shall be made with the City clerk on application form furnished by the City clerk. The application must be accompanied by a twenty-five dollar (\$25), nonrefundable application fee and a petition signed by eighty (80) percent of the property owners located within three hundred (300) feet of the proposed location of the cattery, granting approval of the cattery and its location.
- 2-5.3.2 Upon receipt of the application, application fee, and petition, the City clerk shall notify the City chief of police, or the designated representative appointed by the City Council. Such individual shall confirm that the petition contains the signatures of eighty (80) percent of all property owners within three hundred (300) feet of the proposed location of the cattery and inspect the proposed location of the cattery, and shall determine whether the cattery complies with all City ordinances of the City of Meade, County, State, and federal laws and regulations, including health and safety. If the application, petition, and investigation are deemed satisfactory and acceptable, the City clerk shall issue the applicant a cattery permit.
- 2-5.3.3 A cattery permit shall be valid for a period of one (1) year from the date of issuance, and shall be subject to all city ordinances. The holder of the cattery permit shall make application for renewal no less than thirty (30) days prior to the anniversary date of the issuance of said permit. Such application shall be accompanied by a twenty-five dollar (\$25), nonrefundable application fee. Upon such application and upon inspection by the City chief of police or the designated representative appointed by the City Council to insure the cattery is in compliance with all City, County, State, and federal ordinances and laws, and approval by the same, and provided that a written protest signed by the majority of property owners within three hundred (300) feet of the cattery is not received by the City clerk prior to the anniversary date of the issuance of said permit, the permit holder shall be granted a renewal of the permit.

(Code 2019)

2-5.4 REQUIREMENTS.

All catteries shall:

- (i) Provide cages and pens constructed of nontoxic, easily cleanable, water impervious materials if used for confining animals and shall keep such cages and pens clean and sanitary at all times;
- (ii) Provide adequate space and ventilation to prevent overcrowding and to minimize contagion; and
- (iii) Provide general environmental conditions including endoparasite and ectoparasite control, clean wholesome food and water, weather protection, and clean and sanitary facilities other than housing so as to enhance the health and well-being of such animals.

(Code 2019)

2-5.5 INSPECTION.

All places and premises on which cats as described in this Article are kept of maintained shall be open at all times for inspection by the City chief of police or the designated representative appointed by the City council. (Code 2019)

2-5.6 COMPLAINTS.

Upon receipt of a written complaint of a cattery not in compliance with regulations, the matter shall be turned over to the City chief of police or the designated representative appointed by the City council for inspection of the property. If a cattery permit has not been issued for that property and one is required, the City chief of police or the designated representative appointed by the City council shall notify the City clerk. (Code 2019)

2-5.7 VIOLATIONS; PENALTY.

If on an inspection pursuant to Sections 2-5.5 or 2-5.6, any person, firm, corporation, or entity that has been granted a cattery permit is found violating any City, County, State, or federal ordinances and laws, the City clerk or City chief of police may:

- (i) Issue of a written notice to the cattery permit holder of the violation, giving such person, firm, corporation, or entity a period not to exceed thirty (30) days to remedy the problem or face closure;
- (ii) Cite said person for violation of City, County, State, or federal ordinance(s) or law(s), which shall be a misdemeanor, and upon conviction punishable by a fine of no more than five hundred dollars (\$500). Each day or any portion of a day during which cited violation(s) occur(s) shall constitute a separate offense and shall be punishable hereunder as a separate violation; or

- (iii) Issue of an immediate order of closure, in which event the cattery permit holder shall immediately cease and desist operating the cattery. Failure to comply with the order shall be a misdemeanor and upon conviction punishable by a fine of no more than five hundred dollars (\$500). Each day or any portion of a day during which cited violation(s) occur(s) shall constitute a separate offense and shall be punishable hereunder as a separate violation.

(Code 2019)

2-5.8 ABANDONED CATS.

Abandoned/stray cats located within the corporate limits of the City of Meade are declared a nuisance and menace to the public health. It shall therefore be illegal for any person, firm, corporation, or entity to feed such animals on any property other than their own. Violation of this Section shall be considered a misdemeanor and upon conviction shall be punishable by a fine of no more than five hundred dollars (\$500). Each day or any portion of a day during which cited violation(s) occur(s) shall constitute a separate offense and shall be punishable hereunder as a separate violation. (Code 2019)

2-5.9 FEEDING STRAY CATS.

Any person, firm, corporation, or entity that feeds abandoned or stray cats on their property assumes ownership of such animals and is subject to all provisions of this Article. (Code 2019)

2-5.10 ABATEMENT.

If the City corrects a violation pursuant to this Article, the costs of the abatement shall be charged against the lot or parcel of ground on which the violation occurred. The City clerk shall at the time of certifying other taxes to the County clerk certify the costs as provided in this Section. The County clerk shall extend the same on the tax roll and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. (Code 2019)

ARTICLE 6. CHICKENS

2-6.1 PERMIT.

Any person wishing to keep chickens within the City limits of Meade shall file an application to do so with the City clerk. Such application will then be reviewed by the animal control officer, who will either grant or deny the permit. If a permit is granted, the cost of such permit shall be \$5.00. A permit shall allow the owner thereof to own no more than 6 chickens. Permits are non-transferable and shall not run with the land. Permits will be granted only for property whose primary use is for a single-family dwelling or a two-family dwelling. (Code 2019)

2-6.2 GENDER OF CHICKENS.

Only female chickens shall be allowed within the City, with no limitation on species. (Code 2019)

2-6.3 HENHOUSE.

Henhouses shall be provided for all chickens kept within the City and shall be designed to provide safe and healthy living conditions for the chickens while minimizing the adverse impacts to City residents. All henhouses shall be well maintained. All henhouse structures shall be enclosed on all sides and have a roof and doors. All henhouse access doors must be able to be shut and locked at night. Windows and vents must be covered with predator-proof and bird-proof wire containing less than one-inch openings. (Code 2019)

2-6.4 CHICKEN PENS.

Enclosed chicken pens shall be provided for all chickens kept within the City. Such pens must be made of sturdy wire fencing, aviary netting, or solid roofing. (Code 2019)

2-6.5 SANITARY CONDITIONS.

All henhouses and chicken pens shall be kept clean, dry, odor-free, and in a sanitary condition at all times. All henhouses and chicken pens shall also be constructed and repaired to prevent rats, mice, or other rodents from being underneath or within such structures. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them. (Code 2019)

2-6.6 MANURE.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully-enclosed structure with a roof or lid over the entire structure. All manure not properly stored and not used for composting or fertilizing on the premises shall be removed. (Code 2019)

2-6.7 LOCATION OF CHICKENS; SLAUGHTERING.

Chickens must be kept within a henhouse or a chicken pen at all times. No chickens may be slaughtered within the limits of the City. (Code 2019)

2-6.8 LOCATION OF HEN HOUSES AND CHICKEN PENS.

No henhouse or chicken pen shall be located closer than 100 feet to any property line of any adjacent property. All henhouses and chicken pens must be located at least 100 feet from the nearest neighbor's residence. All henhouses and chicken pens shall be located in the backyard of the residence at issue. "Backyard" as used in this Section, shall mean that area of a lot that is located between the back of a house and the rear property line. (Code 2019)

2-6.9 REVOCATION AND DENIAL OF PERMITS.

A permit to keep chickens within the City may be denied or revoked by the animal control officer where there is risk to public health or safety or for any violation or failure to comply with any provisions of this Article. Any denial or revocation shall be in writing and shall include notification of the right to appeal as set forth in this Article. (Code 2019)

2-6.10 NOTICE.

Any person, corporation, partnership, or association found by the animal control officer to be in violation of any provision of this Article or any such person, corporation, partnership, or association who has been denied a permit or had a permit revoked, shall be served a notice of such violation, denial, or revocation. The notice shall be served on the owner or agent of the owner of the property at issue by restricted mail or by personal service, or if the property is unoccupied and the owner is a nonresident of the City, then by mailing the notice by restricted mail to the last known address of the owner. (Code 2019)

2-6.11 SAME; CONTENTS.

The notice shall state the conditions(s) which is (are) in violation of the provisions of this Article. The notice shall also inform the person, corporation, partnership, or association that:

- (i) He, she, or they shall have 10 days from the date of serving the notice to abate the condition(s) in violation of the provisions of this Article; or
- (ii) He, she, or they have 10 days from the date of serving the notice to request a hearing before the Governing Body as provided by Section 2-6.14; and
- (iii) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 2-6.15 and/or abatement of the condition(s) by the City as provided by Section 2-6.13.

(Code 2019)

2-6.12 FAILURE TO COMPLY; PENALTY.

Should the person, corporation, partnership, or association fail to comply with the notice to abate the conditions that are in violation of this Article or request a hearing, the animal control officer may file a complaint in the municipal court of the City against such person, corporation, partnership, or association and upon conviction of any violation of provisions of this Article, such person, corporation, partnership, or association, as appropriate, may be fined in an amount not to exceed \$100 or be imprisoned for a term not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional and separate offense. (Code 2019)

2-6.13 ABATEMENT.

In addition to, or as alternative to prosecution as provided in Section 2-6.12, the animal control officer may seek to remedy violations of this Section in the following manner. If a person to whom a notice has been sent pursuant to Section 2-6.10 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 2-6.11, the animal control officer may present a resolution to the Governing Body for adoption authorizing the animal control officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the violating conditions were located as provided in Section 2-6.15. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (i) Personal service upon the person in violation;
- (ii) Service by restricted mail, postage prepaid, return receipt requested;
or
- (iii) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the animal control officer and filed with the City clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the premises where such condition exists.

(Code 2019)

2-6.14 HEARING.

If a hearing is requested within the 10-day period as provided in Section 2-6.11, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the animal control officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed

necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 2-6.13. (Code 2019)

2-6.15 COSTS ASSESSED.

If the City abates any conditions in violation of this Article, the cost of abatement shall be charged against the lot or parcel of ground on which the violating conditions were located. The City clerk shall, at the time of certifying other taxes to the County clerk, certify the costs as provided in this Section. The County clerk shall extend the same on the tax roll and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. (Code 2019)

ARTICLE 1. GENERAL PROVISIONS

3-1.1 DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section.

- 3-1.1.1 *Alcohol* means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.
- 3-1.1.2 *Alcoholic liquor* means alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.
- 3-1.1.3 *Caterer* means an individual, partnership, or corporation that sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises that may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.
- 3-1.1.4 *Cereal malt beverage* means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but does not include any such liquor which is more than 3.2% alcohol by weight
- 3-1.1.5 *Class A club* means a premises that is owned or leased by a corporation, partnership, business trust, or association and that is operated thereby as a bona fide nonprofit social, fraternal, or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries, or associates (hereinafter referred to as members), and their families and guests accompanying them.
- 3-1.1.6 *Class B club* means a premises operated for profit by a corporation, partnership, or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.
- 3-1.1.7 *Club* means a Class A or Class B club.
- 3-1.1.8 *Beer* means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content

- 3-1.1.9 *Drinking establishment* means premises that may be open to the general public, where alcoholic liquor by the individual drink is sold.
- 3-1.1.10 *Flavored malt beverage* means a malt beverage which meets the formula definitions as set forth in department of the treasury, alcohol and tobacco tax and trade bureau regulations published January 3, 2005, at 27 C.F.R. Parts 7 and 25.
- 3-1.1.11 *General retailer* means a person who has a license to sell cereal malt beverages at retail.
- 3-1.1.12 *Limited retailer* means a person who has a license to sell cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.
- 3-1.1.13 *Place of Business* means any place at which cereal malt beverages or alcoholic beverages or both are sold.
- 3-1.1.14 *Temporary permit* means a permit, issued in accordance with the laws of the State of Kansas that allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.
- 3-1.1.15 *Wholesaler or distributor* means any individuals, firms, co-partnerships, corporations, and associations which sell or offer for sale any beverage referred to in this Chapter, to persons, co-partnerships, corporations, and associations authorized by this Chapter to sell cereal malt beverages at retail.

(Code 2019)

3-1.2 CONSUMPTION ON PUBLIC PROPERTY.

No person shall drink or consume any alcoholic liquor on City owned public property.
(K.S.A. Supp. 41-719; Code 2019)

3-1.3 PUBLIC SALE; CONSUMPTION.

- 3-1.3.1 It shall be unlawful for any person to sell, serve, or dispense any cereal malt beverage or alcoholic beverage in any public place not licensed to sell, serve, or dispense such beverage at such public place within or under the jurisdiction of the City.
- 3-1.3.2 It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic beverage in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City.
- 3-1.3.3 For purposes of this Section, the term *public place* shall include upon any street, public thoroughfare, public parking lot, or any privately owned parking area made available to the public generally,

within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the State or any governmental subdivision thereof unless such property is leased to others under K.S.A. 12-1740 et seq. if the property is being used for hotel or motel purposes or purposes incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

(Code 2019)

3-1.4 CONSUMPTION WHILE DRIVING.

It shall be unlawful for any person to consume any cereal malt beverage or alcoholic beverage while operating any vehicle upon any street or highway. (K.S.A. 41-719, 8-1599; Code 2019)

3-1.5 IDENTIFICATION CARD.

It shall be unlawful for any person to:

- (i) Display, cause, or permit to be displayed, or have in possession, any fictitious, fraudulently altered, or fraudulently obtained identification card for purposes relating to the sale, purchase, or consumption of either cereal malt beverage or alcoholic liquor;
- (ii) Display or represent any identification card not issued to such person as being his or her card for purposes relating to the sale, purchase, or consumption of either cereal malt beverage or alcoholic liquor;
- (iii) Permit any unlawful use of an identification card issued to a person for purposes relating to the sale, purchase, or consumption of either cereal malt beverage or alcoholic liquor;
- (iv) Photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction, or facsimile for purposes relating to the sale, purchase, or consumption of either cereal malt beverage or alcoholic liquor; or
- (v) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase, or consumption of any cereal malt beverage.

(Code 2019)

ARTICLE 2. CEREAL MALT BEVERAGES

3-2.1 LICENSE REQUIRED OF RETAILERS.

- 3-2.1.1 It shall be unlawful for any person to sell any cereal malt beverage or beer at retail without a license for each place of business where cereal malt beverages or beer are to be sold at retail.
- 3-2.1.2 It shall be unlawful for any person, having a license to sell cereal malt beverages or beer at retail only in the original and unopened containers and not for consumption on the premises, to sell any cereal malt beverage or beer in any other manner. (Code 2019)

3-2.2 APPLICATION.

Any person desiring a license shall make an application to the Governing Body of the City and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

- (i) The name and residence of the applicant and how long he or she has resided within the State of Kansas;
- (ii) The particular place for which a license is desired;
- (iii) The name of the owner of the premises upon which the place of business is located;
- (iv) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
- (v) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;

The application shall be accompanied by a statement signed by the applicant, authorizing any governmental agency to provide the City with any information pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the City for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this Chapter. The chief shall report to the mayor not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the Governing Body at the earliest meeting consistent with current notification requirements.

(Code 2019)

3-2.3 LICENSE APPLICATION PROCEDURES.

- 3-2.3.1 All applications for a new and renewed cereal malt beverage license shall be submitted to the City clerk 10 days in advance of the Governing Body meeting at which they will be considered.
- 3-2.3.2 The Governing Body will not consider any application for a new or renewed license that has not been submitted 10 days in advance and been reviewed by the above City departments.
- 3-2.3.3 An applicant who has not had a cereal malt beverage license in the City shall attend the Governing Body meeting when the application for a new license will be considered.

(Code 2019)

3-2.4 LICENSE GRANTED; DENIED.

- 3-2.4.1 The journal of the Governing Body shall show the action taken on the application.
- 3-2.4.2 If the license is granted, the City clerk shall issue the license which shall show the name of the licensee and the year for which issued.
- 3-2.4.3 No license shall be transferred to another licensee.
- 3-2.4.4 If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

(Code 2019)

3-2.5 LICENSE TO BE POSTED.

Each license shall be posted in a conspicuous place in the place of business for which the license is issued. (Code 2019)

3-2.6 LICENSE, DISQUALIFICATION.

No license shall be issued to:

- (i) A person who has not been a resident in good faith of the State of Kansas for at least one year immediately preceding application and a resident of Meade County for at least six months prior to filing of such application;
- (ii) A person who is not a citizen of the United States;
- (iii) A person who is not of good character and reputation in the community in which he or she resides;
- (iv) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime

involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;

- (v) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license;
- (vi) A corporation if any manager, officer, or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than non-residence within the City or County;
- (vii) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation that (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto, or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this State;
- (viii) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;
- (ix) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements, or age, except that this Subsection (ix) shall not apply in determining eligibility for a renewal license; or
- (x) A person whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this Section and such felony or other crime was committed during the time that the spouse held a license under this Article.

(K.S.A. 41-2703; Code 2019)

3-2.7 RESTRICTION UPON LOCATION.

- 3-2.7.1 No license shall be issued for the sale at retail of any cereal malt beverage or beer on premises which are located in areas not zoned for such purpose.
- 3-2.7.2 It shall be unlawful to sell or dispense at retail any cereal malt beverage or beer at any place within the City limits that is within a 200-foot radius of any church, school, or library.
- 3-2.7.3 Provisions of this Section shall not apply to any establishment holding a private club license issued by the State of Kansas.

- 3-2.7.4 The distance limitation of Subsection 3-2.7.2 above shall not apply to any establishment holding a cereal malt beverage license issued by the City when the licensee has petitioned for and received a waiver of the distance limitation. The Governing Body shall grant such a waiver only following public notice and hearing.

(K.S.A. 41-2704; Code 2019)

3-2.8 LICENSE FEE.

General Retailer -- for each place of business selling cereal malt beverages or beer at retail, \$100.00 per calendar year.

Limited Retailer -- for each place of business selling only at retail cereal malt beverages or beer in original and unopened containers and not for consumption on the premises, \$50.00 per calendar year.

Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

(K.S.A. 41-2702; Code 2019)

3-2.9 HOURS OF SALE.

The sale at retail of cereal malt beverage or beer in the original package is not allowed within the City:

- (i) Between the hours of 12:00 a.m. (midnight) and 6:00 a.m.;
- (ii) On Sundays, except in the original package between 12:00 p.m. (noon) and 8:00 p.m.;
- (iii) on Easter;
- (iv) For consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage or beer for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.

(Code 2019)

3-2.10 SUSPENSION OF LICENSE.

The chief of police, upon five days' written notice, shall have the authority to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this Chapter or other laws pertaining to cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the Governing Body within seven days from the date of such order. (Code 2019)

3-2.11 LICENSE SUSPENSION/REVOCATION BY GOVERNING BODY.

3-2.11.1 The Governing Body of the City, upon five days' written notice, to a person holding a license to sell cereal malt beverages may permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

- (i) Violating any provisions of K.S.A. 41-2701 et seq., and amendments thereto, or any rules or regulations of the City;
- (ii) Drunkenness of the licensee or permitting any intoxicated person to remain in or upon the licensee's place of business;
- (iii) Selling cereal malt beverages to any person under 21 years of age;
- (iv) Permitting any person to mix drinks with materials purchased in any premises licensed under this Article or brought into the premises for this purpose;
- (v) Selling or possessing, or for permitting the use or consumption of, alcoholic liquor within or upon any premise licensed under this Article; or
- (vi) Conviction of a violation of the beer and cereal malt beverage keg registration act.

The provisions of Subsections (iv) and (v) shall not apply if the place of business or premises is also currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

3-2.11.2 The City, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:

- (i) The licensee has fraudulently obtained the license by giving false information in the application therefor;
- (ii) The licensee has become ineligible to obtain a license under this Chapter;
- (iii) The nonpayment of any license fees;
- (iv) Permitting any gambling in or upon the licensee's place of business;
- (v) The employment of persons under 18 years of age in dispensing or selling cereal malt beverage;

- (vi) The employment or continuation in employment of a person in connection with the sale, serving, or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or any violation of the intoxicating liquor laws of this state, another state or the United States; or
- (vii) There has been a violation of K.S.A. 21-6204 in or upon the licensee's place of business.

(K.S.A. 41-2708; Code 2019)

3-2.12 SAME; APPEAL.

The licensee, within 20 days after the order of the Governing Body revoking any license, may appeal to the district court of Meade County, and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken under this Section shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter. (K.S.A. 41-2708; Code 2019)

3-2.13 CHANGE OF LOCATION.

If a licensee desires to change the location of his or her place of business, he or she shall make an application to the Governing Body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee of \$50.00. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee. (Code 2019)

3-2.14 WHOLESALE AND/OR DISTRIBUTORS.

It shall be unlawful for any wholesaler and/or distributor, or his agents or employees, to sell and/or deliver cereal malt beverages or beer within the City to persons authorized under this Article to sell the same within this City unless such wholesaler and/or distributor has first secured a license from the director of revenue, State commission of revenue and taxation authorizing such sales. (K.S.A. 41-307:307a; Code 2019)

3-2.15 BUSINESS REGULATIONS.

It shall be the duty of every licensee to observe the following regulations.

- 3-2.15.1 The place of business licensed and operating under this Article shall at all times have a front and rear exit unlocked when open for business.
- 3-2.15.2 The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the City, County, and State.

- 3-2.15.3 The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club, which shall be open to the police and not to the public.
- 3-2.15.4 It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
- 3-2.15.5 No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.
- 3-2.15.6 No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage or beer to any person under 21 years of age.
- 3-2.15.7 No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.
- 3-2.15.8 No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.
- 3-2.15.9 No licensee or agent or employee of the licensee shall employ any person under 21 years of age in dispensing cereal malt beverages or beer. No licensee shall employ any person who has been judged guilty of a felony.

(Code 2019)

3-2.16 PROHIBITED CONDUCT ON PREMISES.

- 3-2.16.1 The following conduct by a cereal malt beverage licensee, manager, or employee of any licensed cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:
 - (i) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/females pubic hair, anus, buttocks or genitals;
 - (ii) Permitting any employee on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, vulva, or genitals of any other employee or any patron;
 - (iii) Encouraging or permitting any patron on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

- (iv) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:
 - (a) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or
 - (b) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.
- (v) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by Section 3-3.6(iv).
- (vi) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:
 - (a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;
 - (b) The touching, caressing, or fondling of the buttocks, anus, genitals, or the female breasts; or
 - (c) Scenes in which a person displays the buttocks, anus, genitals, or the female breasts.

3-2.16.2 As used in this Section, the term premises means the premises licensed by the City as a cereal malt beverage establishment and such other areas under the control of the licensee or his or her employee or employees that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

(Code 2019)

3-2.17 SANITARY CONDITIONS REQUIRED.

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents, and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the City health officer or designee. (Code 2019)

3-2.18 MINORS ON PREMISES.

- 3-2.18.1 It shall be unlawful for any person under 21 years of age to remain on any premises where the sale of cereal malt beverages is licensed for on-premises consumption.
- 3-2.18.2 This Section shall not apply if the person under 21 years of age is an employee of the licensed establishment, or is accompanied by his or her parent or guardian, or if the licensed establishment derives not more than 30 percent of its gross receipts in each calendar year from the sale of cereal malt beverages for on-premises consumption.

