

AN ORDINANCE VACATING A PART OF CHAPIN'S ADDITION, AN ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RESERVATION TO THE CITY OF GARNETT AND TO OTHER PUBLIC UTILITIES ANY RIGHTS-OF-WAY AND EASEMENTS WHICH MAY BE IN EXISTENCE AT THE TIME OF THE ADOPTION OF THIS ORDINANCE AND FOR RECORDING OF SAID ORDINANCE AS A PUBLIC RECORD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS.

Section 1. That the following described real estate, to-wit:

Lots One (1), to Twelve (12), inclusive except the south 20 feet of said Lot One (1), Block Two (2), Chapin's Addition,

be vacated as lots and block, which addition was duly platted, the said plat of said addition being dated May 6, 1869 and shown and recorded at Page 12, PLAT BOOK, Office of Register of Deeds, Anderson County, Kansas.


Section 2. That the area covered by the above described lots and block, except for the real estate noted above, has been included in a subsequent plat and addition to the City of Garnett, Kansas and that the above described lots and block in said addition should be vacated.

Section 3. That within a period of thirty (30) days after publication of this ordinance as provided by law, one or more interested persons may file a written protest to said vacation of said lots and block in the Office of City Clerk of Garnett, Kansas and unless a written protest is filed within said 30 days said ordinance shall become effective.

Section 4. That a certified copy of this ordinance, after the same becomes effective, shall be filed by the City Clerk in the Office of County Clerk and Office of Register of Deeds, Anderson County, Kansas and placed of record as provided by law.

Section 5. This ordinance shall take effect and be in force after publication in the Anderson Countian, the official newspaper of the City of Garnett, Kansas and after the expiration of the time as provided in Section 3 hereof.

Passed and approved this 10th day of January, 1973.



Robert L. Powers
Mayor

ATTEST:



R. G. Doran
City Clerk

ORDINANCE NO. 2217

AN ORDINANCE AMENDING TITLE 10, TRAFFIC, CHAPTER 10, TRUCKS BY AMENDING SECTION 10-10-1, TRUCK ROUTE, PROVIDING FOR A PENALTY FOR VIOLATION, AND AMENDING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. Amend. Section 10-10-1 of the City Code of Garnett, Kansas is hereby amended.

Section 2. Truck Route. All trucks, tractors and semi-trailers with over two axles shall follow the marked truck routes; provided, however, that any such truck, tractor and semi-trailer or trailer used for the purpose of making deliveries to or from any point in said City should follow the marked truck routes to a point nearest its destination and return to said truck routes therefrom by the shorter practical route.

Section 3. Penalty. Any person who is convicted of a violation of this Section shall be deemed guilty of a misdemeanor and shall be fined a sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, and each day's failure, neglect and refusal to comply with the conditions of this Ordinance shall be deemed a separate and distinct offense.

Section 4. Conflicts. All ordinances and parts of ordinances of said City of Garnett in conflict herewith be and the same are hereby amended.

Section 5. Effective Date. This ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the Official City Newspaper.

PASSED and APPROVED this 14th day of February, 1973.

M. E. Payne
Acting Mayor

Attest:

R. G. Doran
R. G. Doran, City Clerk

AN ORDINANCE AMENDING TITLE IV, CHAPTER FOUR, SECTION 4-4-7, 4-4-8 and 4-4-9 OF THE CITY CODE OF THE CITY OF GARNETT, PROVIDING FOR A DELINQUENCY DATE AND CHARGES, TURN-OFF DATE, AND TURN-ON CHARGES FOR THE MUNICIPAL UTILITIES, AND REPEALING ORDINANCE NUMBER 2099 IN ITS ENTIRETY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. Sections 4-4-7, 4-4-8 and 4-4-9 of Title IV, Chapter Four of the City Code of the City of Garnett are hereby amended as follows:

Section 4-4-7: Delinquency Date and Charges.

All utility service charges, to include electric, water, gas and sewer service, shall be due and payable at the Office of the City Clerk on the first day of the calendar month following the last day of the use month for which the charge is due and payable, and same shall become delinquent on the fifteenth day of that calendar month. If said utility charges are not paid before the fifteenth day of that month, there shall be added a penalty of five percent (5%) on amounts below two hundred dollars (\$200) and an additional two percent (2%) on those amounts above two hundred dollars (\$200) of the unpaid amount of said delinquent charge, which shall be collected as part of said delinquent charge.

Section 4-4-8. Utilities to be shut-off for nonpayment of bills.

In case of the failure of any person to pay the electric, water, gas or sewerage charge against any building, structure or premises owned or occupied by him, or in his possession, charge or control, the utilities on such premises shall be shut-off by the 25th day of the month due and shall not be turned on until all utility bills and claims by the City shall have been paid in full including the charge of five dollars (\$5.00) for turning on the utilities on all such premises.

Section 4-4-9. Enforcement of payment of utility bills.

In the event that any utility bill remains unpaid for more than thirty (30) days after the day upon which same is due and payable to the City, the City Manager is hereby authorized to utilize all legal and feasible civil actions to recover the monies due for services rendered. Any such judgement shall be enforced in accordance with the law.

Section 2. Repeal. Ordinance Number 2099 and any other ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official City newspaper, the Anderson Countian.

PASSED and APPROVED this 14th day of February, 1973.

M. E. Bayne
Acting Mayor

Attest:

R. G. Doran
City Clerk

ORDINANCE NO. 2219

AN ORDINANCE AMENDING TITLE IV, CHAPTER 7, OF THE CITY CODE OF THE CITY OF GARNETT, ESTABLISHING UTILITY SERVICE CONNECTION FEES FOR ALL MUNICIPAL UTILITIES AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. Title IV, Chapter 7, of the City Code of the City of Garnett is hereby amended as follows:

Section 4-7-1: WATER UTILITY CONNECTION FEES: The following service connection fee shall be charged for complete installation of water service, including meter box, meter setting and connection of meter from the water main to the property line; to-wit:

3/4 inch connection.....	95% of actual cost
1 inch connection.....	80% of actual cost
2 inch connection.....	60% of actual cost
All larger connections.....	50% of actual cost

Section 4-7-2: ELECTRIC UTILITY CONNECTION FEES: The following service connection fee shall be charged for complete installation of electric service, including meter, meter socket, connectors and wire from transformer to structure, to-wit:

Single Phase service, 100 amp.....	95% of actual cost
Single Phase service, 200 amp.....	95% of actual cost
Single Phase service, 300 and 400 amp...	80% of actual cost
Three Phase service, 100 amp.....	95% of actual cost
Three Phase service, 200 amp.....	80% of actual cost
Three Phase service, 400 amp.....	70% of actual cost
Three Phase service, 600 amp.....	60% of actual cost
Three Phase service, 800 amp.....	50% of actual cost
All larger connections.....	50% of actual cost

Any change from a 110 volt, 100 amp service, single phase or three phase, to a 220 volt, 100 amp service or larger, single phase or three phase, the charge shall be 95% of actual cost. A deposit in the amount of twenty dollars (\$20.00) shall be required until the actual cost is determined and shall be refunded when payment for 95% of actual cost is received.

Any amperage change from an existing amperage lower than 100 amp, single phase, to 100 amp or larger, when the existing voltage is 220 volt and the desired voltage is 220 volt, single phase or three phase, the charge shall be 95% of actual cost. A deposit in the amount of twenty dollars (\$20.00) shall be required until the actual cost is determined and shall be refunded when payment for 95% of actual cost is received.

Section 4-7-3: GAS UTILITY CONNECTION FEES: The following service connection fee shall be charged for complete installation of gas service, including meter, connections, and pipe from gas main to property line, to-wit:

1 inch connection.....	95% of actual cost
2 inch connection.....	80% of actual cost
All larger connections.....	50% of actual cost

Section 4-7-4: SEWER UTILITY CONNECTION FEES: The following service connection fee shall be charged for tapping and connections made to the Public Sewer System, including the tapping saddle, but not including any materials from the tapping saddle on, to-wit:

4 or 6 inch tap and connection.....\$35.00

All taps and connections above six inches shall be charged for on the basis of actual materials and labor used, plus fifteen percent (15%) for supervision.

Section 2. Sections 4-7-1, 4-7-2 and 4-7-3 of Title IV, Chapter 7 of the Garnett City Code are hereby repealed.

Section 3. All ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official City Newspaper, the Anderson Countian.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 28th day of February, 1973.

ATTEST:


CITY CLERK


MAYOR

ORDINANCE NO. 2220

AN ORDINANCE REGULATING THE TAPPING OF OR CONNECTIONS TO SANITARY SEWER MAINS IN THE CITY OF GARNETT, PROVIDING A PENALTY FOR VIOLATION AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1: All taps and connections made to the Public Sewer System shall be made by authorized City employees.

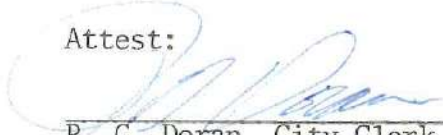
Section 2: Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum of not less than \$10.00, nor more than \$50.00.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This ordinance shall take effect and be in force from and after its publication in the official City Newspaper, the Anderson Countian.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 28 day of February, 1973.

Attest:


R. G. Doran, City Clerk


Mayor

ORDINANCE NO. 2223

AN ORDINANCE RELATING TO THE INSTALLATION OF ELECTRICAL WIRING, FIXTURES AND APPLIANCES USING ELECTRIC CURRENT IN THE CITY OF GARNETT, KANSAS. PROVIDING RULES AND REGULATIONS THEREFORE, ADOPTING BY REFERENCE A STANDARD CODE ON THE SUBJECT OF ELECTRICAL WIRING AND APPARATUS AND FIXING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. ELECTRICAL PERMITS: No person, firm or corporation shall wire any building or structure or electric light, motors, heating devices or any apparatus or fixtures requiring the use of electrical current or make any material alteration additional to the existing wire in any building or structure in the City, and all users of electric energy produced by the City shall, before making connections, alterations and extensions to service electric stoves, heating units drawing one thousand five hundred (1,500) watts or more, dryers, refrigeration units, or laundry equipment, make application to the City to be filed at the Office of the Clerk for a permit to do such wiring or to make such connection, alteration or extension. Applications for permits shall be made on blanks furnished by the City and shall set forth in detail the work to be done on the class and location of the building and the name of the owner' provided that no permit shall be required for maintenance of any such electrical wiring or apparatus or for making of minor repairs when no wiring is renewed or altered. The application shall contain the name of the applicant, the location of the premises, the nature of the connection, alteration or extension of service desired, and such other information as to inform the City of the electric requirement necessary for the equipment desired to be installed. No permit shall be issued to make such connection, alteration or extension of service until the City Electrician shall certify that the City facilities are adequate therefore. All applications shall be processed without delay. The permit shall be issued subject to the payment of a fee of one dollar (\$1.00) and shall describe as near as may be the electrical wiring work to be done and no work shall be done under the said permit except as authorized thereby.

Section 2: No license provided for above in this Chapter, shall be given or granted to any person, firm or corporation until a bond of five hundred dollars (\$500.00) has been executed to said City by such person, firm or corporation, and one (1) or more good and sufficient securities or by a surety bond to be accepted by the City Clerk, subject to the approval of the Mayor and City Commissioners conditioned that the said person, firm or corporation shall comply with the provisions of this Chapter and such other as may be named in the said bond.

Section 3: NATIONAL ELECTRICAL CODE ADOPTED: The National Electrical Code (1971 Edition) and further supplements, the same being recommended by the National Fire Protection Association and published in Code form as a standard of the National Board of Fire Underwriters, and available from said underwriters at their office, 60 Batterymarch Street, Boston, Massachusetts, shall be and the same is hereby adopted by reference thereto as provided by Chapter 124, Laws of Kansas, 1949, as Electrical Wiring Code regulating all electrical work covered by permits and required by Section 1 hereunder. Compliance with the provisions of the said National Electrical Code shall be considered as meeting the requirements of this Chapter for the placing or installing of all electric lights, heat and power wires, fixtures, appliances, conductors, apparatus and their supports, in or upon any building, shop, outhouse, shed or other structures within the limits of the City, except as this Chapter may provide additional regulations. All such work shall be subject to inspection and approval by the Electrical Inspector of the City.

Section 4: ELECTRICAL INSPECTION. The Superintendent of the Electric Department of the City, is hereby designated as the Electrical Inspector of the City, and shall perform all duties of inspection hereinafter set forth without any additional compensation.

Section 5: The Electrical Inspector shall assume the supervision of all construction, installation, alteration, repairing, renewal and use of electrical wiring for light, heat and power and other electrical equipment in the City. Said Electrical Inspector shall inspect all new installations of wiring before work is concealed from view and again inspect each job on the completion of the work. Said Inspector shall keep complete records of all inspections made and all orders issued by him under the authority granted by this Chapter. It shall be his duty to enforce all of the provisions of this Chapter.

Section 6: To carry out the provisions of this Chapter, the Electrical Inspector shall have the authority during reasonable hours to enter any building or upon any premises in the discharge of official duties for the purpose of making inspections and tests of any installation, construction, alteration, repairing, renewal and use of all electrical wiring for light, heat and power and other electrical equipment.

Section 7: The Electrical Inspector shall have authority to disconnect or order the disconnection of electrical energy to any electrical wiring, device, appliance or equipment found to be dangerous to life or property which shall be held out of service until the same is made safe and conform to the approved standards provided for in this Chapter. Said Electrical Inspector shall have the further authority to disconnect or order disconnection of any electrical wiring or equipment in case of emergency when necessary for the protection of life or property.

Section 8: Before any electric wiring is concealed from view during the course of construction, the person, firm or corporation doing such work shall notify the Electrical Inspector that such work is ready for inspection. The Electrical Inspector shall inspect such work within twenty-four (24) hours and if any defects exist the Electrical Contractor shall be notified. The Electrical Contractor shall then rectify such defects as exist before work is concealed. The Electrical Inspector shall be notified when electric work is complete and ready for final inspection and if such work conforms with this Chapter such electric work shall be released for service and a certificate of inspection shall be issued to the electrician showing that such work meets the requirements of this Chapter.

Section 9: All installations shall be in strict conformity with the provisions of this Chapter and in conformity with approved standards of construction for safety of life and property. In every case where either no specific type or class of material or no specific standards of construction are prescribed by this Chapter, all work and materials shall conform with the rules and regulations laid down in the newest issue of the National Electrical Code and if they conform to such standards shall be deemed to be good sufficient workmanship and in conformity with this Chapter.

Section 10: All electric wiring for light, heat or power within the Fire Limits of said City, shall be wired in approved rigid conduit; or electric metallic tubing in all buildings hereafter constructed or additions to existing buildings or for extensions or for additional wiring in such buildings, except that where written permission is given by the Electrical Inspector, flexible metallic cable may be used for fishing in concealed wall or ceiling spaces of existing buildings for short flexible connections not in excess of three feet (3') for equipment requiring some flexibility.

Section 11: All electric wiring for light, power and heat outside of the Fire Limits in all buildings, constructed to be used, or which may be used for business purposes, apartment houses, churches, school houses, lodge rooms or other public places, shall be wired in approved rigid conduit or electrical metallic tubing except where written permission is given by the Electrical Inspector, flexible metallic conduit or flexible metallic cable may be used for fishing in concealed ceilings or wall space of existing buildings and for short flexible connections not in excess of three feet (3'), where equipment requires some flexibility. This provision shall not apply to family dwellings occupied by one (1) or two (2) families, which may be wired with approved nonmetallic sheathed cable, flexible metallic cable, or approved service cable.

Section 12: All electric signs, transparencies or canopies erected in the City shall be wired in galvanized rigid conduit except where necessary for flexibility, flexible lead cover metallic cable may be used for connection between the building and the sign. All electric signs shall be permanently grounded.

Section 13: A metallic underground waterpiping system, either local or supplying a community, shall always be used as the grounding electrode, except when written authority is given by the Electrical Inspector for the use of other methods.

Section 14: All masts shall be of two (2) inch rigid conduit or two (2) inch galvanized pipe and there shall be no coupling above the roof.

Section 15: All installations shall be a minimum of one hundred (100) amp service and all installations shall have a minimum of one hundred (100) amp single-throw main circuit breaker box or one hundred (100) amp main fuse disconnect panel, except mobile homes, which must have a minimum of one hundred (100) amp service on the pole and a single-throw main circuit breaker box or main fuse disconnect panel on the pole.

Section 16: All businesses shall have a minimum of two hundred (200) amp service and the disconnect panel shall be sized accordingly.

Section 17: In all electric homes, two (2) disconnect boxes may be used with one entrance. One disconnect box shall be of a size for lights and appliances and the other shall be of a size for heating and air conditioning. Both disconnect boxes shall be of the capacity to handle the load. In addition, a trough must be provided and all lines must tie together into a single service through the mast to the City's service line.

Section 18: On three phase services, all entrance wires shall be of the same size with one main circuit breaker.

Section 19: All property owners must install an anchor, to be furnished by the City, for the City's service line to be attached thereto and must be a minimum of ten (10) feet above ground level.

Section 20: BOARD OF APPEALS. The Electrical Inspector shall decide all questions not provided for in this Chapter pertaining to the installation or use of electrical wires or apparatus. An appeal may be had from any order or decision of the Electrical Inspector, to a board to consist of the City Fire Chief, an Electrical Contractor, selected by the Mayor of the City, and an Electrical Inspector of the Kansas Inspection Bureau.

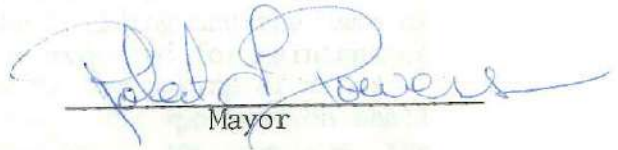
All appeals shall be filed with the City Clerk of said City and shall be made in writing stating the grounds therefore and shall be filed within thirty (30) days of such order or decision of the Electrical Inspector. Hearing on said appeal shall be had within thirty (30) days of filing, unless continued by agreement of the appealing party or parties or for cause by the Appeal Board. Party or parties at fault shall pay all cost of appeal.

Section 21: PENALTY. Any person, firm or corporation making or causing such installation, alteration or extension to be made in violation of the terms of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for each offense and each days failure, neglect and refusal to comply with the conditions of this ordinance shall be deemed a separate and distinct offense.

Section 22: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 23: This ordinance shall take effect and be in force from and after its publication in the official City Newspaper, the Anderson Countian.

PASSED and APPROVED by the Governing Body of the City of Garnett, this
14th day of March, 1973.


Mayor

Attest:

R. G. Doran, City Clerk

ORDINANCE NO. 2226

AN ORDINANCE AMENDING TITLE IV, BUILDING REGULATIONS, CHAPTER 4, ELECTRICAL, GAS AND WATER RATES OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION ONE OF ORDINANCE 1943, CLASSIFICATION OF USERS AND SECTION TWO, MONTHLY RATES; PROVIDING FOR A SEMI-PUBLIC ELECTRICAL POWER RATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. Semi-public users of electrical energy are hereby defined as consumers who are principally engaged in providing a semi-public recreational activity and community service.

Section 2. The following monthly rates for the use of electrical energy are hereby established for the Garnett Country Club, Garnett Gun Club, Garnett Saddle Club, Anderson County Historical Society and Anderson County Community Building:

Semi-Public Power Rates:

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Next 1,400 k.w.h.	3 cents per k.w.h.
Next 1,500 k.w.h.	2 1/2 cents per k.w.h.
Next 9,000 k.w.h.	1 3/4 cents per k.w.h.
Next 10,000 k.w.h.	1 1/2 cents per k.w.h.
Excess of 22,000 k.w.h.	1 1/4 cents per k.w.h.

Section 3. That the billings for use to all semi-public power users shall be in effect from the period of April 1, 1973.

Section 4. This Ordinance shall be in force from and after its publication in the official City Newspaper.

PASSED and APPROVED this 28 day of March, 1973.


Mayor

Attest:


City Clerk

(SEAL)

ANNEXATION ORDINANCE

No. 2227

Warner Addition

AN ORDINANCE ANNEXING CERTAIN LAND (WARNER ADDITION) TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF SECTION 12-520, K. S. A. 1972 SUPPLEMENT.

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

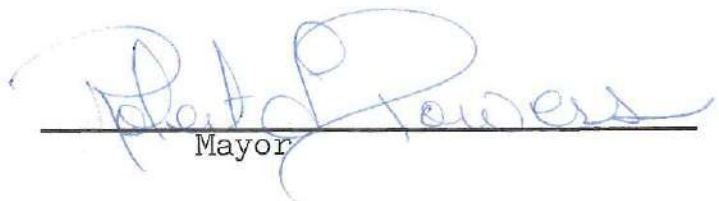
Section 1. The following described real estate situated in Anderson County, Kansas, to-wit:

Commencing 225 feet east of the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence north 430 feet, thence east 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence southwest along said right-of-way to the south line of said Quarter Section, thence west to the point of beginning, except an easement for railroad spur now in place;

having met one or more of the classifications for annexation, prescribed by the above recited law, the owner, thereof, having petitioned the City of Garnett to have the same annexed and made a part of the City of Garnett, is hereby annexed and made a part of the City of Garnett, Kansas.

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

Passed by the City Commission this 28th day of March, 1973.



Mayor

A T T E S T:



R. G. Doran
City Clerk

Filed in my office this 20th day of July, 1973
Marion Spangler
County Clerk

PETITION FOR ANNEXATION OF PROPERTY
TO THE CITY OF GARNETT, KANSAS

Comes now Warner Realty, Inc., a corporation, as the owner and proprietor of a tract of land laying adjacent to the city limits of the City of Garnett, Anderson County, Kansas, to-wit:

Commencing 225 feet east of the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence north 430 feet, thence east 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence southwest along said right-of-way to the south line of said Quarter Section, thence west to the point of beginning, except an easement for railroad spur now in place;

and states that said tract adjoins the City of Garnett, Kansas, and that the same is platted, and that this petitioner desires that said land, included in said plat and described above, be annexed to the City of Garnett, Kansas and become a part of said incorporated City.

WHEREFORE, the petitioner requests the Governing Body of the City of Garnett, Kansas to annex the above described real estate as platted and to extend the boundaries of the City of Garnett, Kansas by ordinance to include the above described real estate within the incorporated limits of said City.

WARNER REALTY, INC.,
a corporation

BY Helen Warner

Helen Warner, President

STATE OF KANSAS, ANDERSON COUNTY, SS:

BE IT REMEMBERED, That on this 13 day of March, 1973, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared

Helen Warner, President

of Warner Realty, Inc., a corporation

who are known to me to be the same person who executed the above and foregoing instrument of writing in his official capacity as listed above and duly acknowledged the execution thereof to be his act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year above written.

Marie Wright
Notary Public

Marie Wright

My Commission expires: 10-31-75

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ZONING ORDINANCE OF THE CITY OF GARNETT, KANSAS, 1973

ORDINANCE NO. 2230

ARTICLE 1 TITLE.

A zoning ordinance, provided for the regulation of land uses through zoning districts based upon a comprehensive plan, application for zoning clearance permits, and the issuance of such permits by the Zoning Officer for regulations governing the issuance and use of such permits; provided for the annexation of land; providing for a Zoning Board of Adjustment; and imposing penalties.

ARTICLE 2 SHORT TITLE.

This Ordinance shall be known and may be cited and referred to as the Garnett Zoning Ordinance, to be the same effect as if the full title were stated. The map herein referred to and made a part of this Ordinance shall be identified by the title Garnett Zoning Map, and all explanatory matter thereon is hereby adopted and made part of this Ordinance.

ARTICLE 3 PREAMBLE AND ENACTMENT CLAUSE.

WHEREAS, the City Commission of the City of Garnett, Kansas has appointed a City Planning Commission of the City of Garnett to prepare and maintain a comprehensive plan and regulations pertinent thereto designed to conserve property values, to secure adequate light, air, and safety from fire and other dangers, to lessen congestion in streets and highways and otherwise promote public health, safety, morals, and the general welfare; and

WHEREAS, the provisions of the Comprehensive Plan have been formulated and approved and the comprehensive planning program is underway; and

WHEREAS, subsequent planning will be in conformance with the provisions of the Comprehensive Plan which is designed to achieve a balanced and attractive city in harmony with present and prospective public needs and which will serve as the basis frame of reference for all administrative and regulatory measures related to the physical development of the city;

Be it ordained by the Governing
Body of the City of Garnett, Kansas
that the Garnett Zoning Ordinance
shall contain provisions as follows:

ARTICLE 4 DEFINITIONS.

4-100 INTERPRETATION OF LANGUAGE. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word, "building" shall include the word "structure"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used"; and the word "shall" is mandatory and not directory.

4-101 ACCESSORY USE OR STRUCTURE. A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

4-102 AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of animals. ~~or offal to swine or other animals.~~

4-103 AIRPORT. Any runway, landing area or other facility designed, used, or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

4-104 ALLEY OR LANE. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

4-105 APARTMENT. A suite of rooms or a room in a multi-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

4-106 APARTMENT EFFICIENCY. A dwelling unit in a multi-family building, consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

4-107 APARTMENT HOTEL. An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

4-108 APARTMENT HOUSE. See Dwelling, Multi-Family.

4-109. AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

4-110 AUTOMOBILE REPAIR, MINOR. Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half ($1\frac{1}{2}$) tons capacity, but not including any operation named under "Automobile Repair, Major", or any other similar thereto.

4-111 AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

4-112 AUTOMOBILE SERVICE STATION OR FILLING STATION. A building or other structure or a tract of land where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is dispensed directly to users of motor vehicles, including greasing and oiling on the premises.

4-113 AUTOMOBILE WASH OR AUTOMATIC CAR WASH. A building or structure where chain conveyors, blowers, steam cleaners and other mechanical devices are employed for the purpose of washing motor vehicles.

4-114 BASEMENT. A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

4-115 BEGINNING OF CONSTRUCTION. The date that labor and materials are incorporated into the premises to begin construction on the use in question.

4-116 BLOCK. In describing the boundaries of a district the word "block" refers to the legal description. In all other cases the word "block" refers to the property abutting on one side of a street between two (2) intersecting streets or a street and a railroad right-of-way or watercourse.

4-117 BOARD. The Board of Zoning Appeals of the City of Garnett, Kansas.

4-118 BOARDING OR LODGING HOUSE. A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three(3) or more persons for compensation by previous arrangement, but not transients.

4-119 BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side-yard requirements as hereinafter provided.

4-120 BUILDING, ALTERATION OF. Any change in the supporting members of a building (such as bearing walls, columns, beams, or girders); any addition to a building; any change in use from that of one district classification to another; or removal of a building from one location to another.

4-121 BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

4-122 BUILDING LINE. The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

4-123 BUILDING, PRINCIPAL. A structure in which is conducted the main or primary use of the lot on which said structure is situated.

4-124 BUILDABLE LOT AREA. That part of the lot not included within the open areas required by this Ordinance.

4-125 BUILDING INSPECTOR. The City Manager of the City of Garnett who is also the Zoning Officer for purposes of this Ordinance, or his designated representative.

4-126 CELLAR. That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

4-127 CEMETERY. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of such cemetery.

4-128 CITY/TOWN. The municipal corporation of Garnett, Anderson County of Kansas.

4-129 CITY COMMISSION. The City Commission of the City of Garnett, Kansas.

4-130 CLINIC. A place used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

4-131 CLUB. A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

4-132 CONVALESCENT (REST) HOME. A home designed for the care of patients after they leave the hospital but before they are released from observation and treatment.

4-133 COURT. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

4-134 DISPLAY SIGN. A structure that is arranged, intended, designed, or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

4-135 DISTRICT. A portion of the territory of the City of Garnett within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. The term "R-District" shall mean any R-1, R-2, R-3, or R-4 district; the term "I-District" shall be any I-1, I-2, or I-3 district; the term "A-District" shall mean any A-1 district; and the term "C-District" shall mean any C-1, or C-2 district.

4-136 DWELLING. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.

4-137 DWELLING, SINGLE FAMILY. A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

4-138 DWELLING, TWO-FAMILY. A building designed for or used exclusively by two (2) families or housekeeping units.

4-139 DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

4-140 DWELLING UNIT. One room, or suite of two (2) or more rooms, designed for or used by one family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

4-141 DWELLING GROUP. A group of two (2) or more detached dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.

4-142 ESSENTIAL SERVICES. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

4-143 FAMILY. A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

4-144 FRONTAGE. All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or corporate boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this Ordinance.

4-145 GARAGE, PRIVATE. An accessory building or a portion of the principal building used by the occupants of the premises for the primary purpose of storage of motor vehicles, light pick-up trucks or trailers.

4-146 GARAGE, PUBLIC. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

4-147 HOME OCCUPATION. Any occupation which is customarily incident to the principal use of the premises and is conducted by a resident occupant.

4-148 HOSPITAL. A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanitarium, sanatoria.

4-149 HOTEL. Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing fifteen (15) or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, except hospitals and jails.

4-150 HOUSE TRAILER. See Trailer.

4-151 INDUSTRY. Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

4-152 JUNK OR SALVAGE YARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

4-153 KENNEL. Any structure or premises in which five (5) or more dogs over four (4) months of age are kept.

4-154 KITCHEN. Any room in a building or dwelling unit which is used for cooking or the preparation of food.

4-155 LAND USE PLAN. The long-range plan for the desirable use of land in the City of Garnett as officially adopted and as amended from time to time by the City Planning Commission; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the sub-dividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.

4-156 LOADING SPACE. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

4-157 LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.

4-157.01 LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".

4-157.02 LOT, INTERIOR. A lot other than a corner lot.

4-157.03 LOT, DEPTH. The mean horizontal distance between the front and the rear lot lines.

4-157.04 LOT, LINES. The property lines bounding the lot.

4-157.05 LOT LINE, FRONT. The line separating the lot from a street.

4-157.06 LOT LINE, REAR. The lot line opposite and most distant from the front lot line.

4-157.07 LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

4-157.08 LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.

4-157.09. LOT WIDTH. The mean width of the lot measured at right angles to its depth.

4-157.10 LOT AREA. The computed area contained within the lot lines.

4-157.11 LOT, THROUGH. A lot having frontage on two (2) parallel or approximately parallel streets.

4-158 MINERAL. Any chemical compound occurring naturally as a product of inorganic processes.

4-159 MOBILE HOME. (See also "Trailer"). All conveyances used, or so constructed as to permit being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one or more persons; provided that this definition shall refer and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle. Modular homes which are shipped to a site but do not have a special frame or wheels attached to enable transporting, nor are licensed, are subject to Mobile Home Regulations of this Ordinance. Modular homes are defined as one or more factory fabricated units (modules) which are shipped by railroad, lowboy truck or reusable undercarriage and erected on a foundation. Each modular unit shall have its own wiring, plumbing, heat ducts and other components installed at the factory.

4-159.01 DEPENDENT MOBILE HOME. A mobile home which does not have a flush toilet and a bath or shower.

4-159.02 INDEPENDENT MOBILE HOME. A mobile home which has a flush toilet and a bath or shower.

4-159.03 LICENSEE. Any person licensed to operate and maintain a mobile home community or mobile home park under the provisions of Article 8-103.11.

4-159.04 MOBILE HOME COMMUNITY. Any area, tract, site or plot of land of not less than ten (10) acres whereupon a minimum of ten (10) occupied mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located and maintained, for

dwelling purposes only and upon a permanent or semi-permanent basis.
See Section 8-103.02.

4-159.05 MOBILE HOME PARK. Any park, court, camp, lot or tract or plot of land of not less than two (2) acres whereon two (2) or more occupied mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, whether for or without compensation and shall include all buildings used or intended to be used as a part of the equipment thereof. The term "Mobile Home Park" does not include sales lots on which unoccupied mobile homes, used or new, are parked for the purpose of storage, inspection or sale.

4-159.06 NATURAL OR ARTIFICIAL BARRIER. Any street, river, pond, canal, railroad, levee, embankment or screening by appropriate fence or hedge.

4-159.07 PERMITTEE. Any person to whom a temporary permit is issued to maintain an individual mobile home outside of a licensed mobile home community or park and in accordance with the provisions as hereinafter prescribed.

4-159.08 PERSON. Any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, permittee, agent, heirs, or assigns.

4-160 MOTEL OR MOTOR HOTEL. A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

4-161 NONCONFORMING USE. A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, floor area or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

4-162 NURSERY SCHOOL. A private education institution where, for compensation, pre-elementary school age children begin their learning process, generally one year before entering a public elementary school.

4-163 PARKING AREA, PRIVATE. An open area for the same uses as private garage.

4-163.01 PARKING AREA, PUBLIC. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

4-163.02 PARKING SPACE. A permanently surfaced area not less than 9.5 feet wide and 22 feet long, either with a structure or in the open, exclusive of driveways or access drives, for the parking of one (1) motor vehicle.

4-164 PROFESSION. Any recognized profession - such as: art, architecture, engineering, law, medicine, music, science, teaching, et cetera.

4-165 ROOMING HOUSE. A dwelling occupied by a resident family or resident occupant and three (3) or more rent-paying persons.

4-166 SCHOOL, ELEMENTARY AND HIGH. An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the applicable statutes of the State of Kansas. High schools include junior and senior grades.

4-167 SIGN - AREA OF. The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface; one-half ($\frac{1}{2}$) the total of the exposed exterior surface computed in square feet of a sign having more than one (1) such surface.

4-168 STABLE, COMMERCIAL. A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

4-168.01 STABLE, PRIVATE. An accessory building for the keeping of horses, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire, or sale.