(Code 2019)

ARTICLE 3. ALCOHOLIC LIQUOR

3-3.1 STATE LICENSE REQUIRED.

It shall be unlawful for any person to keep for sale, offer for sale, expose for sale, or sell any alcoholic liquor as defined by the "Kansas liquor control act" without first having obtained a state license to do so. (Code 2019)

3-3.2 TAX LEVIED.

There is hereby levied an annual occupation tax of One Hundred Twenty-Five Dollars (\$125.00) on each retailer of alcoholic liquor in the City that has a retailer's license issued by the State Director of Alcoholic Beverage Control, which tax shall be paid before business is begun under an original state license and within five (5) days after any renewal of the state license. (Code 2019)

3-3.3 LICENSE TO BE PRESENTED.

A holder of a license for the retail sale of alcoholic liquors by the package in the City of Meade, Kansas, issued by the State Director of Alcoholic Beverage Control shall present such license when applying to pay the occupation tax levied in Section 3-3.2, and the tax shall be received and receipt issued by the City clerk for the period covered by the state license. (Code 2019)

3-3.4 RECEIPT TO BE POSTED.

Every retailer that pays the tax ordered in Section 3-3.2 shall cause the City alcoholic liquor retailer's occupation tax receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-3.5 HOURS OF SALE.

No person shall sell at retail any alcoholic liquor:

- (i) On Sunday before noon or after 8 p.m.
- (ii) On Easter, Thanksgiving Day or Christmas Day; or
- (iii) Before 9 a.m. or after 11 p.m. on any day when the sale is permitted.

(K.S.A. 41-712; Code 2019)

3-3.6 BUSINESS REGULATIONS.

It shall be unlawful for a retailer of alcoholic liquor to:

- (i) Permit any person to mix drinks in or on the licensed premises unless the person is preparing or mixing samples for the purposes of conducting wine, beer, or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2012 Supp. 41-308d, and amendments thereto;

- (ii) Employ any person under the age of 21 years in connection with the operation of the retail establishment;
- (iii) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;
- (iv) Furnish any entertainment in his or her premises or permit any pinball machine or game of skill or chance to be located in or on the premises;
- (v) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package; or
- (vi) Sell, give away, dispose of, exchange, or deliver, or permit the sale, gift, or procuring of any alcoholic liquor to or for any person under 21 years of age.

(K.S.A. 41-713; Code 2019)

3-3.7 RESTRICTIONS ON LOCATION.

No person shall knowingly or unknowingly sell, give away, furnish, dispose of, procure, exchange, or deliver, or permit the selling, giving away, furnishing, disposing of, procuring, exchanging, or delivering of any alcoholic beverage in any building, structure, or premises, for consumption in such building or upon such premises if such consumption is within 200 feet from the nearest property line of any existing hospital, school, church, or library, unless waived by the Governing Body. (K.S.A. 41-710; Code 2019)

3-3.8 PENALTY.

Any person, firm, or corporation having a state license to retail alcoholic liquor by the package who shall fail to pay the occupation tax herein levied and within the time prescribed, or who shall violate any other provision of this Article, shall, upon conviction thereof, be fined in any sum exceeding One Hundred Dollars (\$100.00) for each day's violation; provided, however, that nothing herein shall be construed to prohibit the City from collecting the occupation tax by any procedure authorized by law. (Ord. 2006-4, Sec. 6; Code 2019)

ARTICLE 4. DRINKING ESTABLISHMENTS

3-4.1 LICENSE REQUIRED.

It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City without first obtaining a City license from the City clerk. (Code 2019)

3-4.2 LICENSE FEE.

- 3-4.2.1 There is hereby levied a biennial license fee in the amount of \$100 on each drinking establishment located in the City that has a drinking establishment license issued by the state director of alcoholic beverage control, and if such establishment is not required to pay a City cereal malt beverage license fee for sales at retail. If a drinking establishment located in the City that has a drinking establishment license issued by the state director of alcoholic beverage control is required to pay a City cereal malt beverage license fee, then such establishment shall not be required to pay a City drinking establishment fee. Such fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.
- 3-4.2.2 All applications for new or renewal City licenses shall be submitted to the City clerk. Upon presentation of a State license, payment of the City license fee, if applicable and the license application, the City clerk shall issue a City license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the City.
- 3-4.2.3 The license period shall extend for the period covered by the State license. No license fee shall be refunded for any reason.
- 3-4.2.4 Every licensee shall cause the City drinking establishment license to be placed in plain view next to or below the State license in a conspicuous place on the licensed premises.

(Ord. 2004-1; Code 2019)

3-4.3 BUSINESS REGULATIONS.

- 3-4.3.1 No drinking establishment licensed hereunder shall allow the serving, mixing, or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.
- 3-4.3.2 Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

3-4.3.3 No alcoholic beverages or cereal malt beverages shall be given,
sold or traded to any person under 21 years of age.

(K.S.A. Supp. 41-2614; Code 2019)

ARTICLE 5. CATERERS

3-5.1 LICENSE REQUIRED.

It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the City without obtaining a local caterer's license from the City clerk. (Code 2019)

3-5.2 LICENSING PROCEDURE.

- 3-5.2.1 All applications for new or renewal City licenses shall be submitted to the City clerk. Upon presentation of a state license and the license application, the City clerk shall issue a City license for the period covered by the state license if there are no conflicts with any zoning or alcoholic beverage ordinances of the City.
- 3-5.2.2 The license period shall extend for the period covered by the state license.
- 3-5.2.3 Every licensee shall cause the caterer license to be placed in plain view on any premises within the City where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

(Code 2019)

3-5.3 BUSINESS REGULATIONS.

- 3-5.3.1 No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- 3-5.3.2 No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

(K.S.A. Supp. 41-2614; Code 2019)

3-5.4 NOTICE TO CHIEF OF POLICE.

All caterers shall provide written notice to the chief of police at least seven days prior to the event at which a caterer will sell or serve alcoholic liquor by the individual drink if the event will take place within the City. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving. (Code 2019)

ARTICLE 6. TEMPORARY PERMITS

3-6.1 PERMIT REQUIRED.

It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the City without first obtaining a local temporary permit from the City clerk. (Code 2019)

3-6.2 PERMIT FEE.

- 3-6.2.1 There is hereby levied a temporary permit fee in the amount of \$50 per day on each group or individual holding a temporary permit issued by the State director of alcoholic beverage control authorizing sales within the City, which fee shall be paid before the event is begun under the State permit.
- 3-6.2.2 Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the City where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

(Code 2019)

3-6.3 CITY TEMPORARY PERMIT.

- 3-6.3.1 It shall be unlawful for any person to conduct an event under a State issued temporary permit without first applying for a local temporary permit at least seven days before the event. Written application for the local temporary permit shall be made to the City clerk and shall clearly state:
 - (i) the name of the applicant;
 - (ii) the group for which the event is planned;
 - (iii) the location of the event;
 - (iv) the date and time of the event; and
 - (v) any anticipated need for police, fire or other municipal services.
- 3-6.3.2 Upon presentation of a state temporary permit, payment of the City's temporary permit fee and a written application as provided for in Subsection 3-6.2.1, the City clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the City.
- 3-6.3.3 The City clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

(Code 2019)

3-6.4 PERMIT REGULATIONS.

- 3-6.4.1 No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. at any event for which a temporary permit has been issued.
- 3-6.4.2 No alcoholic beverages shall be given, sold or traded to any person under 21 years of age.

(Code 2019)

ARTICLE 7. SPECIAL EVENT CEREAL MALT BEVERAGE PERMITS

3-7.1 SPECIAL EVENT CEREAL MALT BEVERAGE PERMITS REQUIRED.

It shall be unlawful for any person to sell or serve any cereal malt beverage at any special event within the City without first obtaining a local special event permit from the City clerk. (Code 2019)

3-7.2 PERMIT FEE.

3-7.2.1 There is hereby levied a City special event permit fee in the amount of \$50 on each group or individual, which fee shall be paid before the event begins. Such fee shall be in addition to the \$25 fee to be remitted to the Division of Alcohol Beverage Control.

3-7.2.2 Every special event permit holder shall cause the permit receipt to be placed in plain view on any premises within the City where the holder of the special event permit is serving cereal malt beverage for consumption on the premises.

(K.S.A 41-2703; Code 2019)

3-7.3 CITY SPECIAL EVENT PERMIT.

3-7.3.1 It shall be unlawful for any person to serve cereal malt beverage at a special event without first applying for a local special event permit at least 7 days before the event. Written application for the local special event permit shall be made to the City clerk on the form used for annual cereal malt beverage sales or, when available, the special event cereal malt beverage permit application approved by the Attorney General, as directed by the City clerk. In addition to any other information required, the applicant shall provide the following:

- (i) The name of the applicant;
- (ii) The group for which the event is planned;
- (iii) The location of the event;
- (iv) The date and time of the event; and
- (v) Any anticipated need for police, fire, or other municipal services.

3-7.3.2 Upon meeting the requirements to obtain a special event permit, the City clerk shall issue a local special event permit to the applicant if there are no conflicts with any zoning or other ordinances of the City.

- 3-7.3.3 The City clerk shall notify the chief of police whenever a special event permit has been issued and forward a copy of the permit and application to the chief of police.

(Code 2019)

3-7.4 PERMIT REGULATIONS.

- 3-7.4.1 No special event permit holder shall allow the serving of cereal malt beverage between the hours of 12:00 a.m. and 12:00 p.m. at any event for which a special event permit has been issued.
- 3-7.4.2 No cereal malt beverage shall be given, sold or traded to any person under 21 years of age.
- 3-7.4.3 No more than four special event permits may be issued in a calendar year to the same applicant.
- 3-7.4.4 No special event permit issued hereunder may be transferred or assigned to any other vendor.
- 3-7.4.5 All local ordinances and State statutes for the sale and consumption of cereal malt beverage apply to holders of special event permits.

(Code 2019)

ARTICLE 1. FIRE LIMITS

4-1.1 FIRE LIMITS ESTABLISHED.

The fire limits of the City are hereby established and declared to be as follows: All of blocks numbered 7, 8, 13, block "A," the south half of block 9, the north half of block 17, Lots 21, 22, 23, and 24 in block 4, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 22, 23, 24, 25, 26 in block 12, no building or buildings or addition to a building or buildings shall be erected, constructed or placed upon any lot or parts of lots or moved from one place to another within said limits except the same be made and constructed of brick, stone, concrete, cement block, or terra cotta, with a roof constructed of metal, tar and gravel, or some other fireproof material excepting the width of eight feet next to the alley. (Code 2019)

4-1.2 OUTBUILDINGS ALLOWED.

Small frame outhouses not exceeding 150 square feet in area and 8 feet in height and temporary one-story frame buildings for use of builders may be built within the fire limits, provided, however, that such buildings shall not be located within 20 feet of any other building. (Code 2019)

4-1.3 MOVING FRAME BUILDINGS NOT ALLOWED.

No frame building shall be moved from without to within the fire limits. For the purpose of this ordinance a building shall be classed as frame when the exterior walls or portions thereof are of wood; also, a building with wooden framework veneered with brick, stone, terra cotta, tile, or concrete, or covered with plaster, stucco, or sheet metal shall be classed as a frame building. (Code 2019)

4-1.4 FIRE DAMAGED OR DECAYED PROPERTY.

Any frame building within the fire limits that may hereafter be damaged by fire, decay, or otherwise to an amount greater than 50 per cent, exclusive of its foundation, shall not be repaired or rebuilt, but shall be removed. (Code 2019)

4-1.5 NEW CONSTRUCTION, REPAIRS.

All buildings hereafter erected within the fire limits shall have the roof, top, and sides of all roof structures, including dormer windows and mansard roofs, covered with incombustible material. No existing wooden shingle roof within the fire limits shall be renewed or repaired with other than incombustible roof covering. (Code 2019)

ARTICLE 2. MOVING BUILDINGS

4-2.1 BUILDING OFFICIAL; AUTHORITY.

The public officer or his or her authorized designee shall be responsible for the administration and enforcement of this Article and appointment of an inspector in accordance with sections 4-204:209 of this Chapter, which apply in a like manner to this Article. (Code 2019)

4-2.2 PERMIT REQUIRED.

No person, firm, or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this City without first obtaining a permit therefor. (K.S.A. 17-1914; Code 2019)

4-2.3 SAME: APPLICATION FOR PERMIT.

All applications for permits required under the provisions of this Article shall be made in writing to the City clerk specifying the day and hour said moving is to commence and the route through the City's streets over which the house, building, derrick, or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables, or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising, or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2019)

4-2.4 ROUTE; DUTIES OF BUILDING OFFICIAL.

The City clerk shall, upon filing of the above application, refer the same to the public officer or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The public officer may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the public officer or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this Article. (Code 2019)

4-2.5 NOTICE TO OWNERS.

- 4-2.5.1 Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting,

moving, raising or interfering of any wires, cables or other aerial equipment.

- 4-2.5.2 The notice provision of Section 4-2.5.1 shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.
- 4-2.5.3 Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

(K.S.A. 17-1916; Code 2019)

4-2.6 DUTY OF OWNERS.

- 4-2.6.1 It shall be the duty of the person or the City owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.
- 4-2.6.2 The owner of any wires, cables or other aerial equipment, after service of notice as provided in Section 4-2.5, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917; Code 2019)

4-2.7 INTERFERING WITH POLES; WIRES.

It shall be unlawful for any person engaged in moving any house or other structure to raise, cut, or in any way interfere with any wires or poles bearing wires or any other aerial equipment. (K.S.A. 17-1918; Code 2019)

4-2.8 DISPLAY OF LANTERNS.

It shall be the duty of any person moving any of the structures mentioned in this Article upon or across any street, alley or sidewalk or other public place in this City to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise. (Code 2019)

ARTICLE 3. DANGEROUS AND UNFIT STRUCTURES

4-3.1 PURPOSE.

The Governing Body has found that there exist within the corporate limits of the City structures that are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects, or other conditions which render such structures unsafe, unsanitary, or otherwise inimical to the general welfare of the City, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the Governing Body to require or cause the repair, closing or demolition, or removal of such structures as provided in this Article. (K.S.A. 12-1751; Code 2019)

4-3.2 DEFINITIONS.

For the purpose of this Article, the following words and terms shall have the following meanings:

- 4-3.2.1 *Enforcing officer* means the public officer or the building inspector, or the authorized representative of either the public officer or the building inspector.
- 4-3.2.2 *Structure* shall include any building, wall, superstructure or other structure that requires location on the ground or is attached to something having a location on the ground.
- 4-3.2.3 *Residential structure* means any building, dwelling, or structure, or part thereof, used and occupied for human habitation or intended to be so used and including any appurtenances belonging thereto or usually enjoyed therewith.
- 4-3.2.4 *Nonresidential structure* means any structure that is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than nonresidential purposes, and, where applicable, the premises on which such structures are situated.

(K.S.A. 12-1750; Code 2019)

4-3.3 ENFORCING OFFICER; DUTIES.

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this Article, including the following:

- (i) To inspect any structure that appears to be unsafe, dangerous, or unfit for human habitation;
- (ii) To enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is

denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;

- (iii) To report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the Governing Body;
- (iv) To receive petitions as provided in this Article;
- (v) To administer oaths, affirmations, examine witnesses, and receive evidence;
- (vi) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this Article.

(Code 2019)

4-3.4 DETERMINATION.

The public officer may determine that a structure is unfit for human use or habitation if he or she finds that conditions exist in such structures that are dangerous or injurious to the health, safety, or morals of the occupants of such buildings or other residents of the City, or that have a blighting influence on properties in the area. Such conditions may include the following, without limitations: defects therein increasing the hazard of fire, accident, or other calamities; lack of adequate ventilation; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; overcrowding; inadequate ingress and egress; dead and dying trees, limbs, or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining property, the neighborhood, or the City; walls, sidings, or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks, or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building, or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements, including the Minimum Housing Code in this Code. (Code 2019)

4-3.5 PROCEDURE; PETITION.

Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe, or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the Governing Body. (Code 2019)

4-3.6 NOTICE.

The Governing Body upon receiving a report as provided in Section 4-3.4 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 2019)

4-3.7 SAME; PUBLICATION.

- 4-3.7.1 The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
- 4-3.7.2 A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."

(K.S.A. 12-1752; Code 2019)

4-3.8 SAME; HEARING, ORDER.

- 4-3.8.1 If, after notice and hearing, the Governing Body determines that the structure under consideration is dangerous, unsafe, or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official City newspaper and a copy mailed to the owners, agents, lienholders of record, and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed.
- 4-3.8.2 If the repair, alteration, or improvement of the structure can be made at a cost that shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.
- 4-3.8.3 If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.

(Code 2019)

4-3.9 DUTY OF OWNER.

Whenever any structure within the City shall be found to be dangerous, unsafe, or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 2019)

4-3.10 SAME; FAILURE TO COMPLY.

- 4-3.10.1 If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve, or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
- 4-3.10.2 If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

(Code 2019)

4-3.11 SAME; MAKE SITE SAFE.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Code 2019)

4-3.12 ASSESSMENT OF COSTS.

- 4-3.12.1 The cost to the City of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the City clerk.
- 4-3.12.2 The City shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.
- 4-3.12.3 If the costs remain unpaid after 30 days following receipt of notice, the City clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.
- 4-3.12.4 If the proceeds of the sale of salvage is insufficient to recover the cost, or if there is no salvage, the City clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the costs to the County clerk who shall extend the same on the tax roll of the County.

(K.S.A. 12-1755; Code 2019)

4-3.13 IMMEDIATE HAZARD.

- 4-3.13.1 When in the opinion of the Governing Body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the Governing Body may direct the

enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants.

- 4-3.13.2 The cost of any action under this Section shall be assessed against the property as provided in Section 4-3.12. (K.S.A. 12-1756; Code 2019)

4-3.14 APPEALS FROM ORDER.

Any person affected by an order issued by the Governing Body under this Article may, within 30 days following service of the order, petition the district court of the County for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 2019)

4-3.15 SCOPE OF ARTICLE.

Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this Article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Code 2019)

ARTICLE 4. BUILDING CODE

4-4.1 INCORPORATION BY REFERENCE.

There is hereby incorporated by reference for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height area and maintenance of buildings or structures in the City of Meade, Kansas; providing for the issuance of permits and collection of fees thereof; declaring and establishing Fire Districts; that certain building Code known as the "International Building Code", 2015 edition (the "Code"), prepared and published in book form by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. Not less than two (2) copies of the Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 887" with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable hours. (Code 2019)

4-4.2 BUILDING PERMITS.

Section 105 relating to the headed "Permits", of said Code is hereby declared to be and is omitted and deleted; and the following fees are created and established for each Building Permit issued by the Building Official under the provisions of this Code.

A fee for each building permit shall be paid to the Building Official at the rate of One Dollar (\$1.00) for each One Thousand Dollars (\$1,000) valuation thereof or fraction thereof. A minimum fee of Five Dollars (\$5.00) shall be required for each building permit that is issued.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official, as follows: In applications for new construction wherein the applicant has not provided to the Building Official a signed contract establishing the construction price or the applicant has not filed with the Building Official a sales tax receipt for mobile homes or modular homes, the Building Official is hereby empowered to charge a construction price of \$125.00 per square foot for living area for the new construction. For commercial applications, the Building Official shall determine the valuation by \$100.00 per square foot for the total structure to be built. (Code 2019)

4-4.3 EXPIRATION OF PERMITS.

Permits issued as referenced above shall expire one (1) year from the date of issuance. Permits may be extended as necessary in the discretion of the City Council. Requests shall be made in person at any regularly scheduled City Council meeting prior to expiration of the building permit at issue. Upon the expiration of any permit, any and all work conducted pursuant to the expired permit shall cease until such time as the applicant or his representative shall file for an additional permit. Any and all work continued after expiration of permits issued under this Section shall be subject to the penalties as listed in Section 5. (Code 2019)

4-4.4 INSPECTIONS.

Section 110 relating to inspections and titled "Inspections" of the Code is hereby omitted and deleted. In addition to called inspections specified in the Code, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Building Departments.

For the purpose of determining compliance with the Code, the Building Official may cause any structure to be re-inspected. (Code 2019)

4-4.5 GENERAL PENALTIES.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of said Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a Class C violation and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. (Code 2019)

ARTICLE 1. SOLICITORS, CANVASSERS, PEDDLERS

5-1.1 DEFINITIONS.

For the purpose of this Article, the following words shall be considered to have the following meanings:

- 5-1.1.1 *Soliciting* means and includes any one or more of the following activities:
- (i) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services, of any kind, character, or description whatsoever, for any kind of consideration whatsoever;
 - (ii) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
 - (iii) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
- 5-1.1.2 *Residence* means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- 5-1.1.3 *Canvasser* or *solicitor* means any individual, whether a resident of the City or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.
- 5-1.1.4 *Peddler* means any person, whether a resident of the City or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, or farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar, or other vehicle

or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Article shall be deemed a peddler.

5-1.1.5 *Transient merchant, itinerant merchant, or itinerant vendor* are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the City, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

5-1.1.6 *Street salesman* means any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this City.

(Code 2019)

5-1.2 LICENSE REQUIRED.

5-1.2.1 It shall be unlawful for any person to engage in any of the activities defined in Section 5-1.1, within the corporate limits of the City without having an unrevoked and unexpired license therefore issued by the City clerk in his or her possession.

5-1.2.2 The Governing Body may waive the license requirements of this Section for any person, firm, or corporation exempt from the payment of a license fee under Section 5-1.6.

(Code 2019)

5-1.3 SAME; APPLICATION REQUIRED.

Before the City clerk may issue any license required by this Article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the City clerk which shall give the following information:

(i) Name of applicant;

- (ii) Permanent home address and full local address of applicant;
- (iii) Identification of applicant including driver's license number, date of birth, expiration date of license, and description of applicant;
- (iv) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;
- (v) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;
- (vi) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;
- (vii) The length of time the business is proposed to be carried on in the City;
- (viii) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (ix) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;
- (x) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations), or violation of any municipal law regulating peddlers, solicitors, or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the City and state where conviction occurred; and
- (xi) The applicant's Kansas Sales Tax number.

(Code 2019)

5-1.4 ISSUANCE; COUNTY RESIDENTS.

- 5-1.4.1 Except as provided in Section 5-1.8, if the applicant is a current resident of Meade County, Kansas, upon receipt of an application for a license and payment of the license fee, the City clerk shall issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The City clerk shall keep a permanent record of all such licenses issued and

submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

- 5-1.4.2 If the applicant is not a current resident of Meade County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in Sections 5-1.5:5-1.6.

(Code 2019)

5-1.5 SAME; INVESTIGATION AND ISSUANCE; NONCOUNTY RESIDENT.

- 5-1.5.1 Upon receipt of the above application from an applicant who is not a current resident of Meade County, Kansas, the City clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.
- 5-1.5.2 If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the City clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.
- 5-1.5.3 If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the City clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The City clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

(Code 2019)

5-1.6 LICENSE FEE; TIME LIMITS; EXEMPTIONS.

- 5-1.6.1 Except as provided in Section 5-1.6.3 , the fee for the license required pursuant to Section 5-1.2 shall be in the amount of \$35 for each day, or portion thereof, that the licensee shall operate within the City limits. In no event, however, shall fees in excess of \$100 be collected from a licensee during any six month period of time.