4-169 STANDARD PERFORMANCE. A criterion established in the interest of protecting the public health and safety, for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

4-170 STORY. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

4-170.01 STORY, HALF. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.

4-170.02 STORY, FIRST. The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

4-170.03 STORY, MEZZANINE. A story which covers one-third ($1/3$) or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third ($1/3$) of the area of the story directly underneath said mezzanine-story.

4-171 STREET. A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Ordinance. The term street shall include avenue, drive, circle, court, road, parkway, boulevard, highway, way, trafficway, thoroughfare, or any other similar term.

4-172 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

4-173 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams or girders. (See Building, Alteration of.)

4-174 TOURIST HOME. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

4-175 TRAILER (Including Automobile Trailer and Trailer Coach). Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and as designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

4-176 TRAILER PARK OR CAMP. Any lot or part thereof, or any parcel of land which is used or offered as a location for two (2) or more trailers used for any purpose set forth in the definition of Trailer above.

4-177 THOROUGHFARE, MAJOR. An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official Thoroughfare Plan of the City of Garnett or a county or other road or street designed as a secondary thoroughfare on said Plan, respectively.

4-178 THOROUGHFARE PLAN. The official Thoroughfare Plan of the City of Garnett as adopted by the City Planning Commission, establishing the location and official right-of-way width of principal highways and streets in the City, on file in the office of the City Clerk, dated April 22, 1969 and including the Principle Road Network known as Plate 25 of the Comprehensive Plan, dated September, 1972 and all amendments thereto subsequently adopted.

4-179 USE. The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

4-179.01 USE, ACCESSORY. A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the principal building or lot.

4-179.02 USE, FIRST PERMITTED IN "X" DISTRICT. A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" District.

4-179.03 USE - CONDITIONAL. A use which is permitted in a district only if a zoning certificate therefor is expressly authorized by the Board of Adjustment in accordance with Article 10.

4-179.04 USE - NONCONFORMING. See Nonconforming Use.

4-179.05 USE - PRINCIPAL PERMITTED. A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Officer in accordance with Article 10-101.04.

4-179.06 "X" DISTRICT. This is used symbolically to represent any use district established in Article 5.

4-180 YARD. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

4-180.01 YARD, FRONT - HOW MEASURED. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such streets as established on the Thoroughfare Plan or on the "Official Map of the City of Garnett" differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Official Map.

4-180.02 YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

4-180.03 YARD, SIDE. A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

4-180.04 YARD, SIDE, LEAST WIDTH - HOW MEASURED. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location on the right-of-way line of such street as established on the Thoroughfare Plan or on the "Official Map of the City of Garnett" differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan or Official Map.

4-181 ZONING INSPECTOR. The City Manager of the City of Garnett, or his designated representative. Shall also be known as Zoning Officer.

4-182 ZONING MAP. The zoning map of the City of Garnett, dated together with all amendments subsequently adopted.

4-183 ZONING CERTIFICATE. A document issued by the Zoning Officer authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ARTICLE 5 ESTABLISHMENT OF DISTRICTS.

5-101 USE DISTRICTS. For the purpose of this Ordinance, the City of Garnett, Kansas is divided into ten (10) districts, as follows:

AGRICULTURE.

1. "A-1" Agriculture District

RESIDENTIAL.

2. "R-1" Single-Family Residential - Low Density
3. "R-2" Single-Family Residential - Medium Density
4. "R-3" Multiple Family - High Density

COMMERCIAL.

5. "C-1" Local Business District
6. "C-2" General Business District
7. "C-3" Highway Business District

INDUSTRIAL.

8. "I-1" Light Industrial District
9. "I-2" Heavy Industrial District
10. "I-3" Airport Industrial District.

5-102 Said districts are bounded and defined as shown on the map entitled, "Zoning Map of the City of Garnett, Kansas" and said map and all its notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said map were all fully described herein. Where uncertainty exists as to the boundaries of the districts as shown on the Garnett Zoning Map, the following rules shall apply.

(1) Boundaries indicated as approximately following the center line of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.

(2) Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.

(3) Boundaries that divide a lot or parcel of property under a single ownership into two (2) districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty (20) feet. If the adjustment involves a distance of more than twenty (20) feet, the procedures for a district change shall be followed.

ARTICLE 6 GENERAL PROVISIONS.

6-101 CONFORMANCE. Except as hereinafter provided, no building or land shall hereafter be used or occupied, and no building nor part thereof shall be erected, converted, enlarged, reconstructed, or structurally altered which does not comply with all the district regulations established by this Ordinance for the district in which the building or land is located.

6-102 NON-CONFORMING USES. The continuance of non-conforming uses or structures shall be subject to the following limitations.

6-102.01 CONTINUATION. The use of any land or structure existing at the time of the enactment of this Ordinance may be continued even though such use may not conform with the regulation of this Ordinance for the district in which it is located. With special permission of the Planning Commission and Zoning Board, any non-conforming use in existence at the time of the enactment of this Ordinance may continue as the use of right, exercising all privileges of this Ordinance pertaining to the use district in which it would normally be included, with the exception of Item 3 in Paragraph 6-102.02 and all of the provisions in Paragraph 6-102.03.

6-102.02 RESTORATION. Ordinary repairs, alterations or modernization may be made to any structure or portion thereof devoted to a non-conforming use, provided that:

(1) No structural alterations may be made to such structure except those required by the law or other regulations.

(2) No non-conforming use is extended or enlarged.

(3) A structure that is devoted to a non-conforming use which is destroyed or damaged in any manner or from any cause whatsoever, to the extent that the cost of restoration to the condition it was before the occurrence shall exceed fifty (50) per cent of the cost of reconstructing the entire structure, shall not be restored unless such structure when restored shall comply with all provisions of this Ordinance.

6-102.03 ABANDONMENT. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any subsequent use shall be in conformity with the provisions of this Ordinance.

6-102.04 SUBSTITUTION. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

6-103 STREET FRONTAGE. No lot shall contain any building used in whole or in part for any purpose unless such lot abutts for at least twenty (20) feet on at least one street, or unless it has an exclusive, unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall not be more than one single-family dwelling or one non-residential land use for such frontage or easement.

6-104 ACCESSORY BUILDING. No accessory buildings shall be erected in any required court or in any yard other than a rear yard except as provided hereinafter. Accessory buildings shall be at least two (2) feet in distance from alley lines and from lot lines of adjoining lots which are in residential "R" Districts, and on a corner lot they shall conform to the setback regulation of the principal building, or at least six (6) feet therefrom, may be connected thereto by a breeze-way or similar structure, provided all yard requirements for the principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) per cent of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a garage with maximum size four hundred and eighty (480) square feet on a minimum rear yard.

6-105 CORNER LOTS. For corner lots platted or of record after the effective date of this Ordinance the front yard regulations shall apply to each street side of the corner lot. The rear yard requirements for a corner lot shall apply to the open space adjacent to the two (2) lot lines that do not front upon a street. On corner lots platted or of record prior to the official date of the enactment of this Ordinance, the side yard regulations shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lots, and no accessory building or said corner lot shall project beyond the setback line of the lots in the rear; provided, further, that this regulation

shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and of record or as shown by existing contract of purchase prior to the official date of the enactment of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

6-106 REQUIRED YARD REDUCTION. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this ordinance for another building or structure.

6-107 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT. Along any zoning boundary line; on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Ordinance, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two (2) districts on either side of such zoning boundary line. In case where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

6-108 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the Office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

6-109 ZONING DISTRICTS DIVIDING PROPERTY. Where one parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership.

6-110 ANNEXATION OF LAND. In the event that new territory becomes a part of the area of jurisdiction of this Ordinance by reason of annexation, consolidation or detachment from any municipal corporation or otherwise, such territory shall automatically be classified as an A-1 District, until and unless otherwise rezoned in accordance with the amendment proceedings hereof, provided, however, that any zoning classification in effect prior to such annexation or other extension of jurisdiction shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such change or amendment by this Ordinance.

6-110.01 TERRITORY NOT INCLUDED. In case any territory subject to the jurisdiction of this Ordinance has not been specifically included in any of the aforesaid districts, such territory shall automatically be classified as an A-1 District, until and unless otherwise rezoned in accordance with the amendment proceedings hereof; provided, however, that any zoning classification in effect prior to the enactment of this Ordinance shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such changes or amendments by this Ordinance.

ARTICLE 7 DISTRICT REGULATIONS.

7-101 A-1 AGRICULTURAL ZONING DISTRICT. The "A-1" Agricultural District is designed to prevent urban sprawl in areas set aside under the Comprehensive Plan as reserved for future urban development.

7-101.01 PERMITTED USES.

- (1) Agriculture, horticulture, nurseries, greenhouses, orchards, general farming and dairy operations.
- (2) Riding stables and riding paths, provided the stables shall be located not less than one hundred (100) feet from any property line.

- (3) Fur farming, for the raising of fur-bearing animals providing buildings and pens shall be located not less than one hundred (100) feet from any property line.
- (4) Kennels, provided that buildings and pens shall be located not less than two hundred (200) feet from any property line; and fish hatcheries, apiaries and aviaries.
- (5) Agricultural accessory uses, including repair shops, sheds, garages, barns, silos, bunkhouses, incidental dwellings, buildings and structures commonly required for any of the above uses.
- (6) Rural non-farm single-family dwellings, including mobile homes, are permitted on lots or other parcels of property ownerships of two and one-half ($2\frac{1}{2}$) acres or more.

7-101.02 PERMITTED ACCESSORY USES.

- (1) Any building or structure customarily incidental to any of the aforesaid permitted uses.
- (2) Temporary produce stands on any premises used for agricultural purposes.
- (3) Parking facilities, garages, car ports, or other parking spaces for the exclusive use of residences on the premises.
- (4) Swimming pools exclusively for the use of the residents.
- (5) Real estate, small announcement and professional signs subject to the provisions of Section 8-104.
- (6) Professional offices as defined in Section 4.164 and including beauty parlors, barber shops, schools of any kind with organized classes or similar activity.
- (7) Customary home occupation such as handicrafts, dress-making, millinery, preserving and home cooking provided that such occupations shall be conducted exclusively by resident occupants.
- (8) Summer houses and living quarters, used by persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.

7-101.03 AREA REGULATIONS. In District A-1, the height of building hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

7-101.03.01 HEIGHT. Building or structures used for dwelling purposes shall not exceed thirty-five (35) feet and shall not exceed two and one-half ($2\frac{1}{2}$) stories in height.

7-101.03.02 LOT AREA. Each dwelling shall provide a lot area of not less than two and one-half ($2\frac{1}{2}$) acres per family, provided that where a lot has less area than herein provided in separate ownership at the time of the passage of this Ordinance, the regulations shall not prohibit the erection of a single family dwelling.

7-101.03.03 LOT WIDTH. The lot width shall not be less than one hundred and fifty (150) feet.

7-101.03.04 FRONT YARDS. The front yards shall not be less than thirty-five (35) feet.

7-101.03.05 SIDE YARDS. The total side yard requirements shall be not less than thirty (30) feet with the least side yard minimum of fifteen (15) feet unless otherwise stated more restrictively in other sections of this Ordinance.

7-101.03.06 REAR YARDS. The rear yards shall have a minimum depth of at least thirty-five (35) feet unless otherwise stated more restrictively in other sections of this Ordinance.

7-101.04 OFF-STREET PARKING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.

7-102 R-1 RESIDENTIAL DISTRICT. The "R-1" District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. For these reasons, the following regulations shall apply:

7-102.01 PERMITTED USES.

- (1) One-family detached dwellings.
- (2) Public elementary schools and nursery schools.
- (3) Public secondary schools on major thoroughfares.
- (4) Private and parochial schools on property which abuts on major thoroughfares.
- (5) Public, private or country club golf courses of not less than forty (40) acres.
- (6) Customary accessory buildings.
- (7) Public parks, playgrounds, swimming pools, community centers, athletic fields and recreation building therein.
- (8) Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities, provided that such buildings shall be removed within eleven (11) months from date of permit for their erection.
- (9) Churches or other places of worship, including religious education, buildings or other associated structures fronting or siding on major thoroughfares or collector streets as designated on the major thoroughfare plan.
- (10) Fire stations on major thoroughfares.
- (11) Electric substations, natural gas regulator stations, and public utility pumping stations and devices for the metering of electrical gas or water services to dwellings.
- (12) House trailers or other mobile homes for a period not to exceed seventy-two (72) hours, and providing for an extension of time, by written permission from the City Manager or his designated representative, up to a maximum of ten (10) days if no substantial complaints have been made to the City authorities, and providing further that these units shall not be allowed to park on any public street or right-of-way.
- (13) Funeral homes on property with all points of access and egress on major streets.
- (14) Agricultural uses, including nurseries, truck gardening and greenhouses, provided that no offensive odors or

dust are created, and provided further that no retail sales shall be permitted on the premises nor the raising of livestock.

- (15) Dwelling groups when in conformance with the provisions of Section 8-106 and with the specific recommendations and restrictions of the Planning Commission.

7-102.02 PERMITTED ACCESSORY USES.

- (1) Private garage or carport.
- (2) Temporary buildings for use during the construction of a specific permitted use, which upon completion or abandonment of the construction work shall be removed. In any case, said building shall be removed within eleven (11) months from date of permit for their erection, unless said time is extended by the Planning Commission for good cause.
- (3) One sign not exceeding thirty-six (36) square feet of an area referring to the construction, lease, hire, or sale of a building, premise, or subdivision lot which sign shall be removed as soon as the premises are sold or leased or construction is completed, provided however, that said sign shall not in any case be allowed to remain longer than a period of one (1) year, unless permission is granted by the Planning Commission for an extension of time in amounts of six (6) months for each extension.
- (4) Customary home occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter ($\frac{1}{4}$) of the area of one (1) floor of said residence shall be used for such purposes, that no structural alterations or constructions involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not more than one (1) square foot in area, and attached flat against the building, shall be permitted.

7-102.03 AREA REGULATIONS. In District R-1, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, except as modified herein or by Section 8-109.

7-102.03.01 LOT AREA. The lot area shall not be less than ten thousand (10,000) square feet. When water and sewer facilities are not available, the minimum lot area shall be as specified in the City Code and as recommended by the Kansas State Department of Health.

7-102.03.02 FRONT YARD. The front yard shall not be less than thirty-five (35) feet.

7-102.03.03 SIDE YARD. The total side yard requirements shall be twenty (20) feet with the least side minimum of eight (8) feet for dwellings. All other principal buildings shall have forty-five (45) feet in each side yard.

7-102.03.04 REAR YARD. The rear yard shall not be less than thirty-five (35) feet for a dwelling and forty-five (45) feet for any other principal building.

7-102.03.05 LOT WIDTH. The lot width shall not be less than ninety (90) feet.

7-102.03.06 BUILDING HEIGHT. The maximum height for the principal building shall not exceed thirty-five (35) feet or two and one-half ($2\frac{1}{2}$) stories. The accessory building height is limited to a maximum of fifty (50) feet.

7-102.04 OFF-STREET PARKING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.02.

7-103 R-2 RESIDENTIAL DISTRICT. The R-2 District is designed to allow higher density residential development utilizing single-family residents, two-family or duplex, while retaining the residential character and stability necessary for a suitable environment for family life.

7-103.01 PERMITTED USES.

- (1) Any use permitted in the R-1 District.
- (2) Two family, or duplex dwelling units.

7-103.02 PERMITTED ACCESSORY USES.

- (1) Any accessory use permitted in the R-1 District.

7-103.03 AREA REGULATIONS. In District R-2, the height of buildings hereafter erected, constructed, reconstructed, moved, or altered, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, except as modified herein or by Section 8-109.

7-103.03.01 LOT AREA. The lot area shall be not less than six thousand (6,000) square feet, or three thousand (3,000) square feet per dwelling unit for two-family, duplex units.

7-103.03.02 FRONT YARD. The front yard shall not be less than thirty (30) feet.

7-103.03.03 SIDE YARD. The total side yard requirements shall be twenty (20) feet with the least side being a minimum of eight (8) feet for each dwelling. All other buildings shall have twenty-five (25) feet of side yard in each direction.

7-103.03.04 REAR YARD. The rear yard shall not be less than thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.

7-103.03.05 LOT WIDTH. The lot width shall not be less than sixty (60) feet.

7-103.03.06 BUILDING HEIGHT. No principal structure shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty (30) feet in height, and no accessory structures shall exceed one (1) story or twenty (20) feet in height, except as permitted in ARTICLE 8, Section 8-109.02.

7-103.03.07 OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.02.

7-104 R-3 RESIDENCE DISTRICT. The "R-3" Residence District is designed to allow a high density residential development designed specifically for duplexes or single-family dwelling in groups, commonly referred to as "row houses" or "townhouses".

7-104.01 PERMITTED USES.