- 5-1.6.2 Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 10:00 a.m. and 7:00 p.m.
- 5-1.6.3 Persons and firms not having a permanently established place of business in the City, but having a permanently established house-to-house or wholesale business shall receive a license as required by Section 5-1.2 upon the payment of \$200 for any year, and may make solicitations or sales only between the hours of 10:00 a.m. and 7:00 p.m., or upon invitation at any hour.
- 5-1.6.4 No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; and (2) any businesses, trades, or occupations that are part of fairs or celebrations sponsored by the City, any other governmental subdivision, or the state.
- 5-1.6.5 The license fees may be waived by the Governing Body for not-for-profit groups or individuals residing within the community.

(Code 2019)

5-1.7 RENEWAL.

All licenses issued shall be subject to renewal upon the applicant's showing of compliance with Sections 5-1.2: 5-1.6 within a six-month period prior to the renewal date. The City clerk need not require an additional application under Section 5-1.3 or an additional investigation and investigation fee under Sections 5-1.2:5-1.5 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The City clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license. (Code 2019)

5-1.8 DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE.

The City clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this Article for any of the following causes:

- (i) Fraud, misrepresentation, or false statement contained in the application for license;
- (ii) Fraud, misrepresentation or false statement made in the course of carrying on the business;
- (iii) Any violation of this Article;

- (iv) Conducting a business as defined in Section 5-1.1 in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the City; or
- (v) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address, and the City clerk shall set forth the grounds of such denial, revocation or suspension in said Notice.

(Code 2019)

5-1.9 APPEAL TO GOVERNING BODY.

- (i) Any person aggrieved by the action of the chief of police or City clerk in the denial of an application or revocation or suspension of a license as provided in this Article, shall have the right of appeal to the Governing Body.
- (ii) Such appeal shall be taken by filing with the City clerk a written request setting forth the grounds for appeal within 14 days after notice of revocation, suspension, or denial of the license has been given to or mailed to such applicant's last known address.
- (iii) The Governing Body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation, or suspension.
- (iv) The decision and order of the Governing Body on such appeal shall be final and conclusive.

(Code 2019)

5-1.10 REGULATIONS.

- (i) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares, and merchandise for the purpose of inducing another to purchase the same.
- (ii) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares, and merchandise or take orders for future delivery of the same.

(Code 2019)

5-1.11 USE OF STREETS AND SIDEWALKS.

Except when authorized in writing by the City clerk, no peddler, solicitor, or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the City or any congested area where his or her operations might impede or inconvenience the public. (Code 2019)

5-1.12 DISTURBING THE PEACE.

Except when authorized in writing by the City clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks, or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell. (Code 2019)

5-1.13 VIOLATIONS.

Violation of any provisions of this Article shall for the first conviction thereof be punished by a fine of not more than \$100; for the second conviction within one year thereafter such person shall be punished by a fine of not more than \$200; upon a third or subsequent conviction within one year after the first conviction such person shall be fined not more than \$500. (Code 2019)

ARTICLE 1. CITY ELECTIONS

6-1.1 CONDUCT OF ELECTION.

The election of City officials shall be conducted in all respects as provided by the laws of Kansas governing the holding of City elections. (K.S.A. 25-2101 et seq.; Code 2019)

6-1.2 HOURS OF VOTING.

At all City elections the polls shall be open at 7:00 a.m. and close at 7:00 p.m., unless different hours are set and publicly announced by the County election officer. (K.S.A. 25-2111, 26-206; Code 2019)

ARTICLE 1. CITY ETHICS

7-1.1 DECLARATION OF POLICY.

The proper operation of our government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels; and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the City. (Code 2019)

7-1.2 RESPONSIBILITIES OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State, and City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. (Code 2019)

7-1.3 DEDICATED SERVICE.

All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work. (Code 2019)

7-1.4 FAIR AND EQUAL TREATMENT.

7-1.4.1 **INTEREST IN APPOINTMENTS.** Canvassing of members of the City council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City council.

7-1.4.2 **USE OF PUBLIC PROPERTY.** No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business.

- 7-1.4.3 OBLIGATIONS TO CITIZENS. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(Code 2019)

7-1.5 INCOMPATIBILITY; PERSONAL GAIN.

No elected or appointive City official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

- 7-1.5.1 INCOMPATIBLE EMPLOYMENT. No elected or appointive City official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
- 7-1.5.2 DISCLOSURE OF CONFIDENTIAL INFORMATION. No elected or appointive City official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. Nor shall he or she use such information to advance the financial or other private interest of himself, herself, or others.
- 7-1.5.3 GIFTS AND FAVORS. No elected or appointive City official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation that to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee (i) accept any gift, favor, or thing of value that may tend to influence him or her in the discharge of his or her duties, or (ii) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional non-pecuniary gift of only nominal value; (b) an award publicly presented in recognition of public service; or (c) any gift that would have been offered or given to him or her if not an official or employee.

(Code 2019)

7-1.6 REPRESENTING PRIVATE INTEREST BEFORE CITY AGENCIES OR COURTS.

No elected or appointive City official or employee whose salary is paid in whole or in part by the City shall appear on behalf of private interest before any agency of this City. He or she shall not represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party. (Code 2019)

ARTICLE 2. CONFLICTS OF INTEREST

7-2.1 CONFLICT OF INTEREST.

7-2.1.1 No City officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning, or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:

- (i) In which the officer or employee owns a legal or equitable interest exceeding \$5,000 or five percent, whichever is less, individually or collectively with his or her spouse;
- (ii) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation, or a contract for or promise or expectation of any such salary, gratuity, or other compensation or remuneration having a dollar value of \$1,000 or more; or
- (iii) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

7-2.1.2 The prohibitions contained in subsection (a) of this Section shall not apply to the following:

- (i) Contracts let after competitive bidding has been solicited by published notice; or
- (ii) Contracts for property or services for which the price or rate is fixed by State statute.

(Code 2019)

ARTICLE 1. FIRE PREVENTION

8-1.1 FIRE HAZARDS GENERALLY.

It is unlawful for any person to cause or create anywhere within the City, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling, or use of inflammable oils, explosives, liquefied petroleum gases, or fertilizers, and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs, or any other obstruction in the aisles, hallways, doorway, or exits of any theater, public hall, auditorium, church, or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible, and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant, or any other condition that might delay the fire department in fighting fire is declared to be unlawful. (Code 2019)

8-1.2 SAME; INSPECTIONS TO DISCOVER.

The City chief of police shall have the authority to inspect or cause to be inspected by fire department officers or members, as often as may be necessary all buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums, and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels, and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire. (Code 2019)

8-1.3 ACCUMULATION OF RUBBISH AND TRASH.

It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street, or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels, or other combustibles that shall constitute a fire hazard. (Code 2019)

8-1.4 ABATEMENT OF FIRE HAZARDS; ISSUING ORDER.

Whenever the City chief of police shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings, or any other inflammable material so situated as to endanger property by the probability of fire, or shall find or discover any violation of this Article or any other law hazardous to public safety from fires, the City chief of police shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such buildings or premises. If the hazard or condition ordered abated and remedied is a violation of, or a failure to comply with any law, the City chief of police shall report the matter to the City attorney and he or she shall, if he or she deems it advisable, prosecute the offender. (Code 2019)

ARTICLE 2. FIREWORKS

8-2.1 FIREWORKS DEFINED.

For purposes of this Article, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and shall include but not be limited to: firecrackers, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices, and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges. (Code 2019)

8-2.2 FIREWORKS PROHIBITED.

8-2.2.1 Except as otherwise provided in this Article, it shall be unlawful for any person to keep, store, display for sale, fire, discharge, or explode any fireworks.

8-2.2.2 Nothing in this Article shall be construed as applying to:

- (i) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
- (ii) The manufacture, storage, sale, or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
- (iii) The military or naval forces of the United States or of this state while in the performance of official duty;
- (iv) Law enforcement officers while in the performance of official duty; or
- (v) The sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

(Code 2019)

8-2.3 SAME: EXCEPTIONS; DISCHARGES.

8-2.3.1 Section 8-2.2 of this Article shall not apply to the firing or discharge of fireworks in the City from June 27th through July 3rd between the hours of 10:00 a.m. and 10:00 p.m., and between the hours of 10:00 a.m. and 12:00 midnight on July 4th, regardless of which day of the week upon which it falls, under the following circumstances:

- (i) The discharge area shall be confined to the residential areas of the City and shall be confined to the property owned or leased by the person discharging such fireworks and such owner's immediate family or invited guests.

- (ii) The discharge is not made within any part of the designated fire district in the City.
- (iii) All resulting debris shall be promptly removed from the discharge area.

These hours may be modified on a yearly basis by majority vote of the Governing Body at any regular or special City council meeting and publication of the modified hours for one week in the official City newspaper.

- 8-2.3.2 Subject to the requirements of Section 8-2.4, the Governing Body of the City may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.
- 8-2.3.3 It shall be unlawful for any person, firm, or corporation to give any public display of fireworks without having first obtained a permit to do so.
- 8-2.3.4 Notwithstanding any of the foregoing, there shall be no discharge of fireworks when the mayor, in his or her sole discretion, shall declare that such discharge is unsafe or otherwise inadvisable.
- 8-2.3.5 Any person, firm, partnership, corporation, or association violating any of the provisions of this Section shall, upon conviction thereof, be fined a sum of \$50 for a first offense and \$100 for each subsequent offense.

(Code 2019)

8-2.4 PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

- 8-2.4.1 It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 10 days in advance of the desired display. Approval of the permit shall be by the Governing Body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$500,000 written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the City clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:
 - (i) The name of the applicant;
 - (ii) The group for which the display is planned;

- (iii) The location of the display;
- (iv) The date and time of the display;
- (v) The nature or kind of fireworks to be used;
- (vi) The name of the person, firm, or corporation that will make the actual discharge of the fireworks; and
- (vii) Anticipated need for police, fire or other municipal services.

8-2.4.2 No permit shall be issued if the location, nature of the fireworks, or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

(Code 2019)

8-2.5 AUTHORITY OF CITY CHIEF OF POLICE.

The City chief of police is authorized to seize and confiscate all fireworks that may be kept, stored, or used in violation of any Section of this Article, and all of the rules of the State fire marshal. He or she shall dispose of all such fireworks as may be directed by the Governing Body. (Code 2019)

8-2.6 SAME; EXCEPTION; SALE OF FIREWORKS.

Any person who has first obtained a valid permit to sell fireworks within the City may do so between the hours of 10:00 a.m. and 10:00 p.m. commencing June 27th through July 4th of each year. These hours may be modified on a yearly basis by majority vote of the Governing Body at any regular or special City council meeting. (Code 2019)

8-2.7 SAME; PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE.

8-2.7.1 It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail, any permissible fireworks in the City unless such person has first obtained a permit from the City as a retailer.

(Code 2019)

8-2.8 SALE OF FIREWORKS; WHERE PROHIBITED; FIRE EXTINGUISHERS REQUIRED.

8-2.8.1 It shall be unlawful for fireworks to be stored, sold, or displayed for sale in a place of business where paint, oils, varnishes, turpentine, or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.

8-2.8.2 Where the City chief of police deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

- 8-2.8.3 All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.
- 8-2.8.4 All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters without an attendant being on duty.
- 8-2.8.5 Signs reading "Fireworks for Sale – No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks. Smoking shall be prohibited within one-hundred (100') feet of any facility, store, or stand where fireworks are stored, sold, or displayed for sale.
- 8-2.8.6 Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.
- 8-2.8.7 Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand. (Code 2019)

8-2.9 RESTRICTIONS AS TO GASOLINE INSTALLATIONS.

It shall be unlawful to store, keep, sell, display for sale, or discharge any fireworks within one-hundred (100') feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. (Code 2019)

8-2.10 BANNING FIREWORKS.

The mayor shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the City of Meade if the weather conditions make discharge of fireworks in the City hazardous to persons or property. (Code 2019)

8.2.11 OTHER VIOLATIONS.

- 8-2.11.1 No discharging of fireworks within one thousand feet (1000') of any hospital, sanitarium, infirmary, or nursing home.
- 8-2.11.2 No discharging of fireworks within one hundred feet (100') of any gas station, building, or fireworks stand.
- 8-2.11.3 No discharging of fireworks upon any alley.
- 8-2.11.4 No throwing of fireworks from a vehicle whether moving or standing still.

- 8-2.11.5 No discharging of fireworks between the hours of 10:00 pm and 10:00 am, with the exception of July 4th when fireworks may be discharged from 10:00 am until midnight.
- 8-2.11.6 No throwing or discharging of fireworks in an unsafe manner or causing apprehension or possible injury to another person or animal.
- 8-2.11.7 No person, firm, or corporation shall have in their possession bottle rockets nor shall be allowed to discharge them.
- 8-2.11.8 Rubbish in streets prohibited. It shall be unlawful for any person to place, deposit or leave, or cause to be placed, deposited or left, in any of the public streets, highways, alleys, parks or thoroughfares of the City, any filth, trash, boxes, or litter of any kind.
- 8-2.11.9 No discharging of fireworks in the City Park.
- 8-2.11.10 It shall be unlawful for any person to sell, use, and/or possess a sky lantern, whether commercially produced or homemade. Sky lanterns include: Chinese lanterns, wish lanterns, sky candles, fire balloons, or any type of device with a lightweight paper bag and typically a paraffin-impregnated cloth or paper fuel element; in which the burning fuel heats the air inside the bag, making it buoyant enough to float as much as a mile high. Violations of this Section shall be deemed a Class A violation and shall be punishable by up to a \$2,500 fine or one (1) year in county jail, or both.

ARTICLE 1. HEALTH NUISANCES

9-1.1 NUISANCES UNLAWFUL; DEFINED.

It shall be unlawful for any person to maintain or permit any nuisance within the City as defined, without limitation, as follows:

- (i) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal, or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- (ii) All dead animals not removed within 24 hours after death;
- (iii) Any place or structure or substance that emits or causes any offensive, disagreeable, or nauseous odors;
- (iv) All stagnant ponds or pools of water;
- (v) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (vi) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;
- (vii) All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, annoyance, or inconvenience of the public or of any neighborhood; or
- (viii) Any fence, structure, thing, or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the City.

(K.S.A. 21-4106:4107; Code 2019)

9-1.2 PUBLIC OFFICER.

The mayor with the consent of the council shall designate a public officer to be charged with the administration and enforcement of this Article. (Code 2019)

9-1.3 COMPLAINTS; INQUIRY AND INSPECTION.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where it is located or is informed that a nuisance may exist by the board of health, chief of police or the fire chief. The public officer may make such inquiry and inspection when he or she observes conditions that appear to constitute

a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings. (Code 2019)

9-1.4 RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time to the extent allowed by law for the purpose of making inquiry and inspection to determine if a nuisance exists. (Code 2019)

9-1.5 ORDER OF VIOLATION.

- 9-1.5.1 The Governing Body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership, or association found by the public officer to be in violation of Section 9-1.1 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- 9-1.5.2 If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first-class mail.

(K.S.A. 12-1617e; Code 2019)

9-1.6 SAME; CONTENTS.

The order shall state the condition(s) that is (are) in violation of Section 9-1.1. The order shall also inform the person, corporation, partnership, or association that:

- (i) He, she, or they shall have 10 days from the receipt of the order to abate the condition(s) in violation of section 8-201; provided, however, that the Governing Body shall grant one or more extensions of the 10 day period if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions in violation of Section 9-1.1; or,
- (ii) He, she, or they have 10 days from the receipt of the order, plus any additional time granted under Subsection (i), to request a hearing

before the Governing Body or its designated representative of the matter as provided by Section 9-1.9; and

- (iii) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 9-1.7 and/or abatement of the condition(s) by the City as provided by Section 9-1.8.

(Code 2019)

9-1.7 FAILURE TO COMPLY; PENALTY.

Should the person, corporation, partnership, or association fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the City against such person, corporation, partnership, or association and upon conviction of any violation of provisions of Section 9-1.1, said person, corporation, partnership, or association shall be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(Code 2019)

9-1.8 ABATEMENT.

In addition to, or as an alternative to prosecution as provided in Section 9-1.7, the public officer may seek to remedy violations of this Article in the following manner. If a person to whom an order has been served pursuant to Section 9-1.5 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 9-1.6, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 9-1.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (i) Personal service upon the person in violation;
- (ii) Certified mail, return receipt requested; or
- (iii) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (iv) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four

month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first-class mail.

(Code 2019)

9-1.9 HEARING.

If a hearing is requested within the 10-day period as provided in Section 9-1.6, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the Governing Body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the Governing Body or its designated representative shall be prepared in resolution form, adopted by the Governing Body, and the resolution shall be served upon the person in the manner provided in Section 9-1.8. (Code 2019)

9-1.10 COSTS ASSESSED.

If the City abates or removes the nuisance pursuant to Section 9-1.8, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this Section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County clerk shall extend the same on the tax rolls of the County against such lot or parcel of land and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and applicable interest has been paid in full. (Code 2019)

ARTICLE 2. ENVIRONMENTAL CODE

9-2.1 TITLE.

This Article shall be known as the "Environmental Code." (Code 2019)

9-2.2 LEGISLATIVE FINDING OF FACT.

The Governing Body has found that there exist within the City unsightly and hazardous conditions due to: dilapidation, deterioration, or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanliness; and unsightly stored or parked material, equipment, supplies, machinery, vehicles, or parts thereof. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood, and the City, or are injurious to the health and safety of the residents of the City. The Governing Body desires to promote the public health, safety, and welfare by the repair, removal, abatement, and regulation of such conditions in the manner hereinafter provided. (Code 2019)

9-2.3 PURPOSE.

The purpose of this Article is to protect, preserve, upgrade, and regulate the environmental quality of industrial, commercial, and residential neighborhoods in this City, by outlawing conditions that are injurious to the health, safety, welfare, or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof. (Code 2019)

9-2.4 RULES OF CONSTRUCTION.

In addition to the general rules of construction found in Section 1-1.3, for the purpose of this Article, the following rules of construction shall apply:

- 9-2.4.1 ANY PART THEREOF. Whenever the words *premises*, *structure*, *building*, or *yard* are used they shall be construed as though they were followed by the words "or any part thereof."

(Code 2019)

9-2.5 DEFINITIONS.

The words and phrases listed below when used in this Article shall have the following meanings:

- 9-2.5.1 *Abandoned Motor Vehicle* means any motor vehicle that is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; that is parked in violation of the code; or incapable of moving under its own power; or that is in a junked or wrecked condition.

- 9-2.5.2 *Accessory Structure* means a secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns, or outbuildings.
- 9-2.5.3 *Commercial* or *Industrial* means used or intended to be used primarily for other than residential purposes.
- 9-2.5.4 *Dilapidation, Deterioration, or Disrepair* means any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, cracking, peeling or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.
- 9-2.5.5 *Exterior* means those parts of a structure that are exposed to the weather or subject to contact with the elements, including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors, or signs.
- 9-2.5.6 *Garbage* means without limitation any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage, or use of foodstuffs.
- 9-2.5.7 *Person* means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control, or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant, or lessee, whether or not in possession.
- 9-2.5.8 *Premises* means any lot, plot, or parcel of land including the structures thereon. Premises shall also mean any lot, plot, or parcel of land without any structures thereon.
- 9-2.5.9 *Refuse* means garbage and/or trash.
- 9-2.5.10 *Residential* means used or intended to be used primarily for human habitation.
- 9-2.5.11 *Structure* means anything constructed or erected that requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging thereto.
- 9-2.5.12 *Trash* means combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.

9-2.5.13 *Weathered* means deterioration caused by exposure to the elements.

9-2.5.14 *Yard* means the area of the premises not occupied by any structure.

(Code 2019)

9-2.6 PUBLIC OFFICER.

The mayor with the consent of the council shall designate a public officer to be charged with the administration and enforcement of this Article. (Code 2019)

9-2.7 ENFORCEMENT STANDARDS.

No person shall be found in violation of this Article unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under section 9-2.8 but shall not include conditions that are not readily visible from any public place or from any surrounding private property. (Code 2019)

9-2.8 UNLAWFUL ACTS.

It shall be unlawful for any person to allow to exist on any residential, commercial, or industrial premises, exterior yard conditions or exterior structure conditions that are injurious to the health, safety, or general welfare of the residents of the community or conditions that are detrimental to adjoining property, the neighborhood or the City. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

- (i) Exterior yard conditions shall include, but not be limited to, the scattering over or the parking, leaving, depositing, or accumulation on the yard of any of the following:
 - (a) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;
 - (b) abandoned motor vehicles;
 - (c) furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property; or
 - (d) nauseous substances, carcasses of dead animals, or places where animals are kept in an offensive manner.
- (ii) Exterior structure conditions shall include, but not be limited to, deteriorated, dilapidated, or unsightly:
 - (a) exteriors of any structure;

- (b) exteriors of any accessory structure; or
- (c) fences, walls, or retaining walls.

(Code 2019)

9-2.9 COMPLAINTS; INQUIRY AND INSPECTION.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where it is located or is informed that a nuisance may exist by the board of health, chief of police or the fire chief. The public officer may make such inquiry and inspection when he or she observes conditions that appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings. (Code 2019)

9-2.10 ORDER OF VIOLATION.

9-2.10.1 The Governing Body shall serve upon the owner, any agent of the owner of the property, or any other person, corporation, partnership, or association found by the public officer to be in violation of Section 9-2.8 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the order shall be served by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

9-2.10.2 If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first-class mail. The order shall state:

- (i) The condition which has caused the violation of this Article;
and
- (ii) That the person in violation shall have:
 - (a) 10 days from the receipt of the order to alleviate the exterior yard conditions violation; or
 - (b) 45 days from the receipt of the order to alleviate the exterior structure conditions violation; and

- (c) 10 days from the receipt of the order, plus any additional time granted under Subsection (iii), to request, as provided in Section 9-2.13, a hearing before the Governing Body or its designated representative on the matter; and
- (iii) The Governing Body or its designee named herein shall grant one or more extensions to the time periods stated in subsections (a) and (b), above, if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions which have caused the violation of this Article; and
- (iv) That failure to alleviate the condition or to request a hearing may result in prosecution under Section 9-2.11 and/or abatement of the condition by the City according to Section 9-2.12 with the costs assessed against the property under Section 9-2.15.

(K.S.A. 12-1617e; Code 2019)

9-2.11 PENALTY.

The public officer may file a complaint in the municipal court against any person found to be in violation of Section 9-2.8, provided however, that such person shall first have been sent a notice as provided in Section 9-2.9 and that the person has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 9-2.9. Upon filing such complaint in the municipal court, any person found to be in violation of Section 9-2.8 shall upon conviction be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this Article, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist. (Code 2019)

9-2.12 ABATEMENT.

In addition to, or as an alternative to prosecution as provided in Section 9-2.11, the public officer may seek to remedy violations of this Article in the following manner. If a person to whom an order has been served pursuant to Section 9-2.10 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 9-2.13, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 9-2.15. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (i) Personal service upon the person in violation;
- (ii) Certified mail, return receipt requested; or

- (iii) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the premises where such condition exists; or
- (iv) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first-class mail.

(Code 2019)

9-2.13 HEARING BEFORE GOVERNING BODY.

If a hearing is requested within the 10-day period as provided in Section 9-2.9 such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the Governing Body or its designated representative as soon as possible after the filing of the request therefor, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the Governing Body or its designated representative shall be prepared in resolution form, adopted by the Governing Body, and the resolution shall be served upon the person in the manner provided in Section 9-2.12. (Code 2019)

9-2.14 APPEALS.

Any person affected by any determination of the Governing Body under Sections 9-2.12 or 9-2.12 may appeal such determination in the manner provided by K.S.A. 60-2101. (Code 2019)

9-2.15 COSTS ASSESSED.

If the City abates or removes the nuisance pursuant to Section 9-2.12, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this Section. The

notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located, and the City clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County clerk shall extend the same on the tax rolls of the County against such lot or parcel of land and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (Code 2019)

9-2.16 CONSTRUCTION.

Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its laws nor to prevent or punish violations thereof. The powers conferred by this Article shall be in addition to and supplemental to the powers conferred by the Kansas Constitution, by any other law or by ordinance. (Code 2019)

ARTICLE 3. JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

9-3.1 FINDINGS OF GOVERNING BODY.

The Governing Body finds that junked, wrecked, dismantled, inoperative, or abandoned vehicles affect the health, safety, and general welfare of citizens of the City because they:

- (i) Serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (ii) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, and insecure mounting on blocks, jacks, or other supports;
- (iii) Are a ready source of fire and explosion;
- (iv) Encourage pilfering and theft;
- (v) Constitute a blighting influence upon the area in which they are located; and
- (vi) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

(Code 2019)

9-3.2 DEFINITIONS.

As used in this Article, unless the context clearly indicates otherwise:

- 9-3.2.1 *Inoperable* means a condition of being junked, wrecked, or wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally constructed;
- 9-3.2.2 *Vehicle* means, without limitation, any automobile, truck, tractor, or motorcycle that as originally built contained an engine, regardless of whether it contains an engine at any other time. (Code 2019)

9-3.3 NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS.

- 9-3.3.1 It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City.
- 9-3.3.2 A motor vehicle nuisance is any motor vehicle that is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; that is parked in violation of City ordinance; that is incapable of moving under its own power; or that is in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:
 - (i) Absence of a current registration plate upon the vehicle;

- (ii) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports; or
- (iii) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon a street or highway.

9-3.3.3 The provisions of this Section shall not apply to:

- (i) Any motor vehicle that is enclosed in a garage or other enclosed building;
- (ii) To the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or
- (iii) To any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children.

However, nothing in this Subsection 9-3.3.3 shall be construed to authorize the maintenance of a public nuisance.

(Code 2019)

9-3.4 PUBLIC OFFICER.

The mayor with the consent of the council shall designate a public officer to be charged with the administration and enforcement of this Article. (Code 2019)

9-3.5 COMPLAINTS; INQUIRY AND INSPECTION.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where it is located or is informed that a nuisance may exist by the board of health, chief of police, or the fire chief. The public officer may make such inquiry and inspection when he or she observes conditions that appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings. (Code 2019)

9-3.6 RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists. (Code 2019)

9-3.7 NOTICE.

- 9-3.7.1 The Governing Body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership,

or association found by the public officer to be in violation of Section 9-3.3 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then it shall be served by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

- 9-3.7.2 If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first class mail.

(K.S.A. 12-1617e; Code 2019)

9-3.8 SAME; CONTENTS.

The order shall state the condition(s) that is (are) in violation of Section 9-3.3. The notice shall also inform the person, corporation, partnership, or association that

- (i) He, she, or they shall have 10 days from receipt of the order to abate the condition(s) in violation of Section 9-3.3; or
- (ii) He, she, or they have 10 days from receipt of the order to request a hearing before the Governing Body or its designated representative of the matter as provided by Section 9-3.12; and
- (iii) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 9-3.9 and/or abatement of the condition(s) by the City as provided by Section 9-3.10.

(Code 2019)

9-3.9 FAILURE TO COMPLY; PENALTY.

Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the City against such person and upon conviction of any violation of provisions of Section 9-3.3, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(Code 2019)

9-3.10 ABATEMENT.

9-3.10.1 In addition to, or as an alternative to prosecution as provided in section 9-3.9, the public officer may seek to remedy violations of this Article in the following manner. If a person to whom an order has been sent pursuant to section 9-3.7 has neither alleviated the conditions causing the alleged violation or requested a hearing before the Governing Body within the time period specified in section 9-3.8, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution.

9-3.10.2 The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 9-3.13. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (i) Personal service upon the person in violation;
- (ii) Certified mail, return receipt requested; or
- (iii) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the premises where such condition exists; or
- (iv) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this Section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this Section shall be given by telephone communication or first-class mail.

(Code 2019)

9-3.11 DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE.

- 9-3.11.1 Disposition of any motor vehicle removed and abated from private property pursuant to this Article shall be as provided by K.S.A. Supp. 8-1102, as amended.
- 9-3.11.2 Any person attempting to recover a motor vehicle impounded as provided in this Article shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

(Code 2019)

9-3.12 HEARING.

If a hearing is requested within the 10-day period as provided in Section 9-3.8, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter provided in Section 9-3.10. (Code 2019)

9-3.13 COSTS ASSESSED.

If the City abates or removes the nuisance pursuant to Section 9-3.10, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this Section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located, and the City clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County clerk shall extend the same on the tax rolls of the County against such lot or parcel of land and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (Code 2019)

9-3.14 ANTIQUE OR SPECIAL INTEREST VEHICLES.

An antique or special interest vehicle kept or maintained on private property as an abandoned vehicle shall be subject to the provisions of this Article and considered to be an abandoned vehicle unless the owner or collector thereof shall:

- (i) Completely enclose such vehicle within a lawful and aesthetically pleasing wood, brick, or stone fence so as not to be visible from the main-traveled way of any adjoining street or highway; and
- (ii) Keep and maintain such vehicle on racks or blocks with at least 18 inches of clearance between the bottom of the vehicle and the ground so as to prevent rodent harborage and breeding.

(Code 2019)

ARTICLE 4. WEEDS

9-4.1 WEEDS TO BE REMOVED.

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way, and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. (Code 2019)

9-4.2 DEFINITIONS.

Weeds as used herein means any of the following:

- (i) Brush and woody vines shall be classified as weeds;
- (ii) Weeds and grasses that may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (iii) Weeds that bear or may bear seeds of a downy or wingy nature.
- (iv) Weeds located in an area which harbors rats, insects, animals, reptiles, or any other creature that either may or does constitute a menace to health, public safety, or welfare;
- (v) Weeds and grasses on or about residential property that, because of their height, have a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed twelve inches in height.

(Code 2019)

9-4.3 PUBLIC OFFICER; NOTICE TO REMOVE.

9-4.3.1 The Governing Body shall designate a public officer to be charged with the administration and enforcement of this Article. The public officer or authorized assistant shall give written notice to the owner, occupant, or agent of any property in violation of this Article by certified mail, return receipt requested, or by personal service to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified, return receipt requested, to the last known address of the owner. Such notice shall only be given once per calendar year.

9-4.3.2 The notice to be given hereunder shall state:

- (i) that the owner, occupant, or agent in charge of the property is in violation of the City weed control law;

- (ii) that the owner, occupant, or agent in control of the property is ordered to cut or destroy the weeds within 10 days of the receipt of the notice;
- (iii) that the owner, occupant, or agent in control of the property may request a hearing before the Governing Body or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident and there is no resident agent, 10 days after notice has been published by the City clerk in the official City newspaper;
- (iv) that if the owner, occupant, or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time, the City or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant, or agent in charge of the property;
- (v) that the owner, occupant, or agent in control of the property will be given an opportunity to pay the costs, and if it is not paid within 30 days of such notice, said costs will be added to the property tax as a special assessment;
- (vi) that no further notice will be given during the current calendar year prior to the removal of weeds from the property; and,
- (vii) that the public officer should be contacted if there are questions regarding the order.

9-4.3.3 If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this Subsection, the City may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this Article.

(Code 2019)

9-4.4 ABATEMENT; ASSESSMENT OF COSTS.

- 9-4.4.1 If the owner, occupant, or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified Section 9-4.3, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.
- 9-4.4.2 If the City abates or removes the nuisance pursuant to this Section, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or

removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this Section.

- 9-4.4.3 The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located, and the City clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County clerk shall extend the same on the tax rolls of the County against such lot or parcel of land and it shall be collected by the County treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(K.S.A. 12-1617f; Code 2019)

9-4.5 RIGHT OF ENTRY.

The public officer, and the public officer's authorized assistants, employees, contracting agents, or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, and/or removing such weeds in a manner not inconsistent with this Article. (Code 2019)

9-4.6 UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute a code violation. (Code 2019)

9-4.7 NOXIOUS WEEDS.

- 9-4.7.1 Nothing in this Article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.
- 9-4.7.2 For the purpose of this Article, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza cuneata*)

(Ord. 1998-2, Sec. 7; K.S.A. 2-1314; Code 2019)

9-4.8 ADMINISTRATIVE PENALTIES.

In addition to the costs and fees assessed in this Article, the City hereby imposes an administrative monetary penalty of \$100.00 imposed on the owner for each violation under this Article that remains uncorrected after the time period stated in the order to remove has elapsed. The administrative monetary penalty for a second or subsequent violation under this Article for the same property within 12 months of the same or substantially same violation for which the administrative penalty has been imposed shall be \$200. (Code 2019)

ARTICLE 5. MINIMUM HOUSING CODE

9-5.1 TITLE.

This Article shall be known as the "Minimum Housing Code," and will be referred to herein as "this Article." (Code 2019)

9-5.2 GENERAL.

Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or Nonresidential, shall conform to the requirements of this Article. (Code 2019)

9-5.3 DECLARATION OF POLICY.

The Governing Body declares the purpose of this Article is to protect, preserve, and promote the physical and mental health of the people; to investigate and control communicable diseases; to regulate privately and publicly-owned structures or dwellings, and all premises for the purpose of sanitation, public health, and general appearance; to protect the safety of the people; and to promote the general welfare by legislation that shall be applicable to all dwellings, structures, and premises now in existence or hereafter constructed or developed and which legislation:

- (i) Establishes minimum standards for basic equipment and facilities for light, ventilation, and heating, for safety from fire, for the use and location and amount of space for human occupancy, and for safe and sanitary maintenance;
- (ii) Establishes standards concerning unsightly and blighted buildings and premises, both residential and nonresidential structures;
- (iii) Determines the responsibilities of owners, operators, and occupants; and
- (iv) Provides for the administration and enforcement thereof.

(Code 2019)

9-5.4 DEFINITIONS.

The following definitions shall apply to the enforcement of this Code:

- 9-5.4.1 *Basement* means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 9-5.4.2 *Cellar* means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

- 9-5.4.3 *Dwelling* means any building that is wholly or partly used or intended to be used for living or sleeping by human occupants, but temporary housing hereinafter defined shall not be regarded as a dwelling.
- 9-5.4.4 *Dwelling Unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating.
- 9-5.4.5 *Habitable Dwelling* means any structure or part thereof that shall be used as a home or place of abode by one or more persons.
- 9-5.4.6 *Habitable Room* means a room designed to be used for living, sleeping, eating, or cooking purposes, excluding bathrooms, toilet rooms, closets, halls and storage places, or other similar places not used by persons for extended periods.
- 9-5.4.7 *Infestation* means the presence, within or around a dwelling, of insects, rodents, or other pests.
- 9-5.4.8 *Multiple Dwelling* means any dwelling containing more than two dwelling units.
- 9-5.4.9 *Occupant* means any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 9-5.4.10 *Operator* means any person who owns or has charge, care, or control of a premise or of a building or structure or part thereof, in which dwelling units or rooming units are let.
- 9-5.4.11 *Owner* means any person, firm, or corporation who jointly or severally along with others, shall be in actual possession of, or have charge, care, and control of any structure or dwelling unit or premises within the City as owner, employee, or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be deemed and taken to be the owner or owner of such property within the true intent and meaning of this Article and shall be bound to comply with the provisions of this Article to the same extent as the record owner and notice to any such person shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the record owner or owner of such property.
- 9-5.4.12 *Person* means and include any individual, firm, corporation, association, or partnership.
- 9-5.4.13 *Plumbing* means and include all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, water pipes, garbage disposal units, waste pipes, water closets,

sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, gas, or fuel lines.

- 9-5.4.14 *Premise* means any lot or land area, either residential or non-residential, not covered by a structure and that is subject to a City tax in part or in whole.
- 9-5.4.15 *Rooming House* means any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- 9-5.4.16 *Rooming Unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 9-5.4.17 *Refuse*. For the purpose of this Article refuse shall include garbage and trash:
- (i) *Garbage* means any accumulation of animal, fruit, or vegetable waste matter that attends the preparation, use, cooking, delivering, or storage of meats, fish, fowl, fruit, or vegetable.
 - (ii) *Trash (Combustible)*. For the purpose of this Article combustible trash means waste consisting of papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding and leaves, or any other combustible materials.
 - (iii) *Trash (Non-Combustible)*. For the purpose of this Article non-combustible trash means waste consisting of metals, tin cans, glass, crockery, other mineral refuse, ashes, street rubbish and sweepings, dirt, sand, concrete scrap, or any other non-combustible material.
- 9-5.4.18 *Structure* means anything constructed or erected on the ground or attached to something having a location on the ground.
- 9-5.4.19 *Supplied* means paid for, furnished, or provided by or under the control of the owner or operator.
- 9-5.4.20 *Temporary Housing* means any tent, trailer, or other structure used for human shelter that is designed to be transportable and that is not attached to the ground, house, building, or another structure, or to any utilities system on the same premises for more than 30 consecutive days, except when located in a mobile home park duly licensed under laws of the City.

9-5.5 RULES OF CONSTRUCTION.

Whenever the words *dwelling*, *dwelling unit*, *rooming house*, *rooming unit*, or *premises* are used in this ordinance, they shall be construed as though they were followed by the words *or any part thereof*. (Code 2019)

9-5.6 DUTY OF OCCUPANT OR OWNER OF OCCUPIED OR UNOCCUPIED BUILDING AND ITS PREMISES OR VACANT PREMISES.

- 9-5.6.1 It shall be the duty of the owner of every occupied or unoccupied dwelling, building, and premise or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter as covered by Sections 9-5.9.
- 9-5.6.2 It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, and to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this Article applicable to the premise.
- 9-5.6.3 If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.
- 9-5.6.4 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.
- 9-5.6.5 Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner and operator.
- 9-5.6.6 Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(Code 2019)

9-5.7 REGULATIONS FOR THE USE AND OCCUPANCY OF DWELLINGS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein that does not

comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:

- 9-5.7.1 ATTACHED GARAGES OR NONDWELLING AREAS. All nondwelling occupancies shall be separated from the dwelling unit by a fire resistant wall.
- 9-5.7.2 BASEMENT OR CELLAR. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.
- 9-5.7.3 BATHING FACILITIES. Every dwelling unit shall contain within a room that affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- 9-5.7.4 DRAINAGE. All courts, yards, or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. Properly constructed wading and swimming pools and fish ponds are exempted from this Section.
- 9-5.7.5 ENTRANCES.
 - 9-5.7.5.1 There shall be for each dwelling unit a normally used separate access either to a hallway, stairway, or street that is safe and in good repair.
 - 9-5.7.5.2 A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.
- 9-5.7.6 GARBAGE AND TRASH RECEPTACLES. Every owner/tenant of a dwelling and every dwelling unit shall provide such receptacles as may be necessary to contain all garbage and trash and such receptacles shall at all times be maintained in good repair.
- 9-5.7.7 HEATING. Every dwelling and every dwelling unit shall be so constructed, insulated, and maintained and be provided by owner or occupant with heating units so that it is capable of reaching an air temperature of 70 degrees Fahrenheit under ordinary winter conditions. The chimney of the dwelling or dwelling unit shall be maintained in good order, and the owner of the approved heating equipment shall maintain it in good order and repair.
- 9-5.7.8 KITCHEN SINK. In every dwelling unit containing two or more rooms, there shall be at least one kitchen sink with public water under pressure and connected to the public sewer, or if that sewer system is not available, to a sewage disposal system approved by the City health department.

- 9-5.7.9 LAVATORY FACILITIES. Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the required flush water closet or as near to the room as practicable.
- 9-5.7.10 LIGHTING. Every habitable room shall have a ceiling electric outlet and a duplex outlet in wall or floor, or at least two wall or floor outlets.
- 9-5.7.11 LIGHTING OF TOILETS AND BATHROOMS. Every toilet and every bathroom in every dwelling shall have at least one electric light in either the ceiling or on the wall.
- 9-5.7.12 PLUMBING. All plumbing, water closets, and other plumbing fixtures in every dwelling or dwelling unit shall be maintained in good working order.
- 9-5.7.13 PRIVIES. All pit privies, privy vaults, "dry hopper" sewer-connected privies and frost-proof closets are hereby declared to be a public nuisance.
- 9-5.7.14 TOILET FACILITIES. There shall be at least one flush water closet in good working condition for each dwelling unit, which flush water closet shall be located within the dwelling and in a room which affords privacy.
- 9-5.7.15 VENTILATION. Every habitable room in a dwelling or dwelling unit shall contain a window or windows openable directly to the outside air and the total area of such window or windows shall be not less than five percent of the floor area of such room. An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall be capable of providing not less than four air changes per hour, except that in toilet compartments such system shall provide a complete air change every five minutes.
- 9-5.7.16 WATER HEATING FACILITIES. Every dwelling shall have supplied water heating facilities that are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory, and bathtub or shower.
- 9-5.7.17 WINDOWS AND DOORS. Every window and exterior door shall be reasonably weather-tight, lockable, and rodent-proof and shall be kept in good working condition and good repair.

(Code 2019)

9-5.8 MAINTENANCE AND REPAIR; DWELLINGS.

Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition. (Code 2019)

9-5.9 PUBLIC OFFICER: AUTHORITY.

For the purpose of protecting the City against unsightly or blighted premises, and for the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer appointed for this purpose by the mayor and approved by the City council is hereby authorized, with the consent and prior knowledge of the Governing Body, to enforce provisions of this Code and of other laws which regulate or set standards affecting buildings and premises. (Code 2019)

9-5.10 DESIGNATION OF UNFIT DWELLINGS.

Any dwelling or dwelling unit condemned as unfit for human habitation pursuant to Article 3 of Chapter 4 of this Code, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.

9-5.10.1 COMPLIANCE REQUIRED BEFORE REOCCUPANCY. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.

9-5.10.1.1 The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

9-5.10.1.2 It shall be unlawful for anyone to let, lease, occupy, or permit the occupancy, whether for a consideration or not, of any dwelling so posted, and any violation of this provision shall constitute a public offense within the meaning of this Code.

9-5.10.1.3 It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a public offense within the meaning of this Code.

(Code 2019)

9-5.11 INSPECTION OF BUILDINGS AND STRUCTURES, AND PREMISES.

- 9-5.11.1 For the purpose of determining compliance with the provisions of this Article, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.
- 9-5.11.2 The public officer is not limited by the conditions in Section 9-5.11.1 where new construction or vacant premises are involved and may make such inspections at any appropriate time.
- 9-5.11.3 The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination, and survey after identification by proper credentials.
- 9-5.11.4 Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Article or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this Article. (Code 2019)

9-5.12 NOTICE OF VIOLATIONS; PROCEDURES.

Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this Code, will prepare and send a notice of violation in accordance with Section 4-3.6. Except as otherwise provided, the procedure for violations of this Article shall be the same as prescribed by Sections 4-3.6 through 4-3.12. (Code 2019)

9-5.13 GOVERNING BODY; AUTHORITY.

The Governing Body is hereby authorized:

- (i) To informally review all alleged violations prior to notification prescribed in Section 9-5.12.
- (ii) to take action as prescribed in Section 4-3.8.
- (iii) to hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this Code as outlined in Section 9-5.16.
- (iv) to exercise discretionary authority in specific cases where variance from the terms of the code will not adversely affect the public health,

safety or welfare of inhabitants of the City or is in harmony with the spirit of this Code; or where literal enforcement of the code will result in unnecessary hardship.

(Code 2019)

9-5.14 ORDER TO CORRECT AND/OR REPAIR, REMOVE OR DEMOLISH.

At the time of the placarding and order to vacate specified by Section 9-5.10 hereof, the public officer shall also issue and cause to be served upon the owner a notice advising of the option of removal or demolition in lieu of correction and/or repair following the procedures as outlined in Article 4 of Chapter 4 of this Code. (Code 2019)

9-5.15 CONFLICT OF LAWS; EFFECT OR PARTIAL INVALIDITY.

9-5.15.1 Conflicts between the provisions of this Article and with a provision of any zoning, building, fire, safety, or health ordinance or Code of the City, existing on the effective date of this Article, the provision shall prevail which establishes the higher standard.

9-5.15.2 Conflicts between this Article with a provision of any other ordinance or Code of the City existing on the effective date of this Article which establishes a lower standard, the provisions of this Article shall be deemed to prevail and such other laws or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code. (Code 2019)

9-5.16 GOVERNING BODY; APPEALS.

9-5.16.1 Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the Governing Body shall in writing, request a hearing before the Governing Body within 10 days after receiving notice of the decision from the public officer, as provided in Section 4-3.8. Such protest and request for a hearing shall be filed with the office of the City clerk.

9-5.16.2 Upon receipt of a protest and request for a hearing, the City clerk shall notify in writing the Governing Body of such appeal.

9-5.16.3 The Governing Body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.

9-5.16.4 Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.

9-5.16.5 Except where an immediate hazard exists as described in Section 4-3.13 of this Code, the filing of a protest and request for a hearing before the Governing Body as specified in Section 9-5.16.1 shall operate as a stay of the enforcement of the public officer's order

until such time as the Governing Body has reached a decision on the matter. (Code 2019)

9-5.17 RIGHT OF PETITION.

After exhausting the remedy provided in Section 9-5.16, any person aggrieved by an order issued by the public officer and approved by the Governing Body after a hearing on the matter, may within 30 days from the date which the order became final petition the district court of the county in which the property is located to restrain the public officer from carrying out the provisions of the order. (Code 2019)

ARTICLE 6. RODENT CONTROL

9-6.1 DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the following meanings:

- 9-6.1.1 *Building* means any structure, whether public or private, that is adapted for occupancy as a residence, the transaction of business, the rendering of professional services, amusement, or the display, sale or storage of goods, wares, or merchandise or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.
- 9-6.1.2 *Occupant* means the person that has the use of, controls, or occupies any business building or any portion thereof, whether owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.
- 9-6.1.3 *Rat harborage* means any condition that provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside a structure of any kind.
- 9-6.1.4 *Rat-stoppage* means a form of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another, consisting essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs, and foundations that may be reached by rats from the ground by climbing or by burrowing, with material or equipment impervious to rat-gnawing.

(Code 2019)

9-6.2 BUILDING MAINTENANCE.