- (1) All uses in the R-2 Residence District.
- (2) Clubs, sororities, fraternities, lodges and meeting places for other organizations not including any use that is customarily conducted as a gainful business.
- (3) Institutional uses to include hospitals for human care, sanitariums, rest homes, or nursing homes for convalescent patients, children's nurseries and similar uses provided that any lot or tract of land in such use shall not be less than twenty thousand (20,000) square feet in area and provided that any building in which patients are housed shall be at least fifty (50) feet distant from any lot line and provided that buildings that are used for the treatment of contagious diseases, the care of epileptics, drug addicts, the feeble-minded or insane shall be at least two hundred fifty (250) feet distance from any lot line in the R-3 District.
- (4) Mobile Homes or house trailers, when in mobile home parks or a single mobile home, or house trailer may be placed on a single lot, provided there is a minimum area of five thousand (5,000) square feet per lot, and all setbacks, yards, and open spaces conform to this Section.

7-104.02 PERMITTED ACCESSORY USES.

- (1) Any accessory use or structure permitted and as regulated in the R-2 District, and any accessory use or structure customarily incident or accessory to a principal or conditional use in the R-3 District.
- (2) Roomers not to exceed four (4) roomers or boarders by resident family.

7-104.03 AREA REGULATIONS. In District R-3, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimension of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, except as modified herein or by Section 8-109.

7-104.03.01 LOT AREA. The lot area shall not be less than five thousand (5,000) square feet per dwelling unit, except as modified in Section 8-106.

7-104.03.02 FRONT YARD. The front yard shall not be less than thirty-five (35) feet.

7-104.03.03 SIDE YARD. Total side yard requirements shall be twenty (20) feet with the least side minimum of eight (8) feet for buildings containing dwelling units. All other buildings shall have twenty-five (25) feet of side yard in each direction except as otherwise modified herein.

7-104.03.04 REAR YARD. The rear yard shall not be less than forty (40) feet, for structures containing dwelling units, and forty-five (45) feet for any other structure, except as otherwise modified herein.

7-104.03.05 LOT WIDTH. The lot width shall not be less than fifty (50) feet, except as otherwise modified in Section 8-106.

7-104.03.06 BUILDING HEIGHT. No principal building shall exceed two and one-half ($2\frac{1}{2}$) stories, or thirty (30) feet in height, and no accessory structure shall exceed one (1) story or twenty (20) feet in height, except as permitted in Section 8-109.02.

7-104.04 OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.

7-105 C-1 LOCAL BUSINESS DISTRICT. The C-1 Local Business District is designed to provide convenient retail and personal services center for the day-to-day shopping needs of residential development, within its proposed trade area, with a minimum of adverse effect on surrounding residential land uses.

7-105.01 PERMITTED USES.

- (1) Grocery stores, supermarkets.
- (2) Barber shops.
- (3) Beauty shops.
- (4) Restaurants, but not drive-in restaurants.
- (5) Shoe repair shops.
- (6) Offices.
- (7) Laundry and dry-cleaning pick-up stations.
- (8) Self-service laundries.
- (9) Store or shop for the conducting of a convenience type retail business.

7-105.02 EXCLUDED USES.

- (1) Residential uses.
- (2) Heavy commercial uses, such as automotive repair or lumber yards or other similar type uses.
- (3) Industrial uses of all types.

7-105.03 AREA REGULATIONS. In District C-1, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimension of lots and yards, the lot area required, off-street parking and site plan requirements shall be as follows:

7-105.03.01 LOT AREA. The minimum lot area in the C-1 Local Business District must be a minimum of two and one-half ($2\frac{1}{2}$) acres or one hundred eight thousand nine hundred (108,900) square feet.

7-105.03.02 FRONT YARD TRANSITION. Where a C-1 District abuts a residential district along a street line, there shall be provided for any development or structure, a distance of fifty (50) feet from the district boundary line into said C-1 District, plus a front yard equal in depth to one-half ($\frac{1}{2}$) of the required front yard for such residence district.

7-105.03.03 SIDE AND REAR YARD TRANSITION. On every lot in the C-1 District that abuts directly a residence district, there shall be provided side and rear yards equal to that in the abutting residence district or of suitable dimensions to provide for adequate circulation of light, air, and traffic as the district may require.

7-105.03.04 BUILDING HEIGHT. No building shall be erected in the C-1 District in excess of thirty-five (35) feet, or as otherwise modified in Section 8-109.02

7-105.03.05 SITE PLAN REQUIREMENTS. Before C-1 zoning may be granted, the application for such zoning must be accompanied by a site plan showing the specific location of buildings and open spaces, as well as a plan for the general types of businesses or land use proposed in this district.

7-105.03.06 OFF-STREET PARKING AND LOADING. Off-street parking and loading will be in conformance with the provisions of Section 8-102.

7-106 C-2 GENERAL BUSINESS DISTRICT. The "C-2" General Business District is designed primarily to accommodate those business districts and retail centers which are not designed according to an overall plan or are not under a single entity. The Central Business District is an example of the type of commercial activity normally associated with the C-2 District. The C-2 District should provide for a variety of retail activities and could act as a banking and financial center, as an entertainment and hotel center, or as a center for professional and business offices.

7-106.01 PERMITTED USES.

- (1) Any use permitted in the C-1 Planned Business District.
- (2) Drug stores, clothing stores, and any similar retail use.
- (3) Banks and financial institutions.
- (4) Hotels.
- (5) Repair and service of automobiles.
- (6) Theatres.
- (7) Bowling alleys.
- (8) Bus and rail terminal facilities.
- (9) Post offices.
- (10) Other retail and service establishments to include mail order houses, used merchandise stores, roadside stands, funeral homes and mortuaries, and similar uses.
- (11) Wholesale and warehousing establishments.
- (12) Trade or business schools provided that the machinery used for instruction is not objectionable due to noises, fumes, smoke, odor or vibration. Commercial art studios, animal hospitals, veterinary clinics.
- (13) Commercial recreation establishments provided such establishments shall be at least one hundred (100) feet from any R-R-District.
- (14) Bottling works of soft drinks or milk, provided buildings used for processing and distribution shall be at least two hundred (200) feet from any R R-District
- (15) Parking structures and lots.

- (16) Building and related trades, shops, providing such establishments are at least one hundred (100) feet from any R-District.
- (17) Miscellaneous trades and businesses such as sheet metal shops, sign paint shops, monument service shops, providing such establishments are at least one hundred (100) feet from any ~~DR~~ R-District.
- (18) Contractor's yards and related establishments, such as building material yards, excluding concrete mixing; including contractor's equipment, storage yard or plant, storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles, provided such uses are conducted either (a) wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be at least one hundred (100) feet distance from any ~~R-~~ R-District, unless such building has no openings ~~other~~ other than stationery windows and required fire exits within such distance, but not within fifty (50) feet of any ~~R-~~ R-District in any case; or (b) when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six (6) feet high, but not within two hundred (200) feet of any ~~R-~~ R-District; provided further that all storage yards related to the uses in the paragraph shall be enclosed. All the uses included within this paragraph are not applicable to C-2 Business Districts in the Central Business District unless specifically approved by the Planning Commission.

- (19) Printing, publishing, and related trades when not within one hundred (100) feet of any R- District. Any other use which is determined by the Planning Commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in the I-1 District or which is prohibited in the R-1 District.

7-106.02 PERMITTED ACCESSORY USES.

- (1) Accessory uses in structures customarily accessory to and incidental to any of the foregoing permitted C-2 District uses.
- (2) Outdoor advertising for service stations or parking lots and other predominantly open commercial land uses to the extent that it will include one (1) free-standing identification sign not to exceed twenty (20) feet in height. Such sign shall set back not less than twelve (12) feet from any right-of-way line and shall not project over any such right-of-way. Identification signs shall comply with all other applicable regulations of this Ordinance, including Section 8-104.
- (3) Residential uses in multi-story buildings that are in existence and have operated as residential establishments prior to the enactment of this Ordinance and only then when specifically authorized by the Zoning Officer.

7-106.03. AREA REGULATIONS. In District C-2, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards and the minimum lot area per establishment permitted on any lot shall be as follows, except as modified herein or by Section 6-107 and Section 8-109.

7-106.03.01 LOT AREA. There is no minimum lot area requirement in the C-2 District, except as required by other provisions herein.

7-106.03.02 YARD REQUIREMENTS. Yard requirements in the C-2 District shall be the same as those in the C-1 District.

7-106.03.03 BUILDING HEIGHT. Building height in the C-2 District shall be the same as that for the C-1 District.

7-106.04 OFF-STREET PARKING AND LOADING. Off-street parking and loading will be in conformance with the provisions of Section 8-102.02.

7-107 C-3 HIGHWAY COMMERCIAL DISTRICT. It is the purpose of the C-3 District to encourage the functional grouping of those commercial enterprises catering primarily to either "local" or "through" highway travelers and to prevent therein location of other uses incompatible with these.

7-107.01 PERMITTED USES.

- (1) Motels and motor-hotels.
- (2) Restaurants and drive-in eating and drinking establishments, provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it abuts in the rear or besides any R-R-District, public park, church, or school.
- (3) Automobile services and automatic car wash establishments subject to Section 8-105.
- (4) General retail uses, such as groceries, delicatessens, gift shops.
- (5) Outdoor advertising of any kind, subject to Section 8-104.
- (6) Drive-in theatres with a minimum lot area of ten (10) acres and with permission from the Planning Commission.
- (7) Circus and amusement park only with permission from the Planning Commission.
- (8) Gun clubs and rifle ranges not less than two hundred (200) feet from any R-R-District only with permission from the Planning Commission.
- (9) Race courses, ~~with~~ any kind, including horse racing and automobile racing only with permission of the Planning Commission and not less than two thousand (2,000) feet from any R- R- District.
- (10) Stadiums, arenas, and other places of assembly with a maximum seating capacity of two thousand (2,000).
- (11) Offices, including medical, dental, or similar clinics.

7-107.02 PERMITTED ACCESSORY USES.

- (1) Any accessory use or structure customarily accessory and incidental to any of the foregoing permitted C-3 District uses.

7-107.03 AREA REGULATIONS. In District C-3, the total height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards and the minimum lot area per establishment shall be as follows, except as modified herein or by Section 6.107 or Section 8-109.

7-107.03.01 LOT AREA. There is no requirement for lot area except as otherwise provided herein.

7-107.03.02 YARD REQUIREMENTS. There are no yard requirements except whenever a C-3 District abuts in the rear or on the sides of any R-R-District. In this instance the rear yard or side yard requirements, whichever the case may be, of any building or structure on the premises of the C-3 District, shall set back from its side or rear lot line, whichever the case may be, a distance of two (2) linear feet for each one (1) foot of building or structure height. This will then determine the minimum yard requirements, except as otherwise provided herein.

7-107.03.03 BUILDING HEIGHT. Building height in the C-3 District will not exceed four (4) stories of fifty (50) feet for any structure within two hundred (200) feet of an R-R-District nor otherwise shall it exceed in height the distance measured to the center line of any street except as provided in Section 8-109.02.

7-107.04 OFF-STREET PARKING AND LOADING. Off-street parking and loading will be in conformance with the provision of Section 8-102.

7-108. I-1 LIGHT INDUSTRIAL DISTRICT. The I-1 Industrial District is intended to provide sites for heavy commercial and light industrial activities requiring some heavy machinery, which, under control would minimize the effect on nearby residential districts. New dwellings are not permitted. Heavy track railroad traffic, loading and unloading

operations are expected to be a part of this district. The uses permitted in this district are such that with a normal amount of screening and setback, they can be compatible with residential uses and for this reason the I-1 District may be used as a buffer between the heavy industrial uses found in the I-2 Districts.

7-108.01 PERMITTED USES.

- (1) Truck terminals.
- (2) Cold storage structures.
- (3) Wholesale establishments.
- (4) Warehouses and grain storage.
- (5) Laundries and dry-cleaning establishments.
- (6) Trade shops, such as plumbing and electrical shops.
- (7) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
- (8) Assembly of agricultural or farm implements, aircraft and aircraft parts, automobile, trucks, trailers and motorcycles.
- (9) Boat manufacture.
- (10) Printing and publishing plants.
- (11) Bottling plants.
- (12) Only those retail commercial establishments which are a necessary convenience to the industries and their employees, such as restaurants.
- (13) Living quarters for bona fide caretakers and/or watchmen and their families. All other dwelling or living quarters are expressly prohibited.
- (14) Fuel storage yard, except butane and propane gases.
- (15) Blacksmith shop, welding shop, and machine shop.
- (16) Ice manufacturing plant.
- (17) Lumber yards.
- (18) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating ventilating ducts

and equipment, cornices, eaves, and similar products.

- (19) Manufacture, compounding, processing, packaging to treatment of such products as bakery goods, candy, cosmetics, dairy products, gelatin, perfumes, pharmaceuticals, toiletries, and food products, except the following: fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
- (20) Manufacture of musical instruments, toys, novelties, and rubber or metal stamps.
- (21) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (22) Stonework.
- (23) Tinsmith and roofing service.
- (24) Public utility buildings and major structures, including radio and television broadcasting stations.
- (25) Industrial research laboratories.
- (26) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
- (27) Any use permitted and regulated in the C-2 or C-3 Commercial Districts, except as herein prohibited or modified.

7-108.02 PERMITTED ACCESSORY USES.

- (1) Any accessory use and accessory structure permitted and as regulated in the C-2 and C-3 Districts, except as herein modified or prohibited and such other uses, and structures customarily accessory and incidental to any of the foregoing permitted uses in the I-1 Light Industrial District.

7-108.03 PROHIBITED USES.

- (1) Any use which is prohibited in the I-2 and I-3 Districts.
- (2) Dwelling and residences of any kind except where they are incidental to a permitted principal use, provided however, that any of the aforesaid uses legally existing in the I-1 District at the time of the adoption of this Ordinance, or any amendment thereof, shall not be classified as a non-conforming use as defined in ARTICLE IV, and^{shall} be subject to the provisions of Section 6-102.

7-108.04 AREA REGULATIONS. In District I-1, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards and the minimum lot area per establishment shall be as follows, except as modified by Section 6-107 or Section 8-109.

7-108.04.01 LOT AREA. There are no requirements for minimum lot area in the I-1 District except for those permitted residential uses that legally existed prior to the adoption of this Ordinance which must conform to the provisions of minimum lot size for the R-2 Single Family District.

7-108.04.02 FRONT YARD. The front yard shall not be less than twenty-five (25) feet.

7-108.04.03 SIDE YARD. There are no side yard requirements in the I-1 District except on those lots adjoining any R-R-District which will then have a side yard of not less than twenty-five (25) feet for each side yard.

7-108.04.04 REAR YARD. The rear yard shall not be less than thirty (30) feet for one (1) story structures, forty (40) feet for two (2) story structures, and fifty (50) feet for three (3) story structures. For any structure in excess of three (3) stories, the rear yard requirement will be fifty (50) feet plus five (5) feet for each additional story.

7-108.04.05 BUILDING HEIGHT. Within two hundred (200) feet of any R- District, no structure shall exceed three (3) stories or fifty (50) feet in height, and no structure otherwise shall exceed in height the distance measured to the center line of any street except as provided in Section 8-109.02.

7-108.05 OFF-STREET PARKING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.

7-109 I-2 HEAVY INDUSTRIAL DISTRICT. The purpose of the I-2 Industrial District is to accommodate those heavy industries which cannot eliminate entirely the objectionable features and influence which they exert across their property boundaries, but which nevertheless must be provided space somewhere in the urban area. Various performance standards and regulations are prescribed in the Ordinance aimed at reducing as

much as practicable such objectional influences. The use of performance standards in compliance with the provisions of Section 8-101 offers greater flexibility and freedom of both initial design and subsequent operations than the older methods of specification zoning for industry.

7-109.01 PERMITTED USES.

- (1) Acetylene manufacturing in excess of fifteen (15) pounds per square inch.
- (2) Asbestos manufacturing.
- (3) Automobile assembly.
- (4) Boiler shops, machine shops, structural steel fabricating shops.
- (5) Brick, pottery, or terra cotta manufacturing.
- (6) Bulk station.
- (7) Candle manufacturing.
- (8) Cooperage works.
- (9) Enameling, lacquering or japanning.
- (10) Felt manufacture.
- (11) Flour or grain mills.
- (12) Forge or foundary works.
- (13) Gas generation or storage for illumination or heating.
- (14) Grain drying or poultry feed manufacturing.
- (15) Lime, or lime products manufacturing.
- (16) Match manufacturing.
- (17) Meat packing.
- (18) Paper and pulp manufacturing.
- (19) Perfume manufacturing.
- (20) Pickle, sauerkraut, vinegar or yeast manufacturing.
- (21) Plaster manufacturing.
- (22) Poultry slaughter house, including packing and storage for wholesale.
- (23) Printing ink manufacturing.
- (24) Radium extraction.
- (25) Ready-mix concrete plants.
- (26) Sandblasting or cutting.
- (27) Sawmill, the manufacture of excelsior, wood fiber or sawdust products.