All buildings and structures located within the present or future boundaries of the City shall be rat-stopped, freed of rats and maintained in a rat-stopped and rat-free condition. (Code 2019)

9-6.3 NOTICE TO RAT-STOP; WHEN CITY TO DO WORK.

Upon receipt of written notice from the Governing Body, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure. The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the Governing Body. (Code 2019)

9-6.4 FAILURE TO COMPLY.

If the owner fails to comply with such written notice or extension, then the Governing Body is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the City clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the City clerk shall certify the amount due and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment, and any other actual expense necessary for rat-stoppage. (Code 2019)

9-6.5 REPLACE RAT-STOPPAGE.

It shall be unlawful for any occupant, owner, contractor, public utility company, plumber, or any other person to remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats. (Code 2019)

9-6.6 NOTICE TO ERADICATE RATS.

Whenever the Governing Body notifies in writing the owner of any building or structure theretofore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure, the owner shall immediately institute appropriate measures for freeing the premises so occupied of all rats. Unless suitable measures for freeing the building or structure of rats are instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the City is hereby authorized to free the building or structure of rats at the expense of the owner thereof and the City clerk shall submit bills for the expense thereof to the owner of the building or structure and if the same are not paid, the City clerk shall certify the amount due from the owner to the City treasurer, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment, and any other actual expense necessary for the eradication measures. (Code 2019)

9-6.7 CONDITIONS CONDUCIVE TO HARBORAGE OF RATS.

- 9-6.7.1 All food and feed kept within the City for feeding animals shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-stopped building.
- 9-6.7.2 It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage or trash in any building or premises so that the same shall afford food and harborage for rats.
- 9-6.7.3 It shall be unlawful for any person to accumulate or to permit the accumulation on any premises or on any open lot any lumber, boxes, barrels, bricks, stone, or similar materials that may be permitted to remain thereon and which are rat harborages, unless the same shall be placed on open racks that are elevated not less than 12 inches above the ground, evenly piled or stacked.

- 9-6.7.4 Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the public officer deems it necessary to eliminate such harborage, he or she may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.

(Code 2019)

9-6.8 INSPECTIONS.

The public officer is empowered to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this Article. (Code 2019)

ARTICLE 1. GENERAL PROVISIONS

10-1.1 MUNICIPAL COURT ESTABLISHED.

There is hereby established a municipal court for the City of Meade, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of this Code and the ordinances of the City. (Code 2019)

10-1.2 SAME; PRACTICE AND PROCEDURE.

The Kansas code of procedure for municipal courts, as set forth in K.S.A. 12-4101 et seq. and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the municipal court. (Code 2019)

10-1.3 TIME AND PLACE OF SESSIONS.

Municipal court shall be held in the municipal courtroom in the City hall building on such days and at such hours as the municipal judge designates. (Code 2019)

10-1.4 MUNICIPAL JUDGE; APPOINTMENT.

The municipal court shall be presided over by a municipal judge. The mayor, subject to the approval of the City council, shall appoint the judge of the municipal court. (Code 2019)

10-1.5 SAME; ABSENCE; VACANCY; PRO TEM.

In the event the municipal judge is temporarily unable to preside due to absence, illness, or disqualification, the municipal judge shall designate an attorney or other qualified person to act as judge pro tempore. In the event the municipal judge fails to appoint a judge pro tempore, the judge pro tempore shall be appointed in the same manner as the municipal judge is selected. The judge pro tempore shall receive compensation in the same manner as the compensation of the regular municipal judge.

In the event a vacancy shall occur in the office of municipal judge, a successor shall be appointed to fill the unexpired term in the same manner as the municipal judge was appointed.

(K.S.A. 12-4107; Code 2019)

10-1.6 SAME; POWERS AND DUTIES.

The municipal judge shall have such powers and duties as fixed by ordinance. (K.S.A. 12-4105; Code 2019).

10-1.7 9-107. SAME; SALARY.

The municipal judge shall receive a salary as set by the Governing Body. (Code 2019)

10-1.8 COURT CLERK.

There is hereby established the office of the clerk of the municipal court of the City of Meade, Kansas, which office shall be filled by appointment by the Mayor. The duties of

the office shall be those prescribed by the Code for Municipal Courts set forth in Chapter 12, Article 41 of the Kansas Statutes, and shall include the following duties:

- (i) The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases, and set same for trial and shall perform such further acts as may be necessary to carry out the duties and responsibilities of the court. The clerk shall receive, account for and pay to the City treasurer monthly all fines and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator and furnish the information when requested by him, her, or a departmental justice on such forms furnished by the judicial administrator, and approved by the Supreme Court.
- (ii) The clerk of the municipal court shall within 10 days after selection and before entering upon the duties of office, execute to the City such bond as the Governing Body may require, which shall be approved by the Governing Body, and file in the office of the City clerk, conditioned for the faithful performance of the duties required of him or her by law, and for the faithful application and payment of all moneys that may come into his or her hands in the execution of the duties of the office. The City shall pay the cost of such bond.
- (iii) The monthly salary of the clerk shall be fixed by ordinance.
- (iv) A majority of all members of the council may remove the clerk appointed under the authority of this Article, or for good cause the mayor may temporarily suspend any such appointed clerk.

(K.S.A. Supp. 12-4108; Code 2019)

10-1.9 PAYMENT OF FINE.

Where a municipal court judgment against any person results in a fine and/or court costs only, the same shall be satisfied by paying the amount of such fine and/or court costs to the municipal court immediately on the rendition of judgment, or at such time as the municipal judge shall determine. (Code 2019)

10-1.10 SAME; FAILURE TO PAY SEPARATE VIOLATION.

It shall be unlawful for any person to willfully fail to pay any lawfully imposed fine for a violation of any law of the City within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due. Such conduct constitutes a violation of this Article, regardless of the full payment of the fine after such time. (Code 2019)

10-1.11 FAILURE TO APPEAR.

- 10-1.11.1 It shall be unlawful for any person charged with violation of any law of the City to fail to appear before the municipal court when so scheduled to appear, unless lawful excuse for absence is presented

to the court on or before the time and date scheduled for appearance.

- 10-1.11.2 For the purpose of Subsection 10-1.11.1, failure to appear shall include willfully incurring a forfeiture of an appearance bond and failure to surrender oneself within 30 days following the date of such forfeiture by one who is charged with a violation of the laws of the City and has been released on bond for appearance before the municipal court for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days after his or her conviction of a violation of the laws of the City has become final by one who has been released on an appearance bond by any court of this state.
- 10-1.11.3 Any person who is released upon his or her own recognizance, without surety, or who fails to appear in response to a summons, notice to appear, or traffic citation duly served upon him or her personally shall be deemed a person released on bond for appearance within the meaning of subsection (b) of this Section.
- 10-1.11.4 Failure to appear, upon conviction thereof, shall be punishable by incarceration for up to 30 days and/or a fine of up to \$250.

(Code 2019)

10-1.12 COURT COSTS.

Court costs in the amount of \$108.00 shall be assessed on all cases allowed by law unless waived by the municipal judge.

ARTICLE 1. POLICE DEPARTMENT

11-1.1 POLICE DEPARTMENT.

The law enforcement department shall consist of a chief of police and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 15-204. (Code 2019)

11-1.2 LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES.

- 11-1.2.1 It shall be the general duty of the chief of police and all sworn law enforcement personnel to the best of their ability to preserve good order, peace, and quiet throughout the City as provided by law or ordinance.
- 11-1.2.2 The chief of police and all sworn law enforcement personnel shall at all times have power to make arrest under proper process or without process on view of any offense against the laws of the State of Kansas or laws of the City and to keep all persons so arrested, unless admitted to bail, in the City jail, County jail, or other proper place to prevent their escape until their trial can be had before the proper officer.
- 11-1.2.3 All persons arrested for violation of any law of the state and who shall not be charged with an offense under any law of the City shall be released to the custody of the sheriff of the County and such arrest shall be reported to the County attorney.

(Code 2019)

11-1.3 RULES AND REGULATIONS.

The chief of police shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. Such rules and regulations shall be approved by the Governing Body. (Code 2019)

ARTICLE 2. PROPERTY IN POLICE CUSTODY

11-2.1 REGULATIONS.

The police department is required to establish regulations detailing the collection, storage, and inventory of property that may come under its control by any manner. (Code 2019)

11-2.2 DISPOSITION.

Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in Section 11-2.3, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the City general fund. (Code 2019)

11-2.3 SAME; EXEMPT PROPERTY.

The following classes of property shall be considered exceptions to Section 11-2.2 and shall be dealt with in the following manner:

- 11-2.3.1 Cash money shall be turned over to the City general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in Section 11-2.2.
- 11-2.3.2 Except as provided in Subsections 11-2.3.3 and 11-2.3.4, any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:
 - (i) Forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency's use;
 - (ii) Forfeited to the Kansas bureau of investigation for law enforcement, testing, or comparison by the Kansas bureau of investigation forensic laboratory;
 - (iii) Forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison, or other forensic science purposes; or
 - (iv) Forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.
- 11-2.3.3 Except as provided in Subsection 11-2.3.4, any weapon that cannot be forfeited pursuant to Subsection 11-2.3.2 due to the condition of the weapon, shall be destroyed.

- 11-2.3.4 If a weapon is seized from an individual and the individual is not convicted of the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution the case against the individual, including any period of appeal, the law enforcement agency that seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.
- 11-2.3.5 If weapons are sold as authorized by Subsection 11-2.3.2, the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.
- 11-2.3.6 For purposes of Subsections 11-2.3.2, 11-2.3.3, and 11-2.3.4, the term “weapon” means any:
- (i) bludgeon, sand club, metal knuckle, or throwing star;
 - (ii) dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto, or any other dangerous or deadly weapon or instrument of like character;
 - (iii) spring gun; or
 - (iv) firearm.
- 11-2.3.7 Homemade weapons or weapons of a contraband nature shall be destroyed.
- 11-2.3.8 Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.
- 11-2.3.9 Items of a pharmaceutical nature that are not contraband when properly dispensed, or that are of an over-the-counter-variety, shall be destroyed.
- 11-2.3.10 Foodstuffs, if sealed and undamaged, may be turned over to any appropriate social service agency or destroyed but shall not be auctioned.
- 11-2.3.11 Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.
- 11-2.3.12 Items with a value in excess of \$500 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.

(Code 2019)

11-2.4 CLAIMING PROPERTY.

The police department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner. (Code 2019)

11-2.5 PROOF OF OWNERSHIP.

Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented. (Code 2019)

11-2.6 AUCTION.

At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time, and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the police department and any claims on property must be made prior to the start of the auction. (Code 2019)

ARTICLE 1. UNIFORM PUBLIC OFFENSE CODE

12-1.1 INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

12-1.1.1 There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Meade, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," 2018 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections parts or portions are as hereafter, omitted, deleted, modified or changed, in this Article or in the City Code, including the following:

12-1.1.2 No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by City Code Section 12-1.1," 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.

(Code 2019)

ARTICLE 2. LOCAL REGULATIONS

12-2.1 MARIJUANA.

It shall be unlawful for any individual to possess marijuana as defined in K.S.A. 65-4105(d)(17). Violation of this Section shall be a class B violation punishable by a fine of up to \$1,000 and up to 6 months in jail. (Code 2019)

12-2.2 DRUG PARAPHERNALIA.

It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to store, contain, conceal, inject, ingest, inhale, or otherwise introduce marijuana into the human body. Violation of this Section shall be a class B violation punishable by a fine of up to \$1,000 and up to 6 months in jail. (Code 2019)

ARTICLE 3. SOUND

12-3.1 NOISE.

It is found and declared that:

- (i) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises that are prolonged, unusual and unnatural in their time, place, and use affect and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City; and
- (ii) The necessity in the public interest for the provisions and prohibitions enacted and contained in this Article is declared as a matter of legislative determination, and the public prohibitions enacted and contained in this Article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City and its inhabitants.

(Code 2019)

12-3.2 SAME; STANDARDS.

The standards that shall be considered in determining whether a violation of this Section and article exist shall include, but shall not be limited to, the following:

- (i) The volume of the noise;
- (ii) The intensity of the noise;
- (iii) Whether the nature of the noise is usual or unusual;
- (iv) Whether the origin of the noise is natural or unnatural;
- (v) The volume and intensity of the background noise, if any;
- (vi) The proximity of the noise to residential sleeping facilities;
- (vii) The nature and zoning of the area within which the noise emanates;
- (viii) The density of the inhabitation of the area within which the noise emanates;
- (ix) The time of the day or night the noise occurs;
- (x) The duration of the noise;
- (xi) Whether the noise is recurrent, intermittent or constant; and
- (xii) Whether the noise is produced by a commercial or noncommercial activity.

(Code 2019)

12-3.3 SAME; PROHIBITION GENERALLY.

- 12-3.3.1 It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City; provided, that the provisions of this Section shall not apply to such occasional and infrequent uses as authorized by special permit of the council, upon a showing by an applicant and determination by the council that the proposed use does not offend the spirit of the findings of Section 12-3.1.
- 12-3.3.2 The acts mentioned in this Article are declared to be loud, disturbing and unnecessary noises in violation of this Section, but such enumeration shall not be deemed to be exclusive.

(Code 2019)

12-3.4 LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED.

- 12-3.4.1 No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.
- 12-3.4.2 Sound amplification system means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.
- 12-3.4.3 Plainly audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway.
- 12-3.4.4 It is an affirmative defense to a charge under this Section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
- (i) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 - (ii) The vehicle was an emergency or public safety vehicle;

- (iii) The vehicle was owned and operated by the City of Meade, Meade County, Kansas, or a gas, electric, communications, or refuse company;
- (iv) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any person or assemblages of persons in compliance with the ordinances of the City; or
- (v) The vehicle was used in authorized public activities, such as parades, fireworks, sport events, musical productions and other activities which have the approval of the department of the City authorized to grant such approval.

12-3.5 RADIOS, PHONOGRAPHS, DISK PLAYERS, ETC.

- 12-3.5.1 It shall be unlawful for any person using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as disturbs the peace, quiet, and comfort of the neighboring inhabitants or general public at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which the machine or device is operated and who are voluntary listeners.
- 12-3.5.2 The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building or structure or 25 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- 12-3.5.3 Persons shall mean any individual and/or the parents or custodian of any individual under the age of 18 who is living with parents or custodian.

(Code 2019)

12-3.6 EXHAUSTS DEFECT IN VEHICLE OR LOUD.

- 12-3.6.1 The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle that creates loud noises which offend the spirit of the finds of Section 12-3.1 are unlawful.
- 12-3.6.2 The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noises is unlawful.

(Code 2019)

12-3.7 YELLING, SHOUTING, ETC.

Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of person on any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity, is unlawful. (Code 2019)

12-3.8 IN PROXIMITY TO SCHOOLS, COURTS, CHURCHES.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same is in use, or that disturbs the workings of such institution, provided conspicuous signs are displayed in such streets indicating that the street is a school, churches or court street, is unlawful. (Code 2019)

12-3.9 KEEPING OF ANIMALS.

The keeping or harboring of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity is unlawful. (Code 2019)

12-3.10 PENALTY.

Upon conviction of a violation of Sections 12-3.1 through 12-3.9, inclusive, the court shall impose a fine of not less than \$100, nor more than \$499. Upon a second conviction, within a three-year period, the court shall impose a fine of not less than \$200, nor more than \$499. (Code 2019)

ARTICLE 1. CITY PARKS

13-1.1 CITY LAWS EXTENDED TO PARK.

The laws of the City shall extend to and cover all City parks. (Code 2019)

13-1.2 POLICE JURISDICTION OVER PARKS.

The City shall have police regulations governing any public parks belonging to the City and the chief of police and law enforcement officers of the City shall have full power to enforce City laws governing City parks and shall maintain order therein. (Code 2019)

13-1.3 DAMAGING PARK PROPERTY.

It shall be unlawful for any person, except duly authorized City employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree or improvement or property of any kind belonging to any park owned by the City. (Code 2019)

13-1.4 VEHICLE REGULATIONS.

- 13-1.4.1 Motor vehicles, including any vehicle licensed to operate on public streets, roads, and highways and motorbikes, go-carts, snowmobiles and other motorized off-the-road vehicles shall be operated in a safe and prudent manner at all times in park areas.
- 13-1.4.2 Except as provided in Section 13-1.4.4, it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.
- 13-1.4.3 Except as provided in Section 13-1.4.4, it shall be unlawful for any person to operate any motor vehicle within any City park except upon roads, drives and parking areas established by the City.
- 13-1.4.4 Subsections 13-1.4.2 and 13-1.4.3 above shall not apply to authorized City employees while engaged in the maintenance and care of the park.
- 13-1.4.5 It shall be unlawful to operate any such vehicle in any park area at a speed in excess of 20 m.p.h.

(Code 2019)

13-1.5 HUNTING.

It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot, or take any wildlife, either bird or animal, in any manner at any time while in any City park, except when performed by the animal control officer or a law enforcement officer when deemed necessary. (Code 2019)

13-1.6 FIRES.

It shall be unlawful for any person to build or kindle any fire in any City park except in the ovens, stoves, or grills provided for that purpose by the City, and such fire must be extinguished by the person, persons, or parties starting such fire immediately after use thereof. (Code 2019)

13-1.7 CAMPING PROHIBITED.

Overnight camping is hereby prohibited in City parks except where posted, unless authorized by City personnel or the Governing Body. (Code 2019)

13-1.8 SANITATION.

All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage, and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash, or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. (Code 2019)

13-1.9 PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES.

It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other City property within the City any alcoholic liquor or cereal malt beverage. Notwithstanding the previous sentence, however, it shall not be unlawful to use, consume, or have on the premises of City park any alcoholic liquor or cereal malt beverage if such consumption is at a special event that has been approved by an authorized representative of the City. (Code 2019)

13-1.10 PRESERVATION OF NATURAL STATE.

It shall be unlawful for any person, except duly authorized City employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of City parks. (Code 2019)

13-1.11 GENERAL REGULATIONS.

The City may post such rules and regulations, as are approved by the Governing Body, pertaining to the use of the City parks in a conspicuous place in each City park. Violations of these posted rules shall constitute a violation of this Code. (Code 2019)

ARTICLE 2. SWIMMING POOL

13-2.1 MANAGER.

The Governing Body of the City shall hire on a yearly basis a manager to manage the City swimming pool for such compensation as the Governing Body shall deem appropriate. (Code 2019)

13-2.2 RULES.

The manager of the swimming pool shall, subject to the approval of the Governing Body, create and adopt rules for the swimming pool, which rules shall be conspicuously posted at or near the entrance of the City swimming pool. (Code 2019)

13-2.3 VIOLATIONS.

Punishment for violation of any rules for the swimming pool shall be handled on an individual basis by the swimming pool manager and shall include, but not be limited to, verbal reprimand, dismissal, or banishment for the remainder of the season. Any individual who believes his or her punishment was unfairly given may petition the Governing Body for reconsideration of the manager's decision. (Code 2019)

ARTICLE 3. MANAGEMENT OF PUBLIC RIGHTS-OF-WAY

13-3.1 DEFINITIONS.

Unless the context clearly indicates otherwise, the meanings of words and terms used in this Article shall be as follows:

- 13-3.1.1 *Public right-of way* means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.
- 13-3.1.2 *Occupant* means any person, firm, corporation, association, utility, or entity, that enters upon the right-of-way of the City, or in any manner establishes a physical presence on, upon, in, or over the right-of-way of the City, for the purpose of installing, constructing, maintaining, or operating lines, conduits, wires, fiber optic wires, cables, pipes, pipelines, poles, towers, vaults or appliances, or related facilities or appurtenances thereto.
- 13-3.1.3 *Facility* or *facilities* mean lines, conduits, wires, fiber optic wires, cables, pipes, pipelines, poles, towers, vaults or appliances, or related items or appurtenances.

(Code 2019)

13-3.2 AUTHORIZATION FROM CITY REQUIRED.

- 13-3.2.1 No person, firm, corporation, association, utility, or entity, shall enter upon the right-of-way of the City, or in any manner establish a physical presence on, upon, in, or over the right-of-way of the City, for the purpose of installing, constructing, maintaining, or operating lines, conduits, wires, fiber optic wires, cables, pipes, pipelines, poles, towers, vaults or appliances, or related facilities or appurtenances thereto, without the express written permission of the City. The permission of the City may be granted by a franchise agreement pursuant to the provisions of K.S.A. 12-2001 et seq. or by such other agreement as the Governing Body determines best protects the public interest in the right-of-way.
- 13-3.2.2 Nothing in this Article shall be interpreted as granting any occupant the authority to construct, maintain, or operate any facility or related appurtenance on property owned by a City outside of the public right-of-way.

- 13-3.2.3 The City shall process each valid and administratively complete application for use of the right-of-way within 30 days.

(Code 2019)

13-3.3 HEALTH, SAFETY, AND WELFARE REGULATIONS.

The authority of a provider to use and occupy the public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. (Code 2019)

13-3.4 SPECIFIC PORTIONS OF RIGHT-OF-WAY RESTRICTED.

If the City denies a request to use or occupy a specific portion of the public right-of-way, the requester shall be served a notice of such denial by first class mail. The notice shall indicate that the requester shall have 10 days from the date of receipt of the notice to request a public hearing by the City Governing Body concerning the denial. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the denial before the Governing Body. The hearing shall be held by the Governing Body within 30 days after the filing of the request therefore, and the potential occupant shall be advised by the City of the time and place of the hearing. Following the public hearing, if the City Governing Body denies a potential occupant's request to use or occupy a specific portion of the public right-of-way, such determination may be appealed to district court. (Code 2019)

13-3.5 COMPLIANCE WITH MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

Any occupant of the public right-of-way shall comply with the provisions of Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations Part VI of the Manual of Uniform Traffic Control Devices (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, 1988 Edition, Revision 3, dated September 3, 1993, which is incorporated herein by reference as if fully set forth herein. (Code 2019)

13-3.6 ADDITIONAL REQUIREMENTS.

The City may impose additional requirements on right-of-way occupants, provided that such requirements do not include those identified in K.S.A. 17-1902(h). (Code 2019)

13-3.7 EMERGENCIES.

If there is an emergency necessitating response work or repair, any person, firm, corporation, association, utility, or entity which has been granted permission to occupy the public right-of-way may begin that repair or emergency response work or take any action required under the circumstances, provided that the person, firm, corporation, association, utility, or entity notifies the City promptly after beginning the work and timely thereafter meets any permit or other requirement had there not been such an emergency. (Code 2019)

13-3.8 REPAIR.

Any occupant of the public right-of-way is hereby required to repair all damage to a public right-of-way caused by the activities of that occupant, or of any agent affiliate, employee, or subcontractor of that occupant, while occupying, installing, repairing, or maintaining facilities in a public right-of-way and to return the right-of-way, to its function equivalence before the damage pursuant to the reasonable requirements and specification of the City. If the occupant fails to make the repairs required by the City, the City may effect those repairs and charge the occupant the cost of those repairs. (Code 2019)

13-3.9 RELOCATION.