- (28) Shoddy manufacturing.
- (29) Shoe blacking or polish or stove polish manufacturing.
- (30) Steam power plant, except where accessory to a permitted principal use.
- (31) Stone and monument works.
- (32) Slag piles.
- (33) Other uses which in the opinion of the Planning Commission and Board is of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.

7-109.03 PERMITTED ACCESSORY USES.

- (1) Accessory uses and accessory structures permitted as regulated in the I-1 District, except as hereinafter modified and such other uses and structures customarily accessory and incidental to any I-2 use or conditional uses.

7-109.04 PROHIBITED USES.

- (1) Dwellings in residences of any kind, trailer parks, schools, hospitals, clinics and other institutions for human care except where incidental to a principal use; provided, however, that any of the aforesaid uses legally existed in the I-2 District at the time of adoption of this Ordinance or any amendments thereto, shall not be classified as a non-conforming use as defined in ARTICLE IV, and subject to the provisions of Section 6-102.
- (2) Retail businesses and personal service establishments except when incidental and accessory to a permitted principal use and except automobile and truck service stations, restaurants and motels.

7-109.05 AREA REGULATIONS. In District I-2, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards, and the minimum lot area per establishment shall be as follows, except as modified by Section 6-107 or Section 8-109.

7-109.05.01 LOT AREA. There is no minimum lot area in the I-2 Industrial District except for those residential structures which are permitted under the provisions of the preceeding paragraph, which must then conform to the restrictions placed on the district which they would normally be a part of.

7-109.05.02 FRONT YARD. The front yard shall not be less than fifty (50) feet.

7-109.05.03 SIDE YARD. The side yard shall not be less than fifty (50) feet for any lot abutting to an R-R-District, however, there is no minimum side yard requirement for parcels not in this category.

7-110 I-3 AIRPORT INDUSTRIAL DISTRICT. The I-3 Airport Industrial District is designed specifically to accommodate those industries which because of their operations must be oriented in the proximity of an air terminal. Except for those industries directly allied with air transportation or aircraft production, it is very difficult to single out those industries which would benefit from such a location. The establishment of an I-3 Airport Industrial District would then primarily serve the purpose of reserving certain areas for manufacturers and other industrial uses which currently or at some future date will require a site contiguous to an airport in order to make use of an extensive aircraft taxiway system to accommodate their needs.

7-110.01 PERMITTED USES.

- (1) Manufacture of aircraft and aircraft parts of any kind.
- (2) Wholesaling and retailing of aircraft, aircraft parts, equipment and supplies.
- (3) Air transportation facilities and carriers of any kind.
- (4) Automobile and truck service stations in accordance with Section 8-105.

7-110.02 PERMITTED CONDITIONAL USES. The intent of the conditional use is to:

- (10) (1) Assure City that any industry locating in the airport industrial district is in fact an airport oriented or allied industry and could benefit from such a location.

(2) Insure that any industry or establishment within this zone is regulated in such a manner so as to not create electrical interference with radio communication between the airport and aircraft or make it difficult for fliers to distinguish between airport lights and others that result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft. With these considerations in mind, the following industries and industry types are permitted as a conditional use by special permit of the Board.

- (a) Any industry allowed in the I-1 or I-2 industrial district which depends upon shipment of goods, material, or personnel by air.
- (b) Wholesalers utilizing aircraft for shipment of perishables, such as flowers, farm products, et cetera.
- (c) Truck terminals and warehouses operating as trans-shipment agents between air and surface transportation.
- (d) Motels and restaurants, provided that the Board finds that such a motel will serve as an auxiliary use within the I-3 District and is intended to serve as an auxiliary use within the I-3 District and is intended to serve primarily the personnel or guests of the industrial enterprises in said I-3 District.
- (e) Any other use which is determined by the Board to be of the same general character as those permitted above, and meet the conditions for location within the I-3 Industrial District.

7-110.03 PERMITTED ACCESSORY USES.

- (1) Any use or structure customarily accessory or incidental to any of the above permitted uses.

7-110.04 PROHIBITED USES.

- (1) Any use not expressly authorized by this ARTICLE.
- (2) Any use which in the estimation of the Board is not compatible with the intent of the I-3 District.

7-110.05 AREA REGULATIONS. In District I-3, the height of buildings hereafter erected, constructed, reconstructed, moved or altered, the minimum dimensions of lots and yards, and the minimum lot area per establishment shall be as follows, except as modified by Section 6-107 or Section 8-109.

7-110.05.01 LOT AREA. There is no minimum lot area in the I-3 Industrial District.

7-110.05.02 FRONT YARD. The front yard in the I-3 Industrial District shall not be less than twenty-five (25) feet.

7-110.05.03 SIDE YARD. There are no side yard requirements in the I-3 District except on those lots adjoining any R-R-District which will then have a side yard of not less than twenty-five (25) feet for each side yard.

7-110.05.04 REAR YARD. The rear yard shall not be less than thirty (30) feet for one story structures, forty (40) feet for two (2) story structures, and fifty (50) feet for three (3) story structures. For any structure in excess of three (3) stories the rear yard requirement will be fifty (50) feet, plus five (5) feet for each additional story.

7-110.05.05 BUILDING HEIGHT. Within two hundred (200) feet of any R-R-District, no structure in the I-3 District shall exceed three (3) stories or fifty (50) feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any street except as provided in Section 8-109.02.

7-110.05.06 OFF-STREET PARKING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 8-102.

ARTICLE 8 SPECIAL PROVISIONS.

8-101 PERFORMANCE STANDARDS.

8-101.01 COMPLIANCE REQUIRED. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air

pollution; heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulations of this ARTICLE limiting dangerous and objectionable elements at the point of the determination of their existence.

8-101.02 PERFORMANCE STANDARDS - PROCEDURE. Only those uses specified in the I-2 District, as subject to performance standards, and uses accessory thereto, are subject to performance standards' procedure specified in obtaining a zoning certificate, unless the Zoning Officer has reasonable grounds to believe that another proposed use is likely to violate performance standards, in which even the applicant shall comply with performance standards' procedure in obtaining a zoning certificate.

8-101.03 ENFORCEMENT PROVISIONS APPLICABLE TO OTHER USES. Even though compliance with performance standards' procedure in obtaining a zoning certificate is not required for a particular use, initial and continued compliance with performance standards is required of every use, and provision for enforcement of continued compliance with performance standards shall be involved by the Zoning Officer or Board as the case may be, against any use, if there are reasonable grounds to believe that performance standards are being violated by such use.

8-101.04 NON-CONFORMING USES. Certain uses established before the effective date of this Ordinance and non-conforming as to performance standards shall be given a period of three (3) years in which to conform therewith.

8-101.05 LOCATION WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point");

provided, however, that the measurements necessary for enforcement of performance standards set forth in this ARTICLE shall be taken at different points in different districts in relation to the establishment of use creating the element being measured (herein referred to as "point of measurement") as follows:

8-101.05.01 IN ANY R-DISTRICT AND C-1 DISTRICT. Twenty-five (25) feet from the establishment or use, or at the lot line of the use if closer to the establishment or use.

8-101.05.02 In C-2, C-3, I- or A-Districts. At the boundary or boundaries of the District, or at any point within an adjacent R- District.

8-101.06 PERFORMANCE STANDARD REGULATIONS. The following provisions, standards and specifications shall apply:

8-101.06.01 FIRE AND EXPLOSION HAZARDS. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any point. The relevant provisions of the State and local laws and regulations shall also apply.

8-101.06.02 RADIOACTIVITY OR ELECTRIC DISTURBANCE. No activities shall be permitted which emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance, nor shall radio transmitters or other electrical interference be permitted if they create disturbances with radio or television reception in any R-District.

8-101.06.03 NOISE. At the points of measurement specified in Paragraph 8-101.05 the sound pressure level of noise radiated from a facility at night time shall not exceed forty (40) decibels or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above three hundred (300) cycles per second. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform with the

specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittance, beat frequency, impulsive character (hammering, et cetera) periodic character (humming, screeching, et cetera), or shrillness. For facilities which radiate noise only during a normal daytime working shift, the allowable decibel sound level given above shall be increased twenty-five (25) decibels, or ten (10) decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is the higher. Sirens, whistles, bells, et cetera, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations.

8-101.06.04 VIBRATION. No vibrating shall be permitted which is discernible without instruments at the points of measurement specified in Section 8-101.05.

8-101.06.05 SMOKE. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said Chart may be emitted for four (4) minutes to any thirty (30) minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

8-101.06.06 ODOR. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement specified in Paragraph 8-101.05. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Assn., Inc., Washington, D.C.

8-101.06.07 FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTION. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point; and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) per cent excess air.

8-101.06.08 GLARE. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Paragraph 8-101.05. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

8-101.06.09 LIQUID OR SOLID WASTES. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the Board of Health of the State of Kansas or standards equivalent to those approved by such department for similar uses, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

8-102 OFF-STREET PARKING AND LOADING REGULATIONS.

8-102.01 OFF-STREET LOADING SPACE.

8-102.01.01 LOADING SPACE - WHEN REQUIRED. In any district, in connection with any building or part thereof, hereafter erected or altered which is to be occupied by manufacturing, stores, warehouses, goods display, retail commercial, wholesale commercial, market, hotel, hospital, mortuary, laundry, dry-cleaning or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained, on the same lot with such buildings, off-street loading space in accordance with the following schedule:

<u>Floor Area of Building Square Feet</u>		<u>Total Number of Off-Street Loading Spaces</u>
Less than	10,000	0
Over 10,000	to 20,000	1
Over 20,000	to 40,000	2
Over 40,000	to 60,000	3
Over 60,000	to 80,000	4
Over 80,000	to 100,000	5

When the floor area of the building exceeds one hundred thousand (100,000) square feet the number of off-street loading spaces in excess of five (5) shall be determined by the Board.

8-102.01.02 DIMENSIONS. Each loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

8-102.01.03 MAY OCCUPY YARD. Subject to the limitations in Section 8-102.04 such space may occupy all or any part of any required side or rear yard; except the side yard along the side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.

8-102.01.04 DISTANCE - R-DISTRICTS. No such space shall be closer than fifty (50) feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence of acceptable design not less than six (6) feet in height.

8-102.02 OFF-STREET PARKING SPACE.

8-102.02.01 AUTOMOBILE PARKING SPACES - WHEN REQUIRED. In all districts, in connection with every industrial, business, institutional recreational, residential or other use, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

8-102.02.02 MINIMUM SIZE. Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.

8-102.02.03 ACCESS. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading or unloading spaces required hereunder in such a manner as to secure the most appropriate development of the property in question. Said access drive shall be not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases; provided, however, that one-way aisles for either ingress or egress for uses other than dwellings may be reduced to not less than ten (10) feet in width. Such access drive or easement shall not be located in any residential district except where provided in connection with a non-residential use permitted in such residential district.

8-102.02.04 TYPE. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.

8-102.03 LOCATION OF PARKING FACILITIES. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

8-102.03.01 FOR ONE-AND TWO-FAMILY DWELLINGS. On the same lot with the building they are required to serve.

8-102.03.02 FOR MULTIPLE DWELLINGS. Not more than two hundred (200) feet from the building they are required to serve.

8-102.03.03 FOR COMMERCIAL AND INSTITUTIONAL USES. For uses located and first permitted in the C-1, C-2, and C-3 Districts, and for hospitals, sanitariums, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses - not more than three hundred (300) feet from the building they are required to serve.

8-102.03.04 FOR OTHER USES. For all uses other than those specified above, not more than one thousand (1,000) feet from the building they are intended to serve.

8-102.04 UNITS OF MEASUREMENT. For purposes of this Section, the following units of measurement shall apply.

8-102.04.01 FLOOR AREA. In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices, incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

8-102.04.02 HOSPITAL BASSINETS. In hospitals, bassinets shall not be counted as beds.

8-102.04.03 PLACES OF PUBLIC ASSEMBLY - BENCHES. In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.

8-102.04.04 FRACTIONS. When units of measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

8-102.05 CHANGE IN USE - ADDITIONS AND ENLARGEMENTS. Whenever in any building there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement. Provided, however, that in case such change in use creates a need for an increase in off-street parking spaces of less than ten (10) per cent of the parking facilities previously provided or of less than five (5) spaces, whichever number is the greater, no additional parking facilities shall be required.

8-102.05.01 MIXED OCCUPANCIES AND USES NOT SPECIFIED. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in Section 8-102.08 below, the requirements for off-street parking facilities for a use which is so mentioned, and to which said use is similar, shall apply. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified for joint use in Section 8-102.07.

8-102.06 COLLECTIVE PROVISION. Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth in Section 8-102.03 as to maximum distance between parking areas and establishments served shall apply to each such establishment participating in the collective provisions of parking.

8-102.07 JOINT USE OF FACILITIES. (a) Not more than fifty (50) per cent of the off-street parking facilities required under this ARTICLE for a theater, bowling alley, dance hall, or an establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, and up to one hundred (100) per cent of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for certain other kinds of buildings or uses specified in sub-paragraph (b) below, which are not normally open, used or operated during the principal operating hours of theaters, churches, or the aforesaid establishments; and not more than fifty (50) per cent of the off-street parking facilities required under this Section for certain buildings or uses specified in sub-paragraph (b) below, may be supplied by such facilities provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the City Attorney, shall be filed with the application for a zoning permit.

(b) Building or uses not normally open, used or operated during the principal operating hours of theaters, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings, and similar uses.

8-102.08. NUMBER OF PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be as set forth in the following:

<u>USE</u>	<u>PRKG. SPACES REQUIRED</u>
Automobile or Machinery Sales and Service Garages	1 for each 600 sq. ft. floor area
Banks, Business and Professional Offices	1 for each 400 sq. ft. floor area
Bowling Alleys	7 for each alley
Churches and schools	1 for each 5 seats in an auditorium or 1 for each 12 classroom seats, whichever is greater.
Dance Halls and Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings	1 for each family or dwelling unit
Funeral Homes, Mortuaries	4 for each parlor or 1 for each 50 sq. ft. of floor area
Furniture and Appliance Stores, Household equipment or furniture repair shops over 1,000 sq. ft. floor area	1 for each 400 sq. ft. of floor area
Hospitals	1 for each bed
Hotels, Lodging Houses	1 for each bedroom
Libraries, Museums or Art Galleries	1 for each 250 sq. ft. of floor area
Manufacturing Plants, Research or testing laboratories, bottling plants over 1,000 sq. ft in area	1 for each 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater
Medical or Dental clinics	1 for each 150 sq. ft. of floor area
Motel and Motor Hotels	1 for each living or sleeping unit

<u>Use</u>	<u>Prkg. spaces required</u>
Restaurants, Beer parlors and night clubs	1 for each 200 sq. ft. of floor area
Retail Stores, shops, et cetera, of over 2,000 sq. ft. floor area	1 for each 150 sq. ft. of floor area
Sanitariums, Convalescent Homes, Children's Homes	1 for each 2 beds
Sports arenas, Auditoriums, Theaters, assembly halls other than schools	1 for each 4 seats
Wholesale Establishments or warehouses	1 for each 3 employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater

8-102.09 PARKING STRUCTURES OR LOTS - SUBMISSION OF PLANS. An application for the establishment of a parking structure or lot shall be filed with the Zoning Officer and must be accompanied by a plot plan, drawn to a scale of not less than one-hundred (100) feet to the inch showing design detail of such structure or lot. The Zoning Officer shall check the plat, and, if he finds the same to provide adequate method of ingress and egress from public streets; complete layout of parking spaces, together with dimensions thereof; provide adequate pedestrian safety, and be in compliance with the requirements of this Section, and Section 8-105, will forward the same, with the recommendation, to the Board of Zoning Appeals. The Board shall approve, conditionally approve, or deny the application.

8-102.10 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

8-102.10.01 SCREENING. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which abuts any premises situated in a Residential District, or any institutional premises, by a suitable solid wall or fence. Such wall or fence shall be not less than four (4) feet in height and shall be maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a solid wall of a height hereinabove prescribed.

8-102.10.02 SURFACING. Any off-street parking area for more than five (5) vehicles shall be surfaced with a pavement of sufficient strength to support the vehicular loads imposed on it and to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an I-District if more than two (200) hundred feet distant from any R-District, except that a dustless surface shall be provided in any case.

8-102.10.03 LIGHTING. Any lighting used to illuminate any off-street parking area shall be so arranged as to deflect the light from adjoining premises in any R-District.

8-102.10.04 MAY OCCUPY YARD. Subject to the limitations in Section 8-102.08 above, off-street parking spaces may occupy all or any part of any required side or rear yard. However, in no event shall any required front yard or the side yard along the side street in the case of a corner lot be occupied by such parking spaces.

8-102.11 MODIFICATIONS. The Board of Zoning Appeals may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.

8-103 TRAILERS, TRAILER PARKS, MOBILE HOMES, MOBILE HOME COMMUNITIES, AND MOBILE HOME PARKS.

8-103.01 GENERAL REQUIREMENTS. The Planning Commission may authorize establishment of a trailer park in any R-3 District in accordance with the provisions of this ARTICLE. The sanitary regulations prescribed by the authority having jurisdiction, and as may be otherwise required by law shall be complied with, in addition to the following regulations:

8-103.01.01 EMERGENCY PARKING - 8 HOURS. Emergency or temporary stopping or parking of a trailer shall be permitted on any street, alley or highway for not longer than eight (8) hours subject to any other further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for such street, alley or highway.

8-103.01.02 WHEELS NOT TO BE REMOVED. In any park or community, the wheels or any similar transporting devices of any trailer, camp car, or mobile home shall not be removed except for repairs, nor shall any trailer, camp car, or mobile home, be otherwise permanently fixed to the ground in a manner that would prevent removal of said trailer, camp car, or mobile home, other than the use of tie-down anchors for mobile homes.

8-103.01.03 SKIRTING. All mobile homes shall be completely skirted from the mobile home to the ground with suitable metal or wooden material as may be recommended by the manufacturer. This provision shall not apply to mobile homes on single lots when set on a permanent foundation.

8-103.02 MOBILE HOME COMMUNITY

8-103.02.01 SPACES. Mobile home spaces shall be provided consisting of a minimum of twenty-five hundred (2500) square feet for each space and which shall be clearly defined and marked.

8-103.02.02 PATIO, STORAGE LOCKER. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet and have a storage locker of at least one hundred twenty (120) cubic feet; and there shall be no open storage.

8-103.02.03 ADDITIONS TO MOBILE HOME. There shall be no additions made to mobile homes, except those accessories produced by the manufacturer; provided, that such additions shall not be in conflict with any of the provisions of this Ordinance.

8-103.02.04 PLACEMENT ON SPACE. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than twenty (20) feet. Mobile homes shall not be located closer than twenty (20) feet from any building within the mobile home community or from any property line bounding the mobile home community. No mobile home shall be located closer than twenty-five (25) feet from the center line of an interior roadway.

8-103.02.05 ACCESS TO MOBILE HOME. No mobile home shall have direct access to a public right-of-way and all mobile home spaces shall abut upon a roadway of not less than twenty-four (24) feet in width. Surfaced off-street or off-roadway parking lots shall be maintained at a minimum ratio of two (2) car spaces for each mobile home space, and each space shall not be less than nine feet by twenty feet (9x20), located within fifty (50) feet of the mobile home. All such roadways shall have unobstructed access to a public street or highway; provided, that the sole vehicular access shall not be by an alley and that all dead-end roadways shall include adequate vehicular turning space or cul-de-sac with a diameter of not less than eighty (80) feet.

8-103.02.06 SURFACING AND STREET LIGHTING. All roadways and walks within the mobile home community shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and adequately lighted by the owner as provided in Section 8-103.03.01.

8-103.02.07 PLUMBING AND ELECTRICAL SERVICE. All plumbing systems to each mobile home space shall be underground. Each mobile home space shall be provided with a 115-volt and 230-volt service with a minimum one hundred (100) ampere individual service outlet.

8-103.02.08 APPROVAL OF MASTER TELEVISION ANTENNA. Whenever master television antenna systems are to be installed, the complete plans and specifications for the system must be approved by the Zoning Inspector.

8-103.02.09 SERVICE BUILDING. Only independent mobile home spaces shall be provided and no service building shall be required; provided, that if such service building is provided, it shall comply with the regulations hereinafter prescribed for service building.

8-103.03 MOBILE HOME PARK PLAN.

8-103.03.01 PLAN REQUIREMENTS. The mobile home park shall conform to the following requirements; (a) Same as contained in Section 8-103.02.01; (b) Each mobile home space shall be provided with a storage locker of at least one hundred twenty (120) cubic feet and no open storage shall be permitted; (c) Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes. No mobile home shall be located closer than twenty (20) feet from any

building within the mobile home park or from any property line bounding the mobile home park, or closer than twenty-five (25) feet from the center line of an interior roadway; (d) No mobile home shall have direct access to a public right-of-way in the form of an arterial or collector street and all mobile home spaces shall have direct access to a driveway of not less than twenty-four (24) feet in width if mobile home spaces do not have direct access to a public street other than an arterial or collector street. The required driveway shall have unobstructed access to a public street or highway and the sole vehicular access shall not be by an alley. All dead-end driveways shall include adequate vehicular turning space or cul-de-sac. Mobile homes abutting directly on all streets other than arterial or collector streets shall be allowed direct access to such street, providing that they conform to the other requirements for mobile homes; (e) Off-roadway parking shall be maintained at a ratio of one (1) car space for each mobile home space; (f) All driveways and walkways within the mobile home park shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and lighted at night with electric lamps of not less than 400 watts each, spaced at intervals of not more than two hundred (200) feet, or equivalent illumination as may be supplied by other approved sources; (g) Same as contained in Section 8-103.02.08; (h) Whenever a mobile home park adjoins an arterial street or any commercial, or industrial establishment, then special protection shall be provided for the park by planting of the setback from such adjoining boundary, to create a landscape buffer consisting of coniferous and deciduous plant material of such density so as to prohibit a sighting of the street or commercial or industrial establishment from the mobile home park when such plantings are fully grown.

8-103.03.02 SERVICE BUILDINGS. If independent mobile home spaces only are provided, no service building shall be required. Any mobile home park providing for dependent mobile homes shall have one or more service buildings constructed in accordance with the provisions of the building, plumbing and electrical codes of the city; such service building shall:

- (a) Be located no nearer than twenty (20) feet or more than two hundred (200) feet from any mobile home space.
- (b) Be adequately lighted.
- (c) Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
- (d) Provide at least one lavatory, water closet and shower for each sex, one laundry tray, one waste water drain and hot and cold water.
- (e) Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
- (f) Have all rooms well ventilated, with all openings effectively screened.

8-103.04 WATER SUPPLY.

8-103.04.01 MINIMUM REQUIREMENTS. The water supply shall be connected to the municipal water system and all plumbing shall be constructed and maintained in accordance with the city's plumbing code.

8-103.04.02 INDIVIDUAL CONNECTIONS. Individual water service connections shall be provided for direct use by mobile homes and shall be so constructed that they will not be damaged by the parking of such mobile homes or as required by the City Inspector.

8-103.05 SEWAGE DISPOSAL.

8-103.05.01 PLUMBING. All plumbing at the mobile home community or mobile home park shall comply with state and local plumbing laws and regulations.

8-103.05.02 SEWERS CONNECTION. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be so constructed that they can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in odor free condition.

8-103.05.03 SEWER LINES. Sewer lines shall be constructed with the approval of the Zoning Inspector, and in accordance with the plumbing code and in accordance with the recommendation of the City Inspector.

8-103.06 REFUSE DISPOSAL. The storage, collection and disposal of refuse in the mobile home community and mobile home park shall be in compliance with the refuse ordinance of the City.

8-103.07 ELECTRICITY. All electric installations shall comply with the electrical code of the City. Such electrical outlets shall be weather proof. No power line, including service lines to the mobile home shall be permitted to lie on the surface of the ground. All power lines shall be underground.

8-103.08 FUEL. Only natural gas or electricity may be used for cooking and heating at individual mobile home spaces; provided, however, that the installation is connected in accordance with the City's plumbing code.

8-103.09 FIRE PROTECTION. Each mobile home community and mobile home park shall be subject to the rules and regulations of the City and the fire prevention code.

8-103.10 MOBILE HOME TIE DOWNS.

8-103.10.01 TYPES REQUIRED. To minimize possible damage from high winds, mobile homes shall be provided with: (1) The "over the top" tie, and (2) The frame tie.

8-103.10.02 MATERIALS REQUIRED. Mobile home ties shall be made of wire rope or rust resistant steel strap.

8-103.10.03 ANCHORING TIES. Anchors installed shall be of sufficient strength and so positioned to produce a holding power of at least 4800 pounds.

8-103.10.04 ADDITIONS AND CANOPIES. Additions and canopies shall also be tied down.

8-103.10.05 TIE DOWN ANCHORAGE REQUIREMENTS. Tie down anchorage requirements are as follows: (a) for ten (10) and twelve (12) foot wide mobile homes, these will be four (4) frame ties and three (3) over the top ties for mobile homes thirty (30) to fifty (50) feet long, five (5) frame ties and three (3) over the top ties for mobile homes fifty (50) to sixty (60) feet long, (b) for twelve (12) and fourteen (14) foot-wide mobile homes, there shall be five (5) frame ties, and three (3) over the top ties.

8-103.11 LICENSE FEES.

8-103.11.01 ANNUAL LICENSE FEE. The fee for each mobile home community or mobile home park shall be ten and no/100 Dollars (\$10.00) for each mobile home space contained therein.

8-103.11.02 LICENSE FEES - DURATION. All license fees except temporary permit fees, shall be for the calendar year, shall not be prorated, and shall expire on December 31, of each year.

8-103.11.03 TRANSFER. A mobile home community or mobile home park license may be transferred to another person during the current year of such license upon payment of ten and no/100 Dollars (\$10.00) to the office of the City Clerk.

8-103.11.04 APPLICATION FOR LICENSE. Application for a mobile home community or mobile home park license shall be filed with the office of the Zoning Inspector. The application for an initial mobile home community or mobile home park license shall be in writing, signed by the owner and shall include the following: (a) The name and address of the applicant; (b) The location and legal description of the mobile home community or mobile home park; (c) A complete set of plans showing conformity with all of the requirements contained in this article, including a plot plan drawn to scale, at not less than one inch equal to one hundred feet, showing the park or camp dimensions, number and location of mobile home spaces, location and width of roadways, sidewalks, off-street parking and easements, the existing topography and a drainage grading plan; (d) Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service lines, gas services lines and sewer service, constructed or to be constructed within the mobile home community or mobile home park; (e) Such further information as may be requested by the Zoning Inspector to enable him to determine if the proposed mobile home community or mobile home park will comply with all the requirements of this Ordinance.

Before any application as required by this section may be approved for a mobile home community or mobile home park, there must be recommendation from the Planning Commission approving the design and layout of the

mobile home community or mobile home park. Upon the receipt of the recommendation for such from the Planning Commission, the Zoning Inspector shall then investigate and inspect the application and the proposed plans and specifications. If the plans and specifications for the proposed mobile home community or mobile home park are in compliance with all provisions of this Ordinance and all applicable ordinances and statutes, the Zoning Inspector shall recommend approval of the application. Before a license may be issued there must be a favorable recommendation by a majority of the City Commission of the City.

8-103.11.05 RENEWAL OF APPLICATION. Upon application in writing by a licensee for renewal of a license and after reinspection by the City Inspector of the mobile home community or mobile home park for conformance with the regulations of this ARTICLE and upon payment of the annual license fee, the City Clerk shall issue a certificate renewing such license for another year.

8-103.12 NONCONFORMANCE. All existing mobile homes or mobile home communities, parks, spaces or areas not meeting the requirements of this Ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this Ordinance and any such nonconforming mobile home community, park, space or area which is not operated for a period of ~~one~~ (1) year, shall not reopen until the conditions of this Ordinance shall have been complied with.

8-103.13 CASE ORDER. Upon inspection of any mobile home community or mobile home park, the Zoning Inspector finds that conditions or practices exist which are in violation of any provision of this Ordinance or of any regulation adopted pursuant thereto, the Zoning Inspector shall give notice in writing to the person to whom the license was issued; and, unless such conditions or practices are corrected within a reasonable period of time to be determined by the Zoning Inspector, he shall give notice in writing to the person to whom the license was issued that the license has been revoked. Upon receipt of the notice of revocation, such person or persons shall cease operation of such mobile home community or mobile home park within thirty (30) days.

8-103.14 HEARING ON NONCONFORMANCE BEFORE GOVERNING BODY. Any person whose application for a license has been denied or any person whose license has been revoked, may request and shall be granted a hearing of the matter before the Governing Body of the City of Garnett, upon filing an application for hearing before such body within thirty (30) days following the day on which such notice was received or license denied and the Governing Body of the City of Garnett shall hold such hearing within thirty (30) days after the filing of such application. The filing of such application shall not suspend any order of the Zoning Inspector in denying application for license but shall suspend any order of revocation of said license until the matter has been determined by the Governing Body of the City of Garnett.

8-104 DISPLAY SIGNS AND OUTDOOR ADVERTISING.

8-104.01 PERMIT REQUIRED. No display sign, whether permanent or temporary shall hereafter be erected, constructed, or maintained within the limits of the City of Garnett by any person, firm or corporation until a permit for the same has been issued by the Zoning Officer and no permit for a display sign shall be issued until a surety bond or other security acceptable to the Board has been filed and the permit fee paid as hereinafter provided.

8-104.02. EXEMPTIONS. The provisions of this ARTICLE, except as to safety requirements, shall not apply to a sign not more than two (2) feet in height, on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business, nor to a sign not exceeding two (2) square feet of display surface, on a residence building stating merely the name and profession or occupation of an occupant; nor to a sign, not exceeding ten (10) square feet of display surface, on a public building or institutional use giving the name and nature of the occupancy and information as to the conditions of use or admission; nor to a wall sign not exceeding two and one-half ($2\frac{1}{2}$) square feet of display surface, nor to a ground sign; advertising either the sale or rental of the premises upon which it is maintained; nor to temporary signs or banners authorized by the Board of Zoning Appeals.

8-104.03 ALTERATIONS. The following regulations shall apply:

8-104.03.01 STRUCTURAL. No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this ARTICLE.

8-104.03.02 REPAINTING. The repainting of signs shall not be deemed to be an alteration within the meaning of this Ordinance.

8-104.04 EXISTING SIGNS - CONTINUANCE. Nothing in this ARTICLE shall require the removal or discontinuance of a legally existing display sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a nonconforming use under the terms of this Ordinance; provided, however, that all display signs prohibited in R-District and existing at the effective date of this Ordinance in any of the several R-District classifications, shall be removed within two (2) years from said effective date. These same restrictions shall apply to general advertising signs located along designated scenic drives or boulevards, when in any A-1 Agricultural District.

8-104.05 GENERAL REQUIREMENTS. Except as otherwise provided by this Ordinance, outdoor advertising signs, where permitted, shall comply with the following requirements.

8-104.05.01 PROJECTING SIGNS. Display signs, fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle, shall not extend to more than two (2) feet from the inner curb line; provided that display signs not exceeding fifteen (15) inches high, supported directly on marquees may extend to the permissible outer limits of such marquees. A clear space of not less than ten (10) feet shall be provided below all parts of such signs except when such signs are hanging from permitted marquees and building projections in the Central Business District and providing that such signs do not exceed fifteen (15) inches from the bottom of such marquees or projections. Projecting signs shall not exceed one (1) square foot in area for each two (2) feet of building frontage.

8-104.05.02 GROUND SIGNS. Display signs shall not exceed fifteen (15) feet in height above the ground on which they rest, except that free standing identification signs of gasoline service stations, parking lots and other commercial uses may have a height of not to exceed twenty-five (25) feet. Such signs shall be located back of the street line and building line a distance equal to not less than the height of the sign above the ground. Such signs when more than thirteen (13) feet high shall be constructed of incombustible materials.

8-104.05.03 ROOF SIGNS. Display signs that are placed above or supported on the top of a building or structure shall be constructed of incombustible materials, provided that mouldings and cappings may be of wood. Such signs shall be set back at least eight (8) feet from the building line and shall be not more than twenty-five (25) feet high above that part of the roof on which they rest.

8-104.05.04 WALL SIGNS. Display signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of the wall surface. Such signs shall not exceed forty (40) square feet in area, unless made of incombustible materials. Such signs shall not extend beyond the top or ends of the wall surface on which they are placed.

8-104.05.05 SIGNS NOT TO FACE R-DISTRICT. No display sign, except those exempted in Section 8-104.02, shall be permitted which faces the front or side of such lot line, or which faces and is visible from any public parkway, public square or entrance to any public park, public or parochial school, library, church or similar institutions, within three hundred (300) feet thereof.

8-104.05.06 TRAFFIC SAFETY- COLORS, ETC. Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.

8-104.05.07 TRAFFIC OBSTRUCTION. No display sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress or traffic visibility.

8-104.06 R-DISTRICTS - SIGNS PROHIBITED. No display signs, except those exempted in Section 8-104.02, church signs (8-104.07) and temporary signs (8-104.08), shall be permitted in any R-District.