Whenever requested by the City, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, an occupant promptly shall remove its facilities from the public right-of-way or shall relocate or adjust its facilities within the public right-of-way at no cost to the political subdivision. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City or its contractors as a result of such occupant's failure to timely relocate or adjust its facilities shall be borne by such occupant. (Code 2019)

13-3.10 FEES, BOND.

13-3.10.1 The following fees shall be assessed against occupants of the public right-of-way:

Permit fee	\$25.00
Excavation fee (for each street or pavement cut)	\$100.00
Inspection fee	\$50.00
Repair and restoration costs associated with repairing and restoring the public right-of-way because of damage caused by the provider, its assigns, contractors, and/or subcontractors in the right-of-way	Actual cost to City

13-3.10.2 In addition to the fees listed above, occupants of the public right-of-way shall provide the City with a performance bond, in a form acceptable to the City, from a surety licensed to conduct surety business in the State of Kansas, insuring appropriate and timely performance in the construction and maintenance of facilities located in the public right-of-way. (Code 2019)

13-3.11 INDEMNITY.

13-3.11.1 Occupants shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death),

property damage, or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of the occupant, any agent, officer, director, representative, employee, affiliate, or subcontractor of the provider, or their respective officers, agents, employees, directors, or representatives, while installing, repairing, or maintaining facilities in a public right-of-way.

13-3.11.2 The indemnity provided by this Subsection does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors, or subcontractors. If an occupant and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under State law and without waiving any defenses of the parties under State or federal law.

13-3.11.3 This Section is solely for the benefit of the City and occupant and does not create or grant any rights, contractual or otherwise, to any other person or entity.

(Code 2019)

13-3.12 CLAIM NOTIFICATION.

An occupant shall promptly advise the City in writing of any known claim or demand against the occupant or the City related to or arising out of the occupant's activities in a public right-of-way. (Code 2019)

13-3.13 PENALTY PROVISION.

Any person, firm, corporation, association, utility, or entity, or agent, contractor or subcontractor thereof, violating any provision of this Article, shall be guilty of a municipal offense, and shall upon conviction be subject to a maximum fine of \$500.00. Each day of violation shall constitute a separate and distinct offense. (Code 2019)

ARTICLE 1. SIDEWALKS

14-1.1 SIDEWALK GRADE.

Hereafter all sidewalks constructed or reconstructed in the City shall be constructed on the established grade. When the Governing Body shall order a sidewalk constructed as hereinafter provided, the City shall pay the cost of bringing the street to grade for the sidewalk. Where no grade has been established, the owner of abutting property may construct a sidewalk on the natural grade. If the grade has been established, the City clerk shall furnish the property owner with the official grade by reference to a stated distance above or below the street grade. (K.S.A. 12-1801, 12-1807; Code 2019)

14-1.2 SAME; SPECIFICATIONS.

Hereafter all sidewalks shall be of single-course construction and shall be constructed and laid in accordance with standard plans and specifications hereby adopted by reference and filed in the office of the City clerk as provided by K.S.A. 12-1802. It shall be unlawful for any person, firm, or corporation to construct, reconstruct or repair any sidewalk except as provided by this Article. (Code 2019)

14-1.3 SAME; PETITION.

When a petition signed by no fewer than 10 citizens owning real estate in the City requesting construction of a sidewalk is filed with the City clerk, the Governing Body may in its discretion, by a resolution, order such sidewalk constructed as herein provided. (K.S.A. 12-1803; Code 2019)

14-1.4 SAME; CONDEMNATION, RECONSTRUCTION.

When any sidewalk, in the opinion of the Governing Body, becomes inadequate or unsafe for travel thereon, the Governing Body may adopt a resolution condemning such walk and providing for the construction of a new walk in the place of the walk condemned. (K.S.A. 12-1804; Code 2019)

14-1.5 NOTICE; PUBLICATION.

The resolution providing for the construction or reconstruction of a sidewalk, as the case may be, shall give the owner of the abutting property not less than 30 days nor more than 60 days after its publication one time in the official City paper in which to construct or cause to be constructed or reconstructed the sidewalk at his or her own expense. If the sidewalk is not constructed by the property owner within the time specified, the Governing Body shall cause the work to be done by contract. (K.S.A. 12-1805; Code 2019)

14-1.6 RIGHT OF ABUTTING OWNER.

Nothing in this Article shall be construed to prohibit the owner of property abutting on a street who desires to construct or reconstruct a sidewalk at his or her own expense and in accordance with official plans and specifications for the purpose, and which meet such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the City, to construct or reconstruct a sidewalk without any petition or a condemning resolution by the Governing Body. If such property owner desires the

sidewalk to be constructed and reconstructed by the City and an assessment levied as provided by law in other cases, he or she shall file a request with the Governing Body. The Governing Body, in its discretion, may provide for the construction or reconstruction of the sidewalk requested in the same manner as in other cases where citizens or taxpayers petition the Governing Body. (K.S.A. 12-1806; Code 2019)

14-1.7 REPAIRS BY OWNER OR CITY.

It shall be the duty of the owner of the abutting property to keep the sidewalk in repair, but the City may, after giving five days' notice to the owner or his or her agent, if known, of the necessity for making repairs or without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. The same shall be done and the cost thereof assessed against the lot or piece of land abutting on the sidewalk so repaired as may be provided by law. (Ord. 120; K.S.A. 12-1808; Code 2019)

14-1.8 PERFORMANCE, STATUTORY BOND.

In any case where the reconstruction or construction of a sidewalk is required to be done by contract as provided in Section 14-1.4 hereof, the Governing Body may require the contractor to give a bond for the faithful performance of the contract and for the construction of the sidewalk in accordance with the plans and specifications, ordinances of the City or laws of Kansas, and for all contracts exceeding \$1,000 entered into by the City for any such purpose a statutory lien bond required by K.S.A. 60-1111 shall be furnished. (Code 2019)

14-1.9 OBSTRUCTING SIDEWALKS.

It shall be unlawful for any person to build or construct any step or other obstruction, whether temporary or permanent, or to store, leave, or allow to be left any implements, tools, merchandise, goods, containers, benches, display, or show cases, on any sidewalks or other public ways in the City or to obstruct the same longer than is necessary for loading or unloading any such article or object. (Code 2019)

14-1.10 SAME; EXCEPTION.

The Governing Body may authorize the granting of temporary permits in connection with a building or moving permit for limited times only to the owner of property abutting on any sidewalk to use or encumber such sidewalk or public way of the City during the construction of any building or improvement thereon. No permit shall be issued for such purpose until plans for warning and safeguarding the public during such use of sidewalks shall have been submitted by the owner or his or her contractor and approved by the Governing Body. (Code 2019)

ARTICLE 2. STREETS

14-2.1 EXCAVATION PERMIT.

No person, other than authorized City employees, shall dig or excavate any hole, ditch, trench or tunnel in or under any street, alley, sidewalk, park, or other public property or public easement through private property without first having secured a permit for such excavation. Application shall be made to the City clerk. (Code 2019)

14-2.2 SAME; BOND.

14-2.2.1 No permit authorized in this Article shall be issued until the applicant has given to the City a good and sufficient bond in the sum of \$5,000 conditioned that the applicant will faithfully comply with all the terms and conditions of this Article, and will indemnify and hold the City harmless against all costs, expenses, damages, and injuries by persons or by the City sustained by reason of the carelessness or negligence of the permit holder. No bond for this purpose shall run for longer than two years without being renewed. The bond shall remain in full force and effect as to each excavation for two years after the same has been made or completed.

14-2.2.2 Any utility operating under a franchise or a contractor under contract with the City for municipal improvement shall not be required to give bond as provided in Subsection 14-2.2.1.

14-2.2.3 Each bond given under this Section shall be approved by the City attorney and filed with the City clerk.

(Code 2019)

14-2.3 SAME; FILED.

If the application is approved by the City, the City clerk shall issue a permit upon payment of a fee of \$25. Each permit issued under the provisions of this Section shall cover only one specified excavation. (Code 2019)

14-2.4 SAME; BARRICADES.

Any person to whom an excavation permit is issued shall enclose all excavations that they make with sufficient barricades and danger signs at all times and shall maintain sufficient warning lights or flares at nighttime. The holder of an excavation permit shall take all necessary precautions to guard the public against all accidents from the beginning of the work to the completion of the same. (Code 2019)

14-2.5 SAME; UNLAWFUL ACTS.

It shall be unlawful for any person, except those having authority from the City or any officer thereof to throw down, interfere with, or remove any barriers, barricades, or lights placed in any street to guard and warn the traveling public of any construction work thereon or adjacent thereto. (Code 2019)

14-2.6 CUTTING CURBS; PAVEMENT.

- 14-2.6.1 No person shall cut any curb, gutter, pavement, blacktop, or sidewalk or excavate any street, alley, or other public grounds of the City for any purpose without first obtaining a permit authorizing the same from the City clerk.
- 14-2.6.2 Once the work for which the excavation was made has been completed the City shall restore the pavement, blacktop, sidewalk, or other surfacing at the expense of the person from whom the excavation was made.
- 14-2.6.3 In lieu of the City replacing pavement, it may elect to authorize utility companies or contractors to resurface streets or sidewalks with like materials, subject to approval of the public works department.

(Code 2019)

14-2.7 ALTERING DRAINAGE.

No person shall change or alter any gutter, storm sewer, drain, or drainage structure which has been constructed or that is being lawfully maintained or controlled by the City unless such change or alteration has been authorized or directed by the Governing Body. (Code 2019)

14-2.8 UNFINISHED PAVEMENT.

No person shall walk upon, drive, or ride over or across any pavement, sidewalk, or incomplete grading that has not been opened for traffic. (Code 2019)

14-2.9 USING STREETS.

- 14-2.9.1 No person shall occupy any portion of any street, alley, or sidewalk for the purpose of temporarily storing building materials without first obtaining a permit for such temporary use from the Governing Body.
- 14-2.9.2 No person may use any portion of any sidewalk or street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this Article, however, shall be construed as prohibiting the City Governing Body from temporarily waiving the prohibition of this Subsection in connection with community promotions or community-wide celebrations when such waiver is considered to be in the best interest of the City.

(Code 2019)

14-2.10 DANGEROUS OBJECTS.

It shall be unlawful for any person to place, throw, or cause to be placed or thrown in or on any street, alley, sidewalk, or other public grounds of the City, any glass, tacks, nails,

bottles, wire, or other dangerous objects that might wound any person or animal, or cut or puncture any pneumatic tire while passing over the same. (Code 2019)

14-2.11 PETROLEUM PRODUCTS IN STREETS.

It shall be unlawful for any person, firm, or corporation to deposit or throw any waste oil, fuel oil, kerosene, gasoline, or other products of petroleum or any acids into or upon any street or public grounds of the City, or willfully to permit the same to be spilled, dripped or otherwise to come into contact with the surface of any street, alley, or sidewalk within the City. (Code 2019)

14-2.12 DISCHARGING WATER ON STREETS.

It shall be unlawful for any person, firm, or corporation to throw or discharge water into any ditch, street, avenue, or alley in the City or to cause any water to stand or form pools or to flow in a stream thereon. This Section shall not apply to persons cleaning or flushing such streets, avenues, or alleys under the authority of the Governing Body, nor to members of the fire department. (Code 2019)

14-2.13 BURNING IN STREETS.

It shall be unlawful for any person to make or cause to be made, any fire upon any of the paved streets, alleys, or street intersections within the City. (Code 2019)

14-2.14 THROWING IN STREETS.

It shall be unlawful to throw or bat any ball, stone, or other hard substance into, on, or across any street or alley or at or against any building or vehicle. (Code 2019)

14-2.15 HAULING LOOSE MATERIAL.

It shall be unlawful to haul over the streets or alleys of this City any loose material of any kind except in a vehicle so constructed or maintained as to prevent the splashing or spilling of any of the substances therein contained upon the streets or alleys. (Code 2019)

ARTICLE 3. TREES AND SHRUBS

14-3.1 PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of public grounds. The City may remove or cause or order to be removed, any tree or part thereof that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect, or other pest. (Code 2019)

14-3.2 DISEASED TREES; DETERMINATION.

Whenever any competent City authority or competent State or federal authority shall file with the Governing Body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the City are infected or infested with or harbor any tree or plant disease or insect or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or extinction of other trees or shrubs in the community, describing the same and where located, the Governing Body shall direct the City clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or to remove any such designated tree, tree material, or shrub within a time specified in the notice. (Code 2019)

14-3.3 NOTICE SERVED.

Notice shall be served by the City chief of police, or a City or County law enforcement officer, by delivering a copy thereof to the owner, and the person in possession of such property. If the same be unoccupied or the owner is a nonresident of the City, then the City clerk shall notify the owner by mailing a notice by certified mail to his last known address. (Code 2019)

14-3.4 FAILURE OF OWNER; DUTY OF CITY.

If the owner or agent shall fail to comply with the requirements of the notice within the time specified in the notice, then the chief of police shall proceed to have the designated tree, tree material, or shrub treated or removed and report the cost thereof to the City clerk. In lieu of City employees performing any such work, the Governing Body may contract with any competent person, company, or corporation for the performance of such work. (Code 2019)

14-3.5 PREVENT SPREAD OF DISEASE.

No tree, tree materials or shrubs as mentioned herein that have been cut down, either by the property owner or by the City, shall be permitted to remain on the premises, but shall be immediately treated, removed, and burned or immediately burned upon the premises, if safe to do so, so as to prevent the spread of the tree disease. (Code 2019)

14-3.6 DANGEROUS, DEAD OR DISEASED TREES ON PRIVATE PROPERTY.

- 14-3.6.1 Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 14 feet above the surface of the street or right-of-way. The owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.
- 14-3.6.2 The City shall have the right to cause the removal of any dangerous, dead or diseased trees on private property within the City when such trees constitute a hazard to life and property. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. The owners, within 30 days of the notice, may request a hearing covering the ordered removal. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice.

(Code 2019)

14-3.7 TREES ON PUBLIC PROPERTY; COST BORNE BY CITY.

The City shall have the authority to treat or to remove any tree as defined in Section 14-3.1 of this Article, or to remove any dead tree as mentioned herein, that is located within the limits of any public right-of-way within the City. The adjacent property owners shall not be responsible for the cost of treatment or removal of any such trees within the public right-of-way and this expense shall be borne by the City at large. (Code 2019)

14-3.8 COSTS ON TAX ROLLS.

The City clerk shall, at the time of certifying other City taxes to the County clerk, certify the unpaid costs for treatment or removal performed under the authority of Sections 14-3.4 through 14-3.6, inclusive, and the County clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the City, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the City. (Code 2019)

14-3.9 INJURING TREES AND SHRUBS.

No person shall willfully break, cut, take away, destroy, injure, mutilate, or attempt to willfully break, cut, take away, destroy, injure, or mutilate any tree, shrub, vine, flower, or landscaping standing, growing, or being upon the premises in the possession of another,

or growing on any public ground, street, sidewalk, promenade, or park in the City. (Code 2019)

14-3.10 FIRE HYDRANTS, PLANTINGS ADJACENT TO.

No person shall plant or cause to be planted nor allow to grow upon property owned by him any shrubs, trees, or planting of any kind within 10 feet of any fire hydrant in the City, in order that every fire hydrant shall be in full view day or night to fire apparatus approaching from any direction. (Code 2019)

ARTICLE 4. STREET NUMBERING

14-4.1 DEFINITIONS.

For the purposes of this Article, the following words shall mean:

- 14-4.1.1 *Apartments* are structures which may include multi-family residences.
- 14-4.1.2 *Business and/or Industry* is an establishment located in some structure which is a purveyor of goods or services.
- 14-4.1.3 *City* is the City of Meade, Kansas.
- 14-4.1.4 *Emergency Services* includes Police, Fire, and Emergency Medical Services.
- 14-4.1.5 *House* is considered as a structure which may contain one or more residences.
- 14-4.1.6 *Residence* is any structure wherein persons live as distinguished from a business or industry.
- 14-4.1.7 *Street Address Numbers* are those identifying numerals which are consistent with identification and are recognized by the Meade County Emergency Preparedness Department and which are the correct numerals to property identify the location of the property within the City of Meade.

14-4.2 MINIMUM REQUIREMENTS.

- 14-4.2.1 Every residence, house, apartment, business and industry within the City shall display assigned street address numbers.
- 14-4.2.2 Street address numbers must be easily seen when viewed from the street or road when traveling in either direction in an Emergency Services vehicle. Obstructions preventing the street address numbers from being seen by Emergency Services workers are prohibited.
- 14-4.2.3 The minimum size for each digit street address number is three (3") inches in height and one-half (½") inches in width.

14-4.3 PROPERTY OWNER'S RESPONSIBILITY.

- 14-4.3.1 The property owner is solely responsible for any injury, damage or death resulting from Emergency Service workers being unable to expeditiously locate the proper building if street address numbers are missing or not in compliance with the above requirements.
- 14-4.3.2 Notwithstanding any provision herein to the contrary, in the event the street address number relied upon for the house, residence,

apartment, business or industry was incorrectly assigned by the Meade County Emergency Preparedness Department, then the property owner is responsible for prompt notification to the City.

14-4.4 PENALTIES.

Any person who violates any provision of this Article shall be deemed responsible for a municipal infraction, subject to payment of a fine of not less than \$10.00 and not more than \$500 per day for each and every day that the property owner has failed to comply with the requirements of this Ordinance.

ARTICLE 1. SALES TAX

15-1.1 SALES TAX ESTABLISHED.

There is hereby levied a city retailers' sales tax in the amount of one-half of one percent (0.5%) for all sales after October 1, 2007. Except as may otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax. (Ord. 800; Code 2019)

15-1.2 SALES TAX ESTABLISHED.

There is hereby levied a city retailers' sales tax in the amount of one-half of one percent (0.5%) for all sales after October 1, 2009. Except as may otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax. (Ord. 812; Code 2019)

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

16-1.1 INCORPORATING STANDARD TRAFFIC ORDINANCE.

16-1.1.1 **STO INCORPORATED.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Meade, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2018, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed in the City code.

16-1.1.2 MODIFICATIONS.

16-1.1.2.1 The following sections shall be omitted from the Standard Traffic Control Ordinance:

- (i) 114.2 – Unlawful Operation of a Micro Utility Truck;
- (ii) 114.4 – Unlawful Operation of a Golf Cart; and
- (iii) 114.5 – Unlawful Operation of a Work-Site Utility Vehicle.

16-1.1.2.2 Court costs shall not be ordered for any traffic infraction contained in Section 85.

16-1.1.3 **OFFICIAL COPY.** No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by City Code 16-1.1," 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. The police department, the municipal judge, the City attorney or prosecutor, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of said Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(Code 2019)

16-1.2 SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

16-1.2.1 An ordinance traffic infraction is a violation of any section of this Article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

- 16-1.2.2 All traffic violations that are included within this Article, and which are not ordinance traffic infractions as defined in Subsection 16-1.2.1, shall be considered traffic offenses.

(Code 2019)

16-1.3 PENALTY FOR SCHEDULED FINES.

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$25.00 nor more than \$1,000.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has not been established in a schedule of fine shall pay a fine fixed by the court not to exceed \$2,500.00. (Sec. 3; Code 2019)

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

16-2.1 APPLICABILITY.

This ordinance shall not prevent the use of “job trailers” or “construction trailers” from being setup at a construction site during construction activities.

16-2.2 DEFINITIONS.

- 16-2.2.1 *Public Officer* means the designated public officer or a law enforcement officer.
- 16-2.2.2 *Recreational vehicle* means a vehicle type unit built on or for a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own mode of power, or is mounted on a chassis, or which can be drawn (pulled) by another vehicle. The term recreational vehicle shall include, but not limited to, motor homes, travel trailers, camper trailers, house trailers, pickup truck campers, hauling trailers, and camper buses.
- 16-2.2.3 *RV Camp* means a recreational vehicle campground.
- 16-2.2.4 *Semi-trailer* means a trailer normally pulled by a semi or tractor truck, whether boxed or with a flatbed, with or without a front axle.
- 16-2.2.5 *Semi-truck* means any truck, pickup truck trailer, tractor or any vehicle whether self-propelled by an engine or motor or whether the same is towed behind or pushed ahead of a motor vehicle when such vehicle or combination of vehicles has a gross weight of 23,000 pounds or more, and is including, but not limited to any construction equipment such as motor patrols or graders, bulldozers or caterpillar type tractors.
- 16-2.2.6 *Yard* means any area extending the full length and width of a lot, including easements and right-of-way's, that is not a building, whether it is covered in grass, dirt, gravel, concrete, asphalt or other material.

(Code 2019)

16-2.3 VIOLATION; DEFINED.

- 16-2.3.1 No person, corporation, partnership, association or business shall park or store a recreational vehicle, longer than seven (7) consecutive days, on any city street or alley for any purpose.
- 16-2.3.2 No person, corporation, partnership, association or business shall park or store a recreational vehicle, longer than seven (7) consecutive days, on a city street, alley, or front, back or side yard

in the City of Meade for the purpose of living or sleeping, other than in a recreational vehicle park.

- 16-2.3.3 No person, corporation, partnership, association or business shall park or store a semi-trailer, on any street, alley, or yard within the corporate limits of the City of Meade.
- 16-2.3.4 No person, corporation, partnership, association or business shall park or store a semi-truck, longer than 48 consecutive hours, on a city street, alley, or front, back or side yard within the corporate limits of the City of Meade.
- 16-2.3.5 No person and/or household, corporation, partnership, association or business shall park or store more than three (3) recreational vehicles or trailers, including, but not limited to, semi-trucks, watercraft trailers, Class I, II, III, IV-V trailers, and gooseneck trailers, or any combination thereof, on any city street or alley.
- 16-2.3.6 No person, corporation, partnership, association or business shall park or store any non-street legal vehicle on any city street or alley. As used in this section, "non-street legal vehicle" refers to any vehicle that does not comply with K.S.A. § 8-1701, et. seq., and amendments thereto.
- 16-2.3.7 No person, corporation, partnership, association or business shall park or store any object on any city street or alley that would interfere with the safe use of any street or alley or impede the ability to clean streets or alleys in any manner.

(Code 2019)

16-2.4 PUBLIC OFFICER; DUTIES.

The Mayor, with the Councils approval, shall designate a public officer to be charged with the administration and enforcement of this ordinance. The public officer may make inquiries and inspections when he or she observes conditions which appear to constitute an ordinance violation. (Code 2019)

16-2.5 RIGHT OF ENTRY.

It shall be a violation of this ordinance to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if an ordinance violation exists. (Code 2019)

16-2.6 NOTICE.

Any person, corporation, partnership, association or business found by the public officer to be in violation of Section 16-2.3 shall be served a notice of such violation. The notice shall be served by certified mail, postage paid, return receipt requested; provided, that if the owner or his or her agent in charge of the property, recreational vehicle, or semi-trailer

is a resident of Meade County, Kansas the notice may be served by the public officer or a law enforcement officer. (Code 2019)

16-2.7 SAME; CONTENTS.

The notice shall state the condition(s) which is (are) in violation of Section 16-2.3. The notice shall inform the land owner, the recreational vehicle owner, or the trailer owner that:

- 16-2.7.1 He, she or they shall have 10 days from the date of receiving the notice to abate the condition(s) in violation of Section 16-2.3 or,
- 16-2.7.2 He, she or they have 10 days from the date of receiving the notice to request a hearing before the governing body of the matter as provided by Section 16-2.9.
- 16-2.7.3 Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 16-2.8.