8-104.07 CHURCH OR INSTITUTIONAL SIGNS - DIRECTIONAL. Any bona fide church, religious sect or congregation public or semi-public institutional use, such as a government building, hospital, school, et cetera, may erect three (3) directional signs in the City, subject to the following specifications:

8-104.07.01 SUPPORT AND LOCATION. Such signs shall be mounted on a street post imbedded in concrete between the sidewalk and curb, so that the bottom of the sign shall be at least six (6) feet from the ground. There shall be not more than one (1) church sign located on the corner of any street intersection.

8-104.07.02 DESIGN. All church signs shall be of uniform design, size and construction as specified by the Board.

8-104.07.03 PERMISSION - PROPERTY OWNER. The church, sect or congregation, shall secure in writing permission from the owner of the property in front of which such sign is sought to be erected. Such permission shall be filed with the Zoning Officer who will issue the required permit upon approval of the location by the Board of Zoning Appeals.

8-104.07.04 BONDS. Bond shall be provided as required for other display signs.

8-104.07.05 CHURCH SIGNS - BULLETIN BOARD. Any bona fide church, religious sect or congregation, community center or similar semi-public or institution use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area on the same premises upon which such use is located. If not attached flat against a building, said sign shall be at least twelve (12) feet from all street lines.

8-104.08 TEMPORARY SIGNS. The Board may authorize the installation of temporary signs in accordance with the requirements of this Section and subject to such additional requirements and conditions as it may deem necessary.

8-104.08.01 BANNERS. And similar temporary signs in connection with public or semi-public promotional or festive occasions.

8-104.08.02 SUBDIVISION SIGNS. Signs advertising sale of lots in an undeveloped subdivision may be erected and displayed in said subdivision, provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision; and provided that each such sign shall be removed at the expiration of one (1) year after the erection or when sixty (60) per cent of the lots fronting on the street which such sign faces have been built upon and occupied as residences, whichever occurs first.

8-104.08.03 CONTRACTOR'S SIGNS. Signs announcing the names of contractors, subcontractors and material men participating in the construction of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.

8-104.09 SURETY BOND. The owner or person in control of a display sign suspended over a street or extending into a street more than one (1) foot beyond the building line, whether permanent or temporary, shall execute a bond as required by the City Commission.

8-105 AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS.

8-105.01 ENTRANCE - DISTANCE REQUIREMENTS. No automobile service of filling station, parking area for twenty-five (25) or more passenger motor vehicles, trucks or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, the entrance to a public park or cemetery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

8-105.02 OIL DRAINING, ET CETERA. No automobile service station or public garage shall be permitted where any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances, other than filling caps, are located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R-District, except where such appurtenances are within a building.

8-105.03 AUTOMOBILE SERVICE STATION - ENCLOSURE. Except in C-2, C-3, and I-Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located shall be enclosed in the rear and on the sides by a wooden or solid masonry wall not less than six (6) feet high. The first ten (10) foot section of such wall, measured from the street right-of-way line, may be stepped down to two (2) feet at said right-of-way line, following a pattern of appropriate design.

8-106 DWELLING GROUPS.

8-106.01 ZONING INSPECTOR MAY ISSUE ZONING CERTIFICATE. With Planning Commission approval, a zoning certificate for the erection of a dwelling group, in any District where permitted, may be issued by the Zoning Officer, provided such dwelling group conforms to all the following conditions and requirements.

8-106.02 MINIMUM LOT AREA. The area of the lot on which the dwelling group is to be erected shall be at least equal to the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.

8-106.03 DWELLINGS TO FRONT ON STREET OR OTHER OPEN SPACE - DISTANCES. Each dwelling in the group shall front either on a street, or other permanent public open space at least thirty (30) feet wide, or on a common yard or outer court. The least width of such yard, if flanked by buildings on one (1) side only shall be:

1-1 $\frac{1}{2}$ stories	30 feet
2-2 $\frac{1}{2}$ stories	35 feet
3 stories	40 feet

If flanked by buildings on both sides, the least width of such yard shall be:

1-1 $\frac{1}{2}$ stories	40 feet
2-2 $\frac{1}{2}$ stories	50 feet
3 stories	60 feet

In each case the distances between principal buildings, other than the distances specified above, shall not be less than the sum of the least widths of side yards required in the district in which the dwelling group is to be located.

8-106.03.01 DISTANCE BETWEEN BUILDINGS AND NEAREST LOT LINES.

The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than twenty (20) feet in any case.

8-106.04 ACCESS ROAD - DISTANCE. Every dwelling in the dwelling group shall be within sixty (60) feet of a private access roadway or drive, having a right-of-way at least twenty (20) feet wide, providing vehicular access from a public street, and within five hundred (500) feet, measured along the route of vehicular access, from a public street, and providing an adequate turn around.

8-106.05 COMPLIANCE - OTHER ORDINANCE REQUIREMENTS. Except as modified in this Section 8-106, such dwelling group shall conform to all the requirements of this Ordinance for the district in which it is to be located.

8-107 PRIVATE SWIMMING POOLS.

8-107.01 DEFINITIONS. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-⁽¹⁾/₈ feet. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements.

8-107.02 EXCLUSIVE PRIVATE USE. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

8-107.03 DISTANCE REQUIREMENT. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten (10) feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than twenty (20) feet to any property line.

8-107.04 FENCING. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

8-107.05 DRAINAGE. Adequate provision for drainage shall be made subject to approval by the Zoning Officer.

8-107.06 LIGHTING. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from adjoining properties.

8-107.07 PERMIT REQUIRED. No person, firm, or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Officer.

8-108 EXTRACTION OF MINERALS.

8-108.01 GENERAL REQUIREMENTS. Any owner, lessee or other person, firm or corporation having an interest in mineral lands in the A-1 District may file with the Board an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the district in which said property is located, and with the following additional requirements:

8-108.01.01 DISTANCE FROM PROPERTY LINES. No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.

8-108.01.02 DISTANCE FROM PUBLIC RIGHT-OF-WAY. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way.

8-108.01.03 FENCING. Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing is necessary for the protection of the public safety, and shall be of type specified by the Board.

8-108.01.04 EQUIPMENT. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Zoning Officer.

8-108.01.05 PROCESSING. The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

8-108.02 APPLICANT - FINANCIAL ABILITY. In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

8-108.03 APPLICATION - CONTENTS, PROCEDURE. An application for such operation shall set forth the following information: (a) name of the owner or owners of land from which removal is to be made; (b) name of the applicant making request for such a permit; (c) name of the person or corporation conducting the actual removal operation; (d) location, description, and size of the area from which the removal is to be made; (e) location of processing plant used; (f) type of resources or materials to be removed; (g) proposed method of removal and whether or not blasting or other use of explosives will be required; (h) description of equipment to be used; (i) method of rehabilitation and reclamation of the mined area.

8-108.03.01 PUBLIC HEARING. Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of ARTICLE 8.

8-108.04 REHABILITATION. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the City of Garnett in an amount of not less than one thousand Dollars (\$1,000.00) and no more than ten thousand Dollars (\$10,000.00) as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board, meeting the following minimum requirements:

8-108.04.01 SURFACE REHABILITATION. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids, to secure (a) that the excavated area shall not collect and permit to remain therein stagnant water; of (b) that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

8-108.04.02 VEGETATION. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.

8-108.04.03 BANKS OF EXCAVATIONS NOT BACKFILLED. The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

8-108.04.04 ADDITIONAL REQUIREMENTS. In addition to the foregoing the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use, and operation of such mines, quarries or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board prior to issuance of the permit.

8-109 EXCEPTIONS AND MODIFICATIONS.

8-109.01 LOTS OF RECORD.

8-109.01.01 DWELLING ON ANY LOT OF RECORD. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Ordinance, irrespective of its area or width, provided the applicable yard and other open space requirements are complied with as nearly as possible.

8-109.01.02 MINIMUM YARDS. In no case shall the width of any side yard be less than ten (10) per cent of the width of the lot, and provided; that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or thirty (30) per cent of the frontage, whichever is the greater. In no case shall the depth of the rear yard be less than ten (10) feet. Front, side or rear yard encroachments as specified in Section 8-109.04 below shall be prohibited in the case of substandard lots of record and the yard width of such lots shall be measured from the edge of any projection or overhang to the lot line.

8-109.02 HEIGHT MODIFICATIONS.

8-109.02.01 HEIGHT LIMITATIONS NOT APPLICABLE. The height limitations stipulated elsewhere in this Ordinance shall not apply to the following:

8-109.02.02 FARM BUILDINGS, ARCHITECTURAL FEATURES, ET CETERA. Barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smoke-stacks, flag poles, radio towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.

8-109.02.03 PLACES OF PUBLIC ASSEMBLY. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

8-109.02.04 ELEVATOR PENTHOUSES, WATER TANKS, ET CETERA. Elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) per cent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height.

8-109.02.05 MINIMUM REQUIREMENTS. All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) per cent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.

8-109.03 YARD AND FRONTAGE MODIFICATIONS IN R-DISTRICTS.

8-109.03.01 AVERAGE DEPTH OF FRONT YARDS. In any R-District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such cases, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet; and provided further that in no event shall the depth of a front yard of a corner lot be less than twenty-five (25) feet.

8-109.03.02 STEEP SLOPES - FRONT YARD GARAGE. In any R-District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or per cent of slope that it is not practicable to provide a driveway with a grade of twelve (12) feet to the street line.

8-109.03.03 DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

8-109.03.04 REAR AND SIDE YARDS - HOW COMPUTED. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half ($\frac{1}{2}$) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, in no event shall any building or structure be erected closer than five (5) feet from any lot line.

8-109.03.05 SIDE YARD INCREASED. Each side yard, where required, shall be increased in width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.

8-109.03.06 SIDE YARD - CORNER LOT. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in an R-District, shall have a width of not less than one-half ($\frac{1}{2}$) the required depth of the front yard on such other lot fronting the side street.

8-109.03.07 FRONTAGE MODIFICATIONS. In the case of curvilinear streets and cul-de-sacs, the Board may authorize a reduction of the otherwise specified lot frontage in R-Districts, provided that (a) the lot width measured at the building line shall equal the frontage required in the district where located; (b) the front lot line shall be not less than forty (40) feet in any event; and (c) such reduction of frontage shall not result in a reduction of the required lot area.

8-109.04 YARD PROJECTIONS IN R-DISTRICTS. Certain architectural features may project into required yards or courts as follows:

8-109.04.01 FRONT AND SIDE YARDS. Into any required front yard, or required side yard adjoining a side street lot line;

- (1) Cornices, canopies, eaves or other architectural features, may project a distance not exceeding two (2) feet, six (6) inches.
- (2) Fire escapes, may project a distance not exceeding four (4) feet, six (6) inches.
- (3) An uncovered stair, and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three (3) feet in height.
- (4) Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third ($\frac{1}{3}$) of the length of the building wall on which they are located.

8-109.04.02 INTERIOR SIDE YARDS. Subject to the limitations in Section 8-109.04.01, the above-named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth ($\frac{1}{5}$) of the required least width of such side yard, but not exceeding three (3) feet in any case.

8-109.04.03 REAR YARDS. Subject to the limitation in Section 8-109.04.03, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard.

8-109.04.04 FENCES, WALLS AND HEDGES. May be located in required yards as follows:

- (1) Under Four (4) Feet: If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located in any yard.
- (2) Under Six (6) Feet: If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear, the side lot line of another lot in an R-District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.
- (3) Barbed-Wire Fence: or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever, shall be prohibited.

8-109.05 LOT AREA REQUIREMENTS - PRIVATE SANITARY FACILITIES. Any other regulations of this Ordinance notwithstanding, in any district, except A-1, where public water and sanitary facilities are not accessible, the lot area per family and lot frontage requirements otherwise specified for residential uses shall be increased as follows:

8-109.05.01 SEWERAGE AND WATER NOT AVAILABLE. Where both public sewerage and public water supply are not accessible:

Minimum Lot Area	Twenty Thousand (20,000) sq. ft.
Minimum Lot Frontage	One Hundred (100) ft.

8-109.05.02 SEWERAGE NOT AVAILABLE. Where public water supply is accessible and private connections will be made, but where public sewerage is not accessible:

Minimum Lot Area	Eighteen Thousand (18,000) sq. ft.
Minimum Lot Frontage	One Hundred (100) feet.

8-109.05.03 A-1 STANDARDS PREVAIL. Where public water supply and sewerage are accessible in the A-1 District, the lot area and frontage requirements specified for A-1 District shall still apply as set forth in Section 7-101.

ARTICLE 9 DISTRICT CHANGES AND REGULATION AMENDMENTS:

9-101 COMMISSION MAY AMEND ORDINANCE. Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Commission may by ordinance, after recommendation thereon by the City Planning Commission and subject to the procedure provided in this ARTICLE, amend, supplement or change the regulations, district boundaries or classifications or property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.

9-102 PROCEDURE FOR CHANGE. Applications for any change of district boundaries or classifications or property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at its public office, upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not less than one hundred (100) feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of properties within two hundred (200) feet of such land. Each such application shall be verified by all of the owners of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

9-102.01 LIST OF PROPERTY OWNERS. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

9-103 PLANNING COMMISSION HEARING, NOTICE. Before submitting its recommendations to the City Commission, the Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the City at least twenty (20) days before the date of such hearing. Written notice of the proposed change shall be mailed to all owners of land located within two hundred (200) feet of the area proposed to be altered.

9-103.01 PLANNING COMMISSION - RECOMMENDATIONS. The Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the City Commission. A quorum must be present before the Planning Commission can vote on their formal recommendation. A vote either for or against an amendment by a majority of all Planning Commissioners present constitutes a recommendation. A vote for or against by less than a majority constitutes a "failure to recommend".

9-104 CITY COMMISSION HEARING. After receiving from the Planning Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the City Commission shall hold a public hearing thereon, at least twenty (20) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City. Written notice of the proposed change shall be mailed to all owners of land located within two hundred (200) feet of the area proposed to be altered.

9-104.01 CITY COMMISSION - FINAL ACTIONS. Following such hearing and after reviewing the recommendations of the Planning Commission thereon, the City Commission shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. The City Commission, if it approves a negative recommendation of the Planning Commission, need take no further action. If the City Commission is submitted a "failure to recommend", it may take such action as deemed appropriate. The City Commission may also return the recommendation to the Planning Commission for reconsideration. The City Commission may overrule the recommendations of the Planning Commission by a two-thirds (2/3) vote of the full membership of the City Commission. If a valid protest is filed, consisting of the required twenty (20) per cent of the property owners within two hundred (200) feet of the area proposed to be altered, the amendment shall not be adopted except by at least a two-thirds (2/3) vote of all the members of the City Commission.

9-105 MAP CHANGE PENDING - ZONING CERTIFICATE, BUILDING PERMIT. Whenever the City Commission has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

9-106 FEES. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a check of twenty-five dollars (\$25.00) payable to the City of Garnett or a cash payment in excess of this amount to be determined by the Planning Commission sufficient to cover the costs of publishing, posting and/or mailing notices of hearings.

ARTICLE 10 ZONING ADMINISTRATION

10-101.01 ENFORCEMENT BY ZONING INSPECTOR. There is hereby established the office of Zoning Inspector and for the purposes of this Ordinance, the City Manager of the City of Garnett, or his authorized representative, is hereby designated as said Zoning Inspector. It shall be the duty of the Zoning Inspector to advise municipal officials on zoning administration matters and enforce this Ordinance in accordance

with the administrative provisions of this Ordinance. All departments, officials and public employees of the City of Garnett, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

10-101.02 ZONING CERTIFICATE. It shall be unlawful for any owner, lessee or tenant to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Ordinance. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Ordinance, the City Code and Kansas State Department of Health.

10-101.03 FILING PLANS. Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such application and

plans shall be returned to the applicant when such plans shall have been approved by the Zoning Inspector, together with such Zoning Certificate as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building hereon shall be staked out on the ground before construction is started.

10-101.04 CERTIFICATE OF UTILITY APPROVAL. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Director of Services of the proposed method of water supply and/or disposal of sanitary wastes.

10-101.05 BUILDING PLAT REQUIRED - FEE. All applications for Zoning Certificates shall be accompanied by a plat drawn to a scale of not less than one hundred (100) feet to the inch, showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. No Zoning Certificate shall be issued until a fee of two dollars (\$2.00) shall have been paid.

10-101.06 CERTIFICATE OF OCCUPANCY. It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged until an endorsement of the certificate of occupancy shall have been accomplished by the Zoning Inspector after inspection. Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered or improved in compliance with the provisions of this Ordinance, and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Zoning Appeals or other proper authority.

10-101.07 INSPECTOR TO ACT WITHIN 30 DAYS. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Ordinance within thirty (30) days after they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate, unless the applicant consents to an extension of time.

10-101.08 VIOLATIONS AND PENALTIES. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Ordinance, or any amendment or supplement thereto adopted by the City Commission of the City of Garnett. Any person, firm or corporation, violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.