(Code 2019)

16-2.8 FAILURE TO COMPLY; PENALTY.

Should the person, corporation, partnership, association, or business fail to comply with the notice to abate the condition(s) or request a hearing the public officer or city attorney may file a complaint in the municipal court of the city against such person, corporation, partnership, or association and upon conviction of any violation of provisions of Section 16-2.3, be fined in an amount not to exceed \$500 per day or be imprisoned not to exceed 30 days or be both fined and imprisoned. (Code 2019)

16-2.9 HEARING.

If a hearing is requested within the 10 day period as provided in Section 16-2.8, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by council, and the person and the city may introduce such witnesses and evidence as deemed necessary and proper by the governing body. The hearing need not be conducted according to formal rules of evidence. Upon conclusion of the hearing, the governing body shall make a decision on the issue and provide a written determination to the person in violation by personal service or by restricted mail, postage prepaid, return receipt requested. Every person convicted of a violation of this Section shall be punished as follows:

- 16-2.9.1 Upon a first conviction, a fine of not more than \$100;
- 16-2.9.2 For a second conviction within one year after the first conviction, a fine of not more than \$200; and

- 16-2.9.3 For a third conviction within one year of the first conviction, a fine of not more than \$500 or imprisonment for not more than 30 days or by both such fine and imprisonment.

(Code 2019)

16-2.10 COMPRESSION BRAKING; PROHIBITED.

16-2.10.1 DEFINITION. The term *Jake Brake* as used herein means any device commonly known by that name or any similar device used to slow a motor vehicle by engine compression.

16-2.10.2 PROHIBITED NOISE. It shall be unlawful for the operator of any motor vehicle to use, cause to be used, or allow to be used or operated within the corporate boundary of the City as now established or as may hereinafter be modified and change, any compression brake, exhaust cutout, or other similar device that causes other than ordinary exhaust noise to be emitted from the vehicle.

16-2.10.3 VIOLATION. Every person convicted of a violation shall be punished as follows:

- (i) Upon a first conviction, a fine of not more than \$100;
- (ii) For a second conviction within one year after the first conviction, a fine of not more than \$200;
- (iii) For a third conviction within one year of the first conviction, a fine of not more than \$500 or imprisonment for not more than 30 days or by both such fine and imprisonment.

(Code 2019)

16-2.11 COMMERCIAL VEHICLES.

16-2.11.1 CFR INCORPORATED. There is hereby incorporated by reference for the purpose of regulating commercial traffic within the corporate limits of the City of Meade, Kansas, certain regulations known as the "Federal Motor Carrier Safety Regulations," prepared and published in Code of Federal Regulations at 49 CFR 300–399 by the Government Publishing Office, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, in this City code. (Code 2019)

16-2.11.2 PENALTY. A person tried and convicted for violation of this Section shall pay a fine fixed by the Court not to exceed \$500.00.

16-2.11.3 OFFICIAL COPY. One copy of said Federal Motor Carrier Safety Regulations shall be marked or stamped "Official Copy as Incorporated by City Code 16-2.11.1," 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. The police department, the municipal judge, the City attorney or prosecutor, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of said Federal Motor Carrier Safety Regulations similarly marked, as may be deemed expedient.

(Code 2019)

16-2.12 PARKING IN THE BUSINESS DISTRICT.

- 16-2.12.1 ANGLE PARKING ON WEST PLAINS. Parking on West Plains Street between Fowler Street and Meade Center shall be at a 45-degree angle.
- 16-2.12.2 ANGLE PARKING ON MEADE CENTER. Parking on Meade Center Street between Grant Street and Carthage Street shall be at a 45-degree angle.
- 16-2.12.3 PENALTY. Any person convicted of illegal parking shall be fined in amount not to exceed \$100.00.

(Code 2019)

ARTICLE 3. SPECIAL PURPOSE VEHICLES

16-3.1 DEFINITIONS.

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

- 16-3.1.1 *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.
- 16-3.1.2 *Motor Vehicle* means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.
- 16-3.1.3 *Special Purpose Vehicle* means Work-Site Utility Vehicles, Micro Utility Vehicles, Motorized Scooters, Recreational Off-Highway Vehicles and Golf Carts.
- 16-3.1.4 *Work-Site Utility Vehicle* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. Work-Site Utility Vehicle does not include a Micro Utility Truck or Recreational Off-Highway Vehicle.
- 16-3.1.5 *Micro Utility Truck* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. Micro Utility Truck does not include a Work-Site Utility Vehicle or Recreational Off-Highway Vehicle.
- 16-3.1.6 *Golf Cart* means a motor vehicle that has no less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.
- 16-3.1.7 *Motorized Scooter* shall be defined as a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor.
- 16-3.1.8 *Recreational Off-Highway Vehicle* means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less,

traveling on four or more non-highway tires, having a non-straddle seat and steering wheel for steering control.

16-3.1.9 *City* means the City of Meade, Kansas.

(Code 2019)

16-3.2 **OPERATION WITHIN CITY LIMITS.**

Subject to the restrictions and conditions hereinafter indicated special purpose vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City. (Code 2019)

16-3.3 **LIMITATIONS ON OPERATION.**

No special purpose vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles. (Code 2019)

16-3.4 **DESIGNATED CROSSWAYS.**

No special purpose vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of the Section shall not prohibit a special purpose vehicle from crossing a federal or state highway at a designated crossway. Designated crossways are as follows: Kansas Street and KS-23; Rainbelt Street and KS-23; Park Street and US-54; Baltimore Street and US-54. (Code 2019)

16-3.5 **AGE REQUIREMENT; VALID DRIVER'S LICENSE REQUIRED, PENALTY.**

No person shall operate a special vehicle on any public highway, street, road or alley within the corporate limits of the City unless such person is 18 years of age or older and has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. (Code 2019)

16-3.6 **SAME; INSURANCE REQUIRED; PENALTY.**

Every owner of a special purpose vehicle shall provide liability coverage in accordance with Section 200 of the 2018 Standard Traffic Ordinance, and amendments thereto, or similar Ordinance in effect, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto. All provisions of Section 200 of the 2018 Standard Traffic Ordinance, and amendments thereto, or similar Ordinance in effect, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicle. (Code 2019)

16-3.7 **COMPLIANCE WITH OTHER ORDINANCES.**

Every driver of a special purpose vehicle must abide by and comply with the provisions of Section 16-1.1, incorporating by reference the 2018 Standard Traffic Ordinance, and amendments thereto, or similar ordinance in effect. (Code 2019)

16-3.8 MAXIMUM NUMBER OF PASSENGERS.

It shall be illegal to operate a special purpose vehicle with passengers in excess of that allowed or recommended by the manufacturer of said special purpose vehicle. (Code 2019)

16-3.9 DISPLAY OF SLOW MOVING VEHICLE EMBLEM.

It shall be illegal to operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle. For the purpose of this Section, "slow moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto. (Code 2019)

16-3.10 SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY.

16-3.10.1 Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the City and each calendar year thereafter, the vehicle shall be registered with the City and a license shall be obtained and placed on the rear of the special purpose vehicle. The license fee shall be Thirty-Five Dollars (\$35.00) per calendar year, payable in advance to the City Clerk, Meade, Kansas. For the purpose of this section, calendar year starts on January 1st and ends December 31st of every year. The full amount of the license fee shall be required regardless of the time of year that the application is made.

16-3.10.2 Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the City Clerk. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model, and VIN number, if applicable). Proof of liability insurance, as required in Section 6 shall be furnished at the time of application for registration.

16-3.10.3 Prior to the issuance of the registration and license, each applicant for special purpose vehicle license shall first present such vehicle for an official inspection. The official inspections will be conducted by the Chief of Police. If, upon inspection and completion of the registration application, such vehicle is found to be in safe mechanical condition, and upon establishing proof of liability insurance and payment of the fees herein provided, a license tag shall be issued to the owner. The license shall be displayed in such a manner as to be clearly visible from the rear of the vehicle. The license number on the application will be recorded and then filed with the City Clerk.

- 16-3.10.4 It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.
- 16-3.10.5 The license issued hereunder is NOT transferrable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of the section, the existing license and the right to use the numbered license shall expire, and the license shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.
- 16-3.10.6 In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee and the payment of a fee of Thirty-Five Dollars (\$35.00), shall issue a new license in accordance with the provisions of this section.
- 16-3.10.7 It shall be unlawful for any person to:
- 16-3.10.7.1 Operate, or for the owner thereof knowingly to permit the operation, upon a public street, road, highway, or alley within the corporate limits of the City any special purpose vehicle, as defined herein, which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City for the current registration year.
 - 16-3.10.7.2 Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A mandatory court appearance shall be required of any person violating this subsection.
 - 16-3.10.7.3 Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
 - 16-3.10.7.4 Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
 - 16-3.10.7.5 Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

(Code 2019)

16-3.11 SAME; PENALTY.

Except as specifically provided for otherwise herein, a violation of this Ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or not contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2017 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect. No golf cart may be operated upon any public street, road, or alley with a posted speed limit in excess of 30 miles per hour. (Code 2019)

ARTICLE 4. HAZARDOUS MATERIALS

16-4.1 HAZARDOUS MATERIAL DEFINED.

As used in this Article, the term *hazardous material* shall mean any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, radioactive material, or any substance that due to its nature may cause death, disability or injury upon contact therewith. (Code 2019)

16-4.2 SAME; EXCEPTIONS.

The provisions of this Article shall not apply to any container that shall have a capacity of 150 gallons or less that is used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers, or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers, or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container, or tank by any farmers cooperative, elevator company or farm supply store located within the City limits. (Code 2019)

16-4.3 TRANSPORTATION OF HAZARDOUS MATERIALS.

Except as provided in Section 16-4.4 it shall be unlawful for any person, firm, corporation, or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the City. (Code 2019)

16-4.4 HAZARDOUS MATERIALS ROUTES.

The provisions of Section 16-4.3 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of- ways within the City except those specified within this Section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways: none. (Code 2019)

16-4.5 PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS.

- 16-4.5.1 Except as provided in Subsections 16-4.5.2 and 16-4.5.3, it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi- trailer carrying any hazardous material within any of the following City zoning districts as defined in Chapter 16 of this Code: R-1, R-2, R-4, M-O, MH-1, and MH-2.
- 16-4.5.2 Subsection 16-4.5.1 shall not apply to vehicles, trailers, or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers, or semi-trailers are parked along those routes specified in Section 16-4.4 of this Code.
- 16-4.5.3 Subsection 16-4.5.1 shall not apply to any vehicle, trailer, or semi-trailer carrying any hazardous material where such vehicle, trailer,

or semi-trailer is not parked within 500 feet of any structure used for human habitation.

(Code 2019)

16-4.6 REMOVAL OF ILLEGALLY PARKED TRAILERS.

If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this Article, the chief of police or any law enforcement officer may require the owner, operator, or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to, or prevents correction of a situation threatening imminent injury or damage to persons or property. (Code 2019)

ARTICLE 1. GENERAL PROVISIONS

17-1.1 DEFINITION.

For the purposes of this Article utility services shall include water, gas, electrical, sewer, and the collection or disposal of refuse, trash, garbage and other utility services provided by the City. (Code 2019)

17-1.2 SERVICE CONNECTION REQUIRED.

Each owner, tenant, contract buyer, or other occupant of premises who has electric services provided under this Chapter shall also be required to maintain water, trash, and sewer services. Each owner, tenant, contract buyer, or other occupant of premises served by utility services under this Chapter shall be required to insure that a service connection has been obtained with the City. Any person requesting service connection is required to fill out a service application and provide to the City's representative all information required in the service application including but not limited to, applicant's full name, date service to start, service address, mailing address if different, landlord if applicable, previous address, emergency contact, social security number, driver's license number, home telephone number, work telephone number, employer, employer address, number of children in household, number of other persons in household; and in addition the applicant will be required to show a photo identification to protect the identification of all City applicants. (Code 2019)

17-1.3 TRANSFER OF UTILITIES.

When an existing customer and a new customer request of the City clerk that utility service be transferred from the existing customer to the new customer, the meter at issue will be read and a final bill will be sent to the existing customer. A \$30 fee will be charged for this service. The new customer will pay for utility services received after the reading of the meter. If an application for new service is not completed by the new customer and delivered to the City clerk by the time the meter is read as set forth above, service to the building at issue will be disconnected. (Code 2019)

17-1.4 MONTHLY ELECTRIC AND WATER RATES.

The rates to be charged by the City of Meade, Kansas, each billing month of approximately thirty (30) days for electrical energy and/or water supplied by the Meade Municipal Plant are hereby fixed and determined and shall be as scheduled in the following sections. The unity of measurement shall be one kilowatt hour for electricity and shall be designated as kWh. Water shall be measured in gallons. (Code 2019)

17-1.5 RESIDENTIAL SERVICE.

17-1.5.1 Availability. Available for all domestic uses for separately metered customers adjacent to the City's distribution lines within and outside the corporate limits of the City.

17-1.5.2 Type of Service. Single-phase, 60 cycles, at available voltage.

- 17-1.5.3 Minimum Charge: The minimum monthly charge under the current rate schedule shall be the customer charge.
- 17-1.5.4 Energy Cost Adjustment Clause. In accordance with the energy cost adjustment clause of the City.

(Code 2019)

17-1.6 COMMERCIAL SERVICE.

- 17-1.6.1 Availability. This schedule is available to any separately metered customer adjacent to the City's distribution lines within or outside the corporate limits of the City of commercial purposes.
- 17-1.6.2 Character of Service. Single-or three-phase, 60 cycles, at available voltages.
- 17-1.6.3 Minimum Monthly Charge. The minimum monthly charge under the above rate shall be the higher of the following:
 - 17-1.6.3.1 The customer charge, or
 - 17-1.6.3.2 Based upon the connected load of the customer, the minimum bill shall be \$3.20 per horsepower for 1 to 3 HP and \$0.75 for all excess horsepower.
- 17-1.6.4 Energy Cost adjustment Clause. In accordance with the energy cost adjustment clause of the City.

(Code 2019)

17-1.7 INDUSTRIAL SERVICE.

- 17-1.7.1 Availability. To all electric service of a single character supplied at one point of delivery and used for large industrial manufacturing or commercial purposes.
- 17-1.7.2 Character of Service. Alternating current, sixty (60) cycles, single-or three-phase, at available voltage.
- 17-1.7.3 Minimum Charge. The minimum monthly bill shall be the highest of the following:
 - 17-1.7.3.1 A charge of \$1.00 per kVa of connected transformer capacity.
 - 17-1.7.3.2 The customer charge.
 - 17-1.7.3.3 If the revenue to be derived from or the duration of the prospective business is not of sufficient term to warrant investment of the minimum determined

above, the City may require an adequate monthly bill calculated upon seasonable consideration.

- 17-1.7.4 Determination of Billing Demand. The billing demand shall be the maximum kilowatt demand established by the consumer for any period of fifteen (15) consecutive minutes during the month for which the bill is rendered as indicated or recorded by a demand meter.
- 17-1.7.5 Power Factor Adjustment. The consumer agrees to maintain unity power factor as nearly as practicable. The City reserves the right the measure such power factor at any time. Should such measurements indicate that power factor at the time of maximum demand is less than ninety percent (90%), the demand for billing purposes shall be measured demand increased by one percent (1%) by which the power factor is less than ninety percent (90%).
- 17-1.7.6 Primary Service Discount. If necessary transformers are owned and maintained by the consumer and service is furnished at primary distribution voltage, a discount of five percent (5%) shall apply to the monthly demand and energy charges as set forth in this schedule. However, the City shall have the option of metering at secondary voltages and adding the estimated transformer losses to the metered kilowatt hours and kilowatt demand.
- 17-1.7.7 Energy Cost Adjustment Clause. In accordance with the energy cost adjustment clause of the City.

(Code 2019)

17-1.8 INDUSTRIAL SERVICE, SPECIAL RURAL.

- 17-1.8.1 Availability. This shall be available to all electric service of a single character supplied at one (1) point of delivery and used for large industrial manufacturing or commercial purposes.
- 17-1.8.2 Character of Service. Alternating current, sixty (60) cycles, single- or three-phase, at available voltage.
- 17-1.8.3 Minimum Charge. The minimum monthly bill shall be the highest of the following:
 - 17-1.8.3.1 A charge of \$1.00 per kVa of connected transformer capacity.
 - 17-1.8.3.2 The customer charge.
 - 17-1.8.3.3 If the revenue to be derived from or the duration of the prospective business is not of sufficient term to warrant investment on the minimum determined

above, the City may require an adequate monthly bill calculated upon reasonable consideration.

- 17-1.8.4 Determination of Billing Demand. The billing demand shall be the maximum kilowatt demand established by the consumer for any period of fifteen (15) consecutive minutes during the month for which the bill is rendered as indicated or recorded by a demand meter.
- 17-1.8.5 Power Factor Adjustment. The consumer agrees to maintain unity power factor as nearly as practicable. The City reserves the right to measure such power factor at any time. Should such measurements indicate that power factor at the time of maximum demand is less than ninety percent (90%), the demand for billing purposes shall be measured demand increased by one percent (1%) for each one percent (1%) by which the power factor is less than ninety percent (90%).
- 17-1.8.6 Primary Service Discount. If necessary transformers are owned and maintained by the consumer and service is furnished at primary distribution voltage, a discount of five percent (5%) shall apply to the monthly demand and energy charges as set forth in this schedule. However, the City shall have the option of metering at secondary voltages and adding the estimated transformer losses to the metered kilowatt hours and kilowatt demand.
- 17-1.8.7 Energy Cost Adjustment Clause. In accordance with the energy cost adjustment clause of the City.

(Code 2019)

17-1.9 SERVICE SURCHARGE FOR OUTSIDE-THE-CITY-LIMITS

The electric rate for customers outside the corporate limits shall be under the applicable rates shown on the rate schedule.

17-1.10 ENERGY COST ADJUSTMENT CLAUSE.

- 17-1.10.1 Applicable. Applicable to all electric rate tariffs.
- 17-1.10.2 Computation Formula. The rate for energy where this adjustment is applicable shall be increased or decreased according to the following formula:

$$17-1.10.2.1 \quad \text{Adjustment (in } \phi \text{ kWh)} = C - B$$

Where:

C= The aggregate of the fuel and lubrication agent costs at City's municipal plant and cost for any power purchased from an outside power supplier divided by the kWh sold during that month.

B= Base of the fuel/lubrication cost and purchased power cost for the base period of 2007. This cost is listed on the current rate schedule.

- 17-1.10.3 Frequency of Computation. This adjustment shall be computed no more frequently than once each month.

(Code 2019)

17-1.11 TEMPORARY SHORT-TERM SERVICE.

- 17-1.11.1 Character of Service. Such voltage and type of service as is available at the requested location or at the discretion of the City may be available.
- 17-1.11.2 Availability. This schedule is available to any separately metered customer adjacent to the City's distribution lines using standard electric service under conditions that do not permit, or are undesirable for the installation of a permanent service, for building construction, sanding, shows, exhibits, camp meetings and other temporary services. PROVIDED: That the temporary short-term service will be supplied only under conditions approved by the City of Meade, Kansas.
- 17-1.11.3 Rate. The rates shall be those established for residential or commercial purposes, or for three-phase power.
- 17-1.11.4 Connection and Disconnection Charge. Deposit required. Any customer taking electrical energy under any temporary short-term arrangement where the service is immediately adjacent to the City's distribution lines, and requires no special facilities or construction shall pay the City a connection fee of \$30.00 which shall not be refundable. Except where contractors apply for a temporary service and such temporary service shall be converted to a permanent service, then Section 17-1.15 shall apply.

Any customer taking electrical energy under any temporary short-term arrangement and the service is not immediately adjacent to the City's distribution lines, or requires special facilities or construction shall pay the City its cost incident to making such temporary service available plus the City's cost for removal of any such temporary facilities.

At the time of making application for any temporary short-term service the applicant-customer shall make the cash deposit required as security for the payment of service bills, and in addition thereto, shall deposit cash in an amount sufficient to secure the incident to making such temporary service available plus the City's estimated costs for removal and of any such temporary facilities except in cases where a fixed connection fee has been established: PROVIDED, ALL SUCH ESTIMATED COST FOR MAKING

AVAILABLE AND REMOVAL OF TEMPORARY SHORT-TERM SERVICES SHALL BE MADE BY THE City Administrator and transmitted to the City Clerk.

(Code 2019)

17-1.12 WATER RATES.

Available for all customers adjacent to the City's water distribution lines within or outside the corporate limits of the City for separately metered accounts. (Code 2019)

17-1.13 MISCELLANEOUS SERVICE.

For miscellaneous and tank sales not delivered to a service connection attached to the municipal water works distribution system.

17-1.13.1 Rate: All such water sold or delivered shall be at the rate determined on the current rate schedule sheet passed by the city council. PROVIDED: That the sale or delivery shall be regulated through meter at the City Water Dock at the Meade Power Plant within the corporate limits of said City and under such rules and regulations as may be established by the City Administrator.

(Code 2019)

17-1.14 DUE DATE.

That all bills for electric, water, and other services shall be due and payable on the first day of the month succeeding the month which service is furnished, or the meter read, and if said bills are not paid by or on the 10th day of the month, provided such 10th day does not fall on a Sunday or legal holiday, in which case the day following said Sunday or legal holiday classed as delinquent. If said bills have become due at the place or places for such payments to be made and have become delinquent, a penalty of ten percent (10%) shall be added to each delinquent bill. (Code 2019)

17-1.15 NOTICE AND HEARING ON DELINQUENCY AND TERMINATION.

Delinquency and termination notice shall be issued five (5) days after the bill is delinquent. The delinquency and termination notice shall provide the customer with the record of the following information: (1) the amount due on the unpaid balance, (2) the customer's right to a hearing before the governing body of the City on the second meeting of the month at the regular scheduled time, and (3) notice that the service will be terminated on the fourth Tuesday of the month at 10:00 a.m. if the bill remains unpaid.

If the customer of record is not the occupant where electrical service is provided, then the department shall provide similar notification to the occupant. The request for a hearing must be made no later than three (3) working days before the date of discontinuance. Such hearing will be conducted by the governing body of the City, or the designee of the governing body. The department is authorized to discontinue and disconnect electrical services for any customer who shall be delinquent in the payment of bills. Customers are responsible for furnishing the department with their correct address for billing purposes.

The City shall not charge any disconnect fees for termination of any service. However, if any service is terminated for non-payment or delinquency, the City shall charge a connect fee of \$60.00, and collect a deposit in accordance with Section 16 hereof before service resumes. Except as provided herein all other connect fees shall be charged by the City at the rate of \$30.00 before service resumes. In addition to the connect charges provided for herein, connects after regular business hours shall pay an additional \$50.00 before service resumes. (Code 2019)

17-1.16 OBJECTIONABLE LOADS.

The City shall not be required to furnish or continue service installations the operation of which causes disturbance on the City's distribution system or is of such a character as to impair the satisfactory operation of the entire system or portion thereof. (Code 2019)

17-1.17 COMBINED BILLING PROHIBITED.

Where service for a customer is measured through more than one meter wither at the same location or two or more locations, the minimum monthly charge and billing for energy and/or water consumed shall be computed and billed for each meter separately. PROVIDED: That this shall not apply in the case of replacement of defective meters. (Code 2019)

17-1.18 SPECIAL CONTRACTS.

That this ordinance shall not limit the right of the City to negotiate separate contracts for supplying electricity and/or water to its citizens and others, within and without the City, on such terms as may be deemed advisable and approved by the governing body. (Code 2019)

17-1.19 SERVICE DEPOSITS.

If a prospective customer provides a co-signor or guarantor satisfactory to the City, which co-signor or guarantor is a customer of the City with twelve (12) months of previous non-delinquent pay history and in good standing with the City, then no security deposit shall be required of the prospective customer for the purpose of securing the payment of final service bills. Furthermore, if a prospective customer agrees to the City conducting delinquencies within the last twenty-four (24) months, the City shall not require a cash security deposit of such customer, however, if such report indicates any thirty (30) day delinquencies within the last twenty-four (24) months, a cash security deposit for service required shall be paid by a prospective customer to the City before services made available for the purpose of securing the payment of final service bills. The amount of the cash security deposit required shall be an amount equivalent to the monthly average for the preceding twelve (12) months of service multiplied times two (2), but in no case shall the cash security deposit to secure the payment of any service bills be less than \$150.00. Notwithstanding anything contained herein to the contrary, when cash security deposits are insufficient to fully secure payment of all service bills for any two (2) month period, or when any service is terminated for non-payment or delinquency, the City may require such additional deposits as are reasonable and necessary to fully secure all service bills. (Code 2019)

17-1.20 THE CITY LIMITS ITS LIABILITY.

The City of Meade will not be held liable or responsible for any damages resulting from the discontinuance of any service for non-payment of bills, provided, that any elected official or employee failing to comply with the provisions of this ordinance shall be subject to suspension. (Code 2019)

17-1.21 RATE SCHEDULE.

The city council shall approve a separate rate schedule for all current water and electric rates. (Code 2019)

17-1.22 TAMPERING WITH METER.

It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that electricity supplied by the City may be used or wasted without being metered. It shall be unlawful for any person except an authorized employee of the City to turn any meter on or off. (Code 2019)

ARTICLE 2. SEWERS

17-2.1 DEFINITIONS.

Unless the context clearly indicates otherwise, the meaning of words and terms as used in this Article shall be as follows:

- 17-2.1.1 *ASTM* shall mean the American Society for Testing Materials.
- 17-2.1.2 *B.O.D.* (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20oC. expressed in milligrams per liter.
- 17-2.1.3 *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste; and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- 17-2.1.4 *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- 17-2.1.5 *Combined sewers* meaning sewers receiving both surface run-off and sewage are not permitted.
- 17-2.1.6 *Garbage* shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- 17-2.1.7 *Industrial wastes* shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- 17-2.1.8 *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 17-2.1.9 *Person* shall mean any individual, firm, company, association, society, corporation, or group.
- 17-2.1.10 *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per later of solution.
- 17-2.1.11 *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than ½-inch in any dimension.
- 17-2.1.12 *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

- 17-2.1.13 *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 17-2.1.14 *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.
- 17-2.1.15 *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 17-2.1.16 *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- 17-2.1.17 *Sewer* shall mean a pipe or conduit for carrying sewage.
- 17-2.1.18 *Shall* is mandatory, may is permissive.
- 17-2.1.19 *Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 17-2.1.20 *Superintendent* shall mean the individual who shall be appointed by the Governing Body of the City to operate and manage the Sewage Works of said City. The Superintendent shall serve until reappointment or until a successor is appointed.
- 17-2.1.21 *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.
- 17-2.1.22 *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Code 2019)

17-2.2 USE OF PUBLIC SEWERS REQUIRED.

- 17-2.2.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City any human excrement, garbage, or other objectionable waste. (Code 2019)
- 17-2.2.2 It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. (Code 2019)

- 17-2.2.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. However, an exception may be made upon application, notice, hearing, and decision of the City Council of the City under unusual circumstances unless the City finds that such should not be used because of sanitation or other reasons. (Code 2019)
- 17-2.2.4 The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this resolution, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. (Code 2019)

17-2.3 PRIVATE SEWER DISPOSAL.

- 17-2.3.1 Where a public sanitary sewer is not available under the provisions of Section 17-2.2.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. (Code 2019)
- 17-2.3.2 Before commencement of construction of a private sewage disposal system the owner shall first apply for and obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Fifteen (\$15.00) Dollars for a private sewage disposal system shall be paid to the City clerk at the time the application is filed. (Code 2019)
- 17-2.3.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent. (Code 2019)
- 17-2.3.4 The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Division of Sanitation, Kansas Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre (43,560 square feet).

No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. (Code 2019)

- 17-2.3.5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Code 2019)
- 17-2.3.6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. (Code 2019)
- 17-2.3.7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Code 2019)
- 17-2.3.8 When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Code 2019)

17-2.4 CONNECTIONS; CONSTRUCTION.

- 17-2.4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City of Meade, Kansas. (Code 2019)
- 17-2.4.2 There shall be three (3) classes of building sewer permits: (1) for residential service, (2) for commercial service, and (3) for service to establishments producing industrial wastes. In all cases, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit and inspection fee of Fifteen (\$15.00) Dollars shall be paid to the City clerk at the time the application is filed. (Code 2019)
- 17-2.4.3 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner, including, but not limited to, any environmental damage that may occur on neighboring properties and casements as a result of the activity commenced by the owner or his workers. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 2019)
- 17-2.4.4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of

another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Code 2019)

- 17-2.4.5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City to meet all requirements of this ordinance. (Code 2019)
- 17-2.4.6 The building sewer shall be cast iron soil pipe or plastic pipe. Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints, or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the City. (Code 2019)
- 17-2.4.7 The size and slope of the building sewer shall be subject to the approval of the City but in no event shall the diameter be less than four (4) or six (6) inches. The slope of such 6-inch pipe shall be not less than one-eighth ($1/8$) inch per foot. If 4-inch pipe is allowed, one-fourth ($1/4$) inch per foot slope should be the minimum for that size connection. (Code 2019)
- 17-2.4.8 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, including cleanout fittings. (Sec. 408; Code 2019)
- 17-2.4.9 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. The use of any pumping equipment, for which cross-connections with a public water supply system are needed, is prohibited. (Code 2019)
- 17-2.4.10 All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected. (Code 2019)

17-2.4.11 JOINTS.

- 17-2.4.11.1 All joints and connections shall be made gastight and watertight.
- 17-2.4.11.2 Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- 17-2.4.11.3 All joints in or between such pipe and metals shall be made with approved hot-poured or cold formed asphaltic jointing material as specified below.
- 17-2.4.11.4 Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subject to a temperature of one hundred sixty (160°) degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.
- 17-2.4.11.5 See sewer system specifications for jointing compounds and other pertinent information of either hot poured or cold asphaltic materials were specified. Other jointing materials and methods may be used only if approved by the Kansas Department of Health and Environment.

(Code 2019)

- 17-2.4.12 The connection of the building sewer into the public sewer shall be made at the Wye branch, if such branch is available at a suitable location. If no properly located Wye branch is available, the owner shall, at his expense, install a Wye branch in the public sewer at the location specified by the City. (Code 2019)
- 17-2.4.13 The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representatives. (Code 2019)
- 17-2.4.14 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory. (Code 2019)

- 17-2.4.15 Connection with the mains or laterals of the sewer system, direct or indirect, may be provided to property owners in the City of Meade, Kansas. Charge for such connection shall be an amount equal to the actual cost of labor and materials for such connection.

For the purposes of this Section, a mobile home is to be considered a single family dwelling.

(Code 2019)

- 17-2.4.16 Abandoned connections or connections for structures that have been torn down are required to be disconnected from the main and patched back according to city specifications and approval. (Code 2019)

- 17-2.4.17 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(Code 2019)

17-2.5 USE OF PUBLIC SEWERS.

- 17-2.5.1 No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewers. (Code 2019)

- 17-2.5.2 Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (i) Any liquid or vapor having a temperature higher than 150° F.
- (ii) Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) parts per million or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to 65o C).
- (iii) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid gas.

- (iv) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0176 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (v) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
- (vi) Any waters or wastes having a pH lower than (5.5) or higher than (9.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (vii) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (viii) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or that may degrade the quality of the treated sewage.
- (ix) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 2019)

- 17-2.5.3 The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 502, or (d) having an average daily flow greater than ten (10) percent of the average daily sewage flow of the City shall be subject to the review and approval of the City. Where necessary, in the opinion of the City, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 502, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specification,

and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City and of the Kansas Department of Health and Environment, and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Code 2019)

17-2.5.4 Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. (Code 2019)

17-2.5.5 When required by the City, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Code 2019)

17-2.5.6 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents' limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Code 2019)

17-2.6 POWERS AND AUTHORITIES OF INSPECTORS.

17-2.6.1 The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Code 2019)

- 17-2.6.2 The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Code 2019)

17-2.7 COLLECTION AND DISBURSEMENT OF CHARGES AND FEES.

- 17-2.7.1 The monthly sewerage rates to be charged and collected for the use of and services rendered by the Sewage Disposal System of the City, to customers or users of said Sewage Disposal System, including all persons, firms, corporations, organizations, city departments, or institutions, and others whose premises are connected or may hereafter be connected directly or indirectly to the City's Sewage Disposal System shall be at the following rates:

- (i) A charge of \$8.00 per month for the first 5,000 gallons, and then an additional rate of \$.096 per 1,000 gallons for which use and service of the sewage system was utilized.
- (ii) A connection fee of \$50.00 per tap and connection into the public sewer.

(Code 2019)

- 17-2.7.2 Each user in Section 17-2.7.1 having a sewer connection directly or indirectly with the City's Sewage Disposal System and discharging therein sewage of such volume, type or character as to contribute more than ten (10) percent of the design capacity of the sewage treatment facility shall pay an additional service charge; such fair and equitable sewage charges and amounts shall be fixed by the governing body of the City, taking into consideration the sewage burden aforesaid. If the quantity or type and character of such sewage discharge into such system shall render it difficult to establish a fair and equitable sewage charge, the customer shall, at his job cost and expense, install and maintain in good operating condition suitable meters or measuring and sampling devices of standard type and design for the characteristics of the sewage and measure the customer's sewage discharge and shall permit the Superintendent and representatives of the City to read such meter or measuring devices, and sewage charges for such customer shall be established in accordance with such metering records and/or sampling analysis. (Code 2019)

- 17-2.7.3 The collection and billing of sewer use charges will be made on statements issued to the user for the use of the City's Sewage

Disposal System, and there shall be included on said statement the item "sewer use fee". Opposite such item or items, there shall be the appropriate fee based on the above rates. (Code 2019)

- 17-2.7.4 Charges for the Sewage Disposal System shall be billed on the statement rendered for the same and the bill for charges under this ordinance shall be payable as billed. Payment of charges shall be made by the sixth day of the following month billed. All accounts not paid by the sixth day of the following month billed shall be considered past due. A late charge of ten (10) percent shall be assessed to accounts past due. All accounts thirty (30) or more days past due shall be considered delinquent. In the event any person, firm, corporation, organization, institution, or any other user within the City using said Sewage Disposal System neglects, fails or refuses to pay the service charges fixed by the Governing Body of said City for the use and the services provided by the Sewage Disposal System, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the City clerk to the County Clerk of the County in which said City is located, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible, and said City is authorized to refuse any delivery of water through the pipes and mains of any city's waterworks system until such time as such charges are fully paid. (Code 2019)
- 17-2.7.5 Applications for sewer service shall be filed with the Superintendent on the form to be supplied by the City. All applications filed after the commencement of the operation of the system shall be accompanied by the connection fee referred to in Section 701 (d) above, plus any such connection costs as are estimated by the Superintendent of Sewage Works. (Code 2019)
- 17-2.7.6 Upon thirty (30) days written notice to the City of Meade, Kansas, of the discontinued use of the sewer by a user because of the destruction or permanent abandonment of the improvements, the user's obligation to pay monthly sewage use charges may be terminated at the discretion of the City. (Code 2019)
- 17-2.7.7 The City may review annually the user charge system and revise the charges, as necessary; to maintain the proportioned distribution of operation, maintenance and replacement (OM&R) costs among users and user classes and insure adequate revenues to pay the costs of OM&R. (Code 2019)
- 17-2.7.8 The City may apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly. (Code 2019)
- 17-2.7.9 SEWAGE FUND. The amounts billed and collected for sewage service from all users shall be segregated in a separate fund designated as the Sewage Fund, to be used for paying the costs of

operation, maintenance, upgrade, replacement and administration of the sewer works. (Code 2019)

- 17-2.7.10 Application for sewer service or continued use of the wastewater treatment system by customers outside the City's limits not governed by an inter-municipal agreement shall constitute a contract between the customer and the City under which the City provides service and the customer is bound by the rules and regulations governing the use of the City's wastewater treatment system, the user charge system and, if applicable, the industrial cost recovery system as established. (Code 2019)

17-2.8 VIOLATIONS; PENALTY.

- 17-2.8.1 Any person found to be violating any provision of this Code shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Code 2019)
- 17-2.8.2 Any person who shall continue any violation beyond the time limit provided for in the notice required pursuant to Section 17-2.8.1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (\$100.00) dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense. (Code 2019)
- 17-2.8.3 Any person violation any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Code 2019)

ARTICLE 3. SOLID WASTE

17-3.1 DEFINITIONS.

Unless the context clearly indicates otherwise, the meaning of words and terms as used in this Article shall be as follows:

- 17-3.1.1 *Commercial waste* means all refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments, and nursing homes.
- 17-3.1.2 *Dwelling unit* means any enclosure, building or portion thereof occupied by one or more persons for and as living quarters.
- 17-3.1.3 *Garbage* means waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking, and serving of meat, produce and other foods and shall include unclean containers.
- 17-3.1.4 *Multi-family unit* means any structure containing more than four individual dwelling units.
- 17-3.1.5 *Refuse* means all garbage and/or rubbish or trash.
- 17-3.1.6 *Residential* means any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes.
- 17-3.1.7 *Rubbish or trash* means all nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings, and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.
- 17-3.1.8 *Single dwelling unit* means an enclosure, building or portion thereof occupied by one family as living quarters.
- 17-3.1.9 *Solid waste* means all non-liquid garbage, rubbish, or trash.

(Code 2019)

17-3.2 COLLECTION.

All solid waste accumulated within the City shall be collected, conveyed, and disposed of by the City or by contractors specifically authorized to collect and dispose of solid waste.
(Code 2019)

17-3.3 CONTRACTS.

The City shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 2019)

17-3.4 DUTY OF OWNER, OCCUPANT.

The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this ordinance. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the City unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard. (Code 2019)

17-3.5 CONTAINERS.

Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 2019)

17-3.6 BULK CONTAINERS.

On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices that are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material that is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weatherproof construction. (Code 2019)

17-3.7 ENTER PRIVATE PREMISES.

Solid waste collectors, employed by the City or operating under contract with the City, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Article. (Code 2019)

17-3.8 OWNERSHIP OF SOLID WASTE.

Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates shall be vested in the City and thereafter shall be subject to the exclusive control of the City, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the City. (Code 2019)

17-3.9 WRAPPING GARBAGE.

All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 2019)

17-3.10 HEAVY, BULK WASTE.

Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky or heavy materials shall be disposed of at the expense of the owner or person controlling same. (Code 2019)

17-3.11 HAZARDOUS MATERIALS.

No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (i) Explosive materials;
- (ii) Rags or other waste soaked in volatile and flammable materials;
- (iii) Chemicals;
- (iv) Poisons;
- (v) Radio-active materials;
- (vi) Highly combustible materials;
- (vii) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease; and
- (viii) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.

(Code 2019)

17-3.12 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

- (i) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
- (ii) Interfere in any manner with employees of the City or its contractors in the collection of solid waste;
- (iii) Burn solid waste except in an approved incinerator, unless a variance has been granted and a written permit obtained from the City or the appropriate air pollution control agency; or

- (iv) Bury refuse at any place within the City except that lawn and garden trimmings may be composted.

(Code 2019)

17-3.13 OBJECTIONABLE WASTE.

Manure from cow lots, stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste oils from garages or filling stations, shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this Article and applicable State and federal law. (Code 2019)

17-3.14 UNAUTHORIZED DISPOSAL.

No person shall haul or cause to be hauled any garbage, refuse, or other waste material of any kind to any place, site or area within or without the limits of the City unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 2019)

17-3.15 CLOSED VEHICLE.

Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Said vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. (Code 2019)

17-3.16 RULES AND REGULATIONS.

The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this Article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the City, and providing for a proper fee to be charged to the customer. (Code 2019)

17-3.17 CHARGES.

The City shall establish and collect a solid waste charge to defray the cost and maintenance of the collection and disposition of solid waste within the City.

<u>Type</u>	<u>Monthly Charge</u>
Residential	\$22.63

Each household is allowed two (2) poly-karts or three (3) 30-gallon trash containers with lids; there will be a \$5.00 charge for each additional poly-cart or trash container. These amounts are subject to change upon increases from any contractor engaged for the purpose of collecting solid waste. (Code 2019)

17-3.18 DELINQUENT ACCOUNT.

In the event the owner or occupant of any property shall fail to pay the solid waste bills within six (60) days following the date upon which it becomes due, the City clerk shall annually certify such unpaid bills to the County clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 2019)

ARTICLE 4. WATER CONSERVATION

17-4.1 PURPOSE.

The purpose of this Article is to provide for a progressive water supply conservation program, including the declaration of a water supply watch, warning, or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared by the Governing Body of the City. (Code 2019)

17-4.2 DEFINITIONS.

- 17-4.2.1 *Water* as used in this Article, shall mean water available to the City of Meade for treatment by virtue of the City's water rights, water supply, water supply contracts or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- 17-4.2.2 *Customer* as used in this Article, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- 17-4.2.3 *Waste of water* as used in this Article, includes, but is not limited to, permitting water to escape down a street, roadway or other surface intended for vehicle driving purposes, and /or any gutter, ditch, or other surface drain; or failure to repair a controllable leak of water due to defective plumbing.

(Code 2019)

17-4.3 CLASSES OF WATER USAGE.

The following classes of uses of water are established for the purposes of this Article:

- 17-4.3.1 CLASS 1: Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- 17-4.3.2 CLASS 2: Water used for any commercial, agricultural, or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests while such employees are engaged in the performance of their duties at their place of employment.
- 17-4.3.3 CLASS 3: Domestic usage, other than that which would be included in either classes 1 or 2.

- 17-4.3.4 CLASS 4: Water necessary only to sustain human life and the lives of domestic livestock pets and maintain standards of hygiene and sanitation.

(Code 2019)

17-4.4 WATER DECLARATIONS.

In the event that the Governing Body of the City or the City's designated official determines that the City's water supply may be subject to a shortage in supply or the Governing Body of the City determines there is need for conservation of City's water resources for any reason, the City may begin the progressive three stage water conservation program by declaring a water watch as described herein, or in times of need and/or duress, the Governing Body of the City may choose to declare any stage of the program at any time:

- 17-4.4.1 STAGE 1: DECLARATION OF WATER WATCH. Whenever the Governing Body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper. (Code 2019)
- 17-4.4.2 STAGE 2: DECLARATION OF WATER WARNING. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper. (Code 2019)
- 17-4.4.3 STAGE 3: DECLARATION OF WATER EMERGENCY. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper. (Code 2019)

17-4.5 VOLUNTARY CONSERVATION MEASURES.

Upon the declaration of a water watch or water warning as provided in Sections 17-4.4.1 or 17-4.4.2, the mayor (or the City manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (i) Class 1 uses of water; and or
- (ii) Waste of water.

(Code 2019)

17-4.6 MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water supply emergency as provided in Section 17-4.4.3, the Mayor (or the City manager or authorized City official) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

- (i) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- (ii) Restrictions on the uses of water in one or more classes of water use as described in Section 17-4.3, wholly or in part;
- (iii) Restrictions on the sales of water at coin-operated facilities or sites;
- (iv) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (v) Complete or partial bans on the waste of water; or
- (vi) Any combination of the measures in this Section as the Governing Body of the City or authorized City official may deem appropriate and /or necessary.

(Code 2019)

17-4.7 EMERGENCY WATER RATES.

Upon the declaration of a water supply emergency as provided in Section 17-4.4, the Governing Body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (i) Higher charges for increasing usage per unit of use (increasing block rates);

- (ii) Uniform charges for water usage per unit of use (uniform unit rate); or
- (iii) Extra charges in excess of a specified level of water use (excess demand surcharge).

(Code 2019)

17-4.8 REGULATIONS.

During the effective period of any water supply emergency as provided for in Section 17-4.4, the mayor (or City manager or water superintendent or other authorized City official) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the Governing Body at its next regular or special meeting. (Code 2019)

17-4.9 VIOLATIONS, DISCONNECTIONS AND PENALTIES.

17-4.9.1 If the Mayor, City manager, water superintendent, or other authorized City official or officials charged with implementation and enforcement of this Article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 17-4.5 or 17-4.6 of this Article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable for such correction, cure, or abatement under the circumstances. In the event the order is not cured within the time period given in the notice, the City may terminate water service to the customer subject to the following procedures:

- (i) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation(s) and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Governing Body or a City official designated as a hearing officer by the City Governing Body;
- (ii) If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the City Governing Body or the City official designated as a hearing officer by the City Governing Body before termination is ordered; and
- (iii) The City Governing Body or the City official designated as a hearing officer by the City Governing Body shall make

findings of fact and order whether service should continue or be terminated.

- 17-4.9.2 A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to this Section. In the event of subsequent violations, the reconnection fee shall be \$200.00 on the second reconnection and \$300.00 for any subsequent additional reconnections within a one year period.
- 17-4.9.3 Violations of this Article shall be a municipal offense and may be prosecuted in municipal court. any person so charged and found guilty in municipal court of violating the provisions of this Article shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory minimum fine of \$200.00. In addition, such customer shall serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days.

(Code 2019)

17-4.10 EMERGENCY TERMINATION.

Nothing in this Article shall limit the ability of any properly authorized City official from terminating the supply of water or to ask for voluntary reductions in water use to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the water supply or the health and safety of the public or for any other emergency as required or authorized by ordinance or as deemed necessity of the City by such City official or the Governing Body of the City. (Code 2019)

17-4.11 SEVERABILITY.

If any provision of this Article is declared unconstitutional, or the application thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the article and its applicability to other persons and circumstances shall not be affected thereby. (Code 2019)

ARTICLE 1. ZONING REGULATIONS

18-1.1 CITY ZONING REGULATIONS INCORPORATED.

There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the Governing Body of the City of Meade, Kansas, as prepared by the City and consisting of Ordinance No. 814, and amendments thereto, and entitled, "Zoning Ordinance of the City of Meade, Kansas." One copy of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Meade" and to which there shall be a published copy of this Section attached, shall be filed with the City clerk to be open for inspection and available to the public at all reasonable business hours. (Code 2019)