10-101.09 VIOLATIONS - REMEDIES. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the City Commission, the City Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

10-102 BOARD OF ZONING APPEALS

10-102.01 APPOINTMENT. A Board of Zoning Appeals shall consist of five (5) citizens of Garnett appointed by the Mayor, with consent of the City Commission for terms of three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Vacancies shall be filled by the same manner for the unexpired term. Members of the Board shall serve without compensation and each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for cause upon written charges and after public hearings. One member of the Board shall be a member of the Planning Commission and one member shall be appointed from the City Commission.

10-102.02 PROCEDURE. The Board shall organize and elect a Chairman, Vice-Chairman, and Secretary from its membership to serve for the duration of his term. The Board shall then adopt rules for its own government in accordance with this Ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board deems advisable. The Chairman, or in his absence the Vice-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also the Secretary shall keep records of the Board's examinations and other official actions, all of which are to be immediately filed in the office of the Board and become public records. Finally the Secretary shall conduct all official correspondence and supervise the clerical work of the Board.

10-102.03 QUORUM, ETC. Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Board from which there has been an appeal, except in the event that only three (3) members of the Board are present at the meeting, their unanimous vote shall be sufficient for action.

10-102.04 ASSISTANCE. The Secretary of the Board may call upon the City Manager for assistance in the performance of the duties of the Board.

10-103 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.

10-103.01 APPLICATIONS - WHEN AND BY WHOM TAKEN. An application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit same to the Secretary of the Board.

10-103.02 SECRETARY - REPORT. The Secretary shall investigate the application and submit a report thereon, together with his recommendations, to the Board.

10-103.03 APPEALS- WHEN AND BY WHOM TAKEN. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty (30) days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

10-103.04 SECRETARY - REPORT. The Secretary shall investigate the appeal and submit a report thereon, together with his recommendations, to the Board.

10-103.05 HEARINGS. The Board shall fix a reasonable time for the hearing of the appeal and shall publish a notice of hearing once in the official City newspaper at least twenty (20) days prior to the date fixed for hearing, the date of publication and date of hearing shall not be included in the twenty (20) days required. The content of the notice shall contain the time and place fixed for the hearing and the subject matter to be heard. A copy of the published notice shall be mailed to each party to the appeal, the City Planning Commission and all property owners within two hundred (200) feet of the property in question. Each appeal shall be accompanied by a check, payable to the City of Garnett or a cash payment, sufficient in amount to cover the cost of publishing and/or posting, and mailing the notices

of the hearing or hearings, but in no event shall it be less than fifteen dollars (\$15.00). At the hearing, any party may appear in person or be represented by agent or attorney.

10-103.06 APPEAL FROM DECISIONS OF THE BOARD. Any person, official or governmental agency dissatisfied with any order or determination of said Board may bring an action in the district court of the county in which such City is located to determine the reasonableness of any such order of determination.

10-103.07 DECISIONS OF THE BOARD. The Board shall decide all applications and appeals within thirty (30) days after the date of notice of the required hearing thereon.

A certified copy of the Board's decision shall be transmitted to the appellant, the Zoning Inspector, and the City Planning Commission. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

10-103.08 STAY OF PROCEEDINGS. An appeal from the decision of the Zoning Inspector shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after the notice of appeal shall have been filed with him, that by reasons of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order by judicial proceedings, and on due cause shown.

10-104 POWERS OF THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall have the powers as follows:

10-104.01 VARIANCES AND EXCEPTIONS. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. The Board may also, when it shall deem the same necessary, grant variances and exceptions to the zoning ordinance on the basis and in the manner hereinafter provided: (a) Variances. To authorize in specific cases a variance from the specific terms of the ordinance which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for a variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met: (1) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant; (2) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; (3) that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; (4) that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and (5) that granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. (b) Exceptions. To grant exceptions to the provision of the zoning ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the

zoning ordinance by the governing body, are not found to be present. In exercising the foregoing powers, the Board, in conformity with the provisions contained herein, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

10-104.02 PERFORMANCE STANDARDS - PROCEDURE. The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Clearance Permit for uses that are subject to performance standards' procedure under Section 8-101 of this Ordinance, as provided in the following:

10-104.03 APPLICATION. An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Section 8-101 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in Section 10-104.04 below.

10-104.04 REPORT BY SPECIALISTS. If in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Section 8-101 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

10-104.05 REVIEW BY BOARD. Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction, or specifications, proposed equipment, or operation. Any Zoning Clearance Permit so authorized and issued shall be conditioned upon, among other things, the following: (a) that the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and (b) that the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.

10-104.06 CONTINUED ENFORCEMENT. The Zoning Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the City.


10-105.07 VALIDITY AND REPEAL.

10-105.01 VALIDITY. This Ordinance and the various parts, Articles, and Sections thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

10-105.02 AUTHENTICATION. The City Clerk of the City of Garnett, Kansas is hereby ordered and directed to certify to the passage of this Ordinance. This Ordinance shall be in effect and be in force from and after its passage, approval and publication.

10-105.03 REPEAL. All other ordinances of the City inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

Passed and approved this 9 day of May, 1973.



Robert L. Powers
Mayor

ATTEST:



R. G. Doran
City Clerk

ORDINANCE NO. 2231

AN ORDINANCE ESTABLISHING A UTILITY MAIN EXTENSION POLICY FOR ALL MUNICIPAL UTILITIES IN THE CITY OF GARNETT. PROVIDING DEFINITIONS, GENERAL PROVISIONS FOR MAIN EXTENSION, UTILITY MAIN FINANCING, THE REQUIREMENT OF A CONTRACT, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1: UTILITY MAIN EXTENSION POLICY-PURPOSE. The extension of any and all utility mains to serve new areas of development has been and will continue to be an expensive investment, especially in terms of initial cost. This is particularly true when the City becomes faced with financing extensive improvements to their source of supply and treatment facilities to meet increased demands for utilities caused by extension of mains to new areas.

Although the new customer of today is an old customer tomorrow, the cost of expanding the distribution system of our electric, gas and water utilities and the collection system of our sewer utility should be financed by those who receive the direct benefit, the new customer. Also, it is essential that any policy for extending utility mains be uniformly applicable to all persons desiring extensions.

Section 2: DEFINITIONS.

Petitioner: shall mean any person, group, firm or corporation seeking a utility main extension.

City: shall mean the City of Garnett.

Single-family residence: shall mean any building or structure, used and occupied for human habitation by one family related by blood or marriage.

Section 3: GENERAL PROVISIONS FOR MAIN EXTENSION. The following general provisions shall be applicable to the extension of all utility mains within the City of Garnett.

A. MAIN SIZE. The size of the main to serve any area of the City shall be determined by the City based upon a consideration of adequate service to prospective and contemplated future extension of main to serve future needs.

The minimum size of water main required for any extension of up to eight hundred (800) feet or to possibly serve not over sixteen (16) single-family residences shall be six (6) inches.

The minimum size of gas main required for any extension of up to eight hundred (800) feet or to possibly serve not over sixteen (16) single-family residences shall be four (4) inches.

The minimum size of sewer main required for any extension shall be eight (8) inches. The City shall not participate in the construction or cost of any sewer main extension but reserves the right, by virtue of other ordinances of the City, to inspect and supervise the construction of all sewer mains.

The minimum size of electric main line required for any extension shall be determined by the City based upon anticipated demand.

B. CONSTRUCTION COST. The cost of the project shall be determined by establishing the actual cost of material for the main extension. In addition, petitioners may be required to pay an amount equal to seven (7) percent of construction costs for engineering purposes.

C. COST ASSUMED BY THE PETITIONER. The petitioner shall pay all material cost for the extension of water and gas mains and all costs for the extension of sewer mains, including lift stations.

D. COST ASSUMED BY THE CITY. The City shall assume the labor and equipment cost of installing gas and water mains by City employees. The City shall also assume the cost of fire hydrants and their placement along city rights-of-way to provide fire protection. Fire hydrants which are required to be placed internally on a developers property to provide fire protection shall be borne by the developer but such hydrants shall meet City standards and be placed under the City's direction.

E. MAIN EXTENSION CONTRACT. Prior to the execution of any construction for extension of mains wherein the City participates, a main extension contract will be entered into by the petitioner and the City. Said contract shall state the following:

1. The estimated cost of construction.
2. That upon completion the City acquires clear ownership of the main after inspection and acceptance by the City.
3. The City and petitioners extent of participation.
4. Any refund rights to which the petitioner may be entitled.
5. The requirement of a twenty (20) foot utility Easement Conveyance by the petitioner to the City, whereby if there are two or more abutting lots platted, no less than a twenty (20) foot all utility easement shall be provided across the rear yards of such lots, ten (10) feet off each lot. In the case of a single lot, with no abutting lot for this contract, a twenty (20) foot all utility easement shall be provided across the rear of side yard of such lot, which may be reduced at a future date if a ten (10) foot easement is secured from a lot that is later platted to abut upon such property.

F. DEPOSITS REQUIRED. Upon the execution of a main extension contract, the petitioner must place on deposit with the City the following amounts. After actual construction costs have been established, the petitioner will receive a refund if actual costs are less than estimated or will be required to pay an additional amount equal to that which actual cost exceeds estimated cost.

1. Direct Payment Provision - a deposit equal to one hundred (100) percent of the estimated materials cost of construction, plus seven (7) percent for engineering, if necessary.
2. Benefit District - no deposit required.

G. OVERSIZED MAINS. The City may require the construction of mains larger than eight (8) inches in diameter. The City will pay the difference in material cost between an eight (8) inch main and that which is required.

Section 4: UTILITY MAIN FINANCING.

A. GENERAL. The City shall offer to the petitioner the following alternatives as to the financing of main extensions. Each of the methods of financing are subject to the approval of the Governing Body.

1. Direct Payment.
2. Benefit District.

These methods of financing shall apply only to the extension of existing mains to bring service to the petitioners property line. In addition, alternative two (2) may only be utilized on water and sewer utility main extensions.

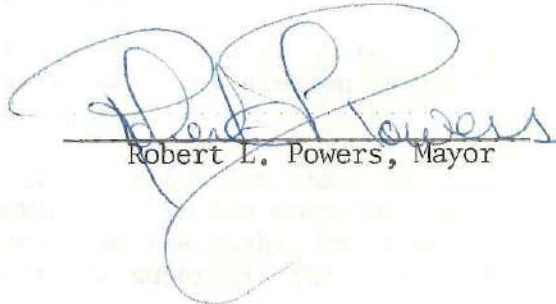
B. EXTENSION ALTERNATIVES.

1. Direct Payment - the entire material cost of main extension shall be at the expense of the petitioner. The City will participate by installing the mains, except sewer. The City shall estimate the cost of the extension and the petitioner shall deposit with the City one hundred (100) percent of the estimate. If the actual cost is above the estimate, such amount shall be paid by the petitioner to the City within thirty days from the date of the City's billing. If the actual cost of the extension is less than the estimate, the City shall refund to the petitioner an amount equal to the difference between the actual cost and the estimated cost.
2. Benefit District - Extensions under this provision may be made at the request of fifty-one (51) percent of the abutting property owners to be assessed. This method of financing shall be limited to that property in the City. There shall be no refund. The cost of the extension to include Construction Cost, Legal Fees, Engineering, Administrative Costs and Interest, shall be assessed against the abutting property for a period of years not to exceed ten (10) years.


Section 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6: This ordinance shall take effect and be in force from and after its publication in the official City Newspaper, the Anderson Countian.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 9th day of May, 1973.


Robert L. Powers, Mayor

Attest:


R. G. Doran, City Clerk

ORDINANCE NO. 2236

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" EDITION OF 1973, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. INCORPORATION OF STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulation of traffic within the corporate limits of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance For Kansas Cities" Edition of 1973, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted by Ordinance No. 2236" with all sections or portions thereof intended to be omitted or changed clearly marked to show any 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, Municipal Judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance For Kansas Cities, similarly marked, as may be deemed expedient.

Section 2. The Standard Traffic Ordinance For Kansas Cities, Edition of 1973, is amended in the following manner:

Article 7, Section 35 (b) (3) is amended to read as follows: "All vehicles thirty (30) miles per hour in any park under the jurisdiction of this city."

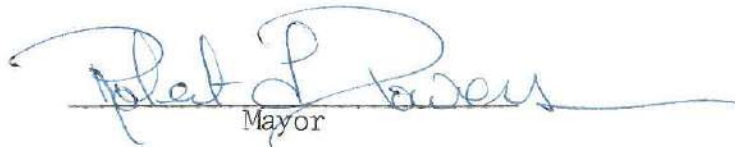
Section 3. REPEAL

All Ordinances in conflict herewith are hereby repealed.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 11th day of July, 1973.


Mayor

Attest:


City Clerk

ORDINANCE NO. 2238

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO HAVE IN HIS POSSESSION ANY OPENED CONTAINER OF CEREAL MALT BEVERAGES OR TO CONSUME ANY CEREAL MALT BEVERAGE, ON THE PUBLIC STREETS, PUBLIC PLACES OR PUBLIC RIGHTS-OF-WAY OF THE CITY OF GARNETT, KANSAS, AND PROVIDING PENALTIES THEREFOR.

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

Section 1: That it shall be unlawful for any person to have any cereal malt beverage in his possession upon any public street, public place, or public right-of-way except in the original and unopened container, or to consume any cereal malt beverage upon any public street, public place, or public right-of-way, within the City of Garnett, Kansas.

Section 2: Any person convicted of violating the terms of this ordinance shall be punished by a fine not to exceed \$100.00 or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.


Section 3: This ordinance shall take effect and be in force from and after its publication in the official city paper.

Passed by the Commission this 25th day of July, 1973.



Mayor

ATTEST:



City Clerk

AN ORDINANCE ESTABLISHING GENERAL CONSTRUCTION REQUIREMENTS FOR SEWER MAIN EXTENSIONS IN THE CITY OF GARNETT AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. Flexible compression-type coupling commonly referred to as PVC shall be used exclusively throughout the construction project. Field unions of the same type shall be used to rejoin pipe that has been cut in the field. All couplings used shall meet the American Society for Testing Materials Specification No. C-425-66T.

Section 2. Sewer pipe shall be Standard Strength Ceramic Glazed Clay Pipe and shall meet specifications for A.S.T.M. designation C-1365T.

Section 3. All manhole covers shall have a minimum of twenty-one (21) inches CLEAR opening and are to be heavy-duty of approximate weight four hundred and fifty (450) pounds. Manhole details are to be followed as found on pages 110, 111, and 112 of Clay Pipe Engineering Manual (Revised 1968).

Section 4. A six inch cushion of sand or small crushed stone shall be placed under the tile. After the tile is in place, this same material shall be placed around and to a depth of six inches over the tile and compacted as it is being placed.

Section 5. Backfilling shall begin as soon as possible after the tile is placed. Selected materials shall be used in backfilling the next eighteen (18) inches on top of the sand or crushed stone and all large rocks, tree roots and foreign matter shall be extracted.

Section 6. A lamp test shall be made on the pipe in place and the whole light must be directly visible.

Section 7. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe for a distance of ten feet in each direction.

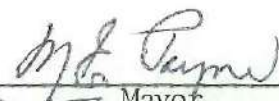
Section 8. The completed project must be left in a neat and acceptable condition with excess material being disposed of as directed by the City Manager and as finally accepted by the City Manager and/or the City Commission.

Section 9. Related specifications shall be as found in "Clay Pipe Engineering Manual" (Revised 1968) and American Society for Testing Materials, designation C 12-64 all interpreted by the City Manager. All interpretations made by the City Manager shall be final.

Section 10. All ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 8 day of August, 1973.



Acting Mayor

Attest:



City Clerk

APPROVED AS TO FORM:



City Attorney

AN ORDINANCE AMENDING SECTION 19 OF ORDINANCE 2223 OF THE CITY OF GARNETT, KANSAS.

AN ORDINANCE RELATING TO THE INSTALLATION OF ELECTRICAL WIRING, FIXTURES AND APPLIANCES USING ELECTRICAL CURRENT IN THE CITY OF GARNETT, KANSAS, AMENDING SECTION 19 OF ORDINANCE NO. 2223 OF THE CITY OF GARNETT, KANSAS, AND REPEALING SAID ORIGINAL SECTION.

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

Section 1. Section 19 is hereby amended to read as follows:

Section 19:

- a. All property owners must install an anchor, (knob) to be furnished by the City, for the City's service line to be attached thereto and must be a minimum of ten (10) feet above ground level.
- b. All electric meters shall be set at five and one-half (5 1/2) feet above ground level.

Section 2. Section 19 of Ordinance No. 2223 is hereby repealed, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 8 day of August, 1973.

M. L. Taylor
Acting Mayor

Attest:

J. L. Owen
City Clerk

APPROVED AS TO FORM:

Henry Jay Salmons
City Attorney

ORDINANCE NO. 2245

AN ORDINANCE AMENDING TITLE IV, BUILDING REGULATIONS, CHAPTER 3, OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION 4-3-1, ADOPTION OF PLUMBING CODE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

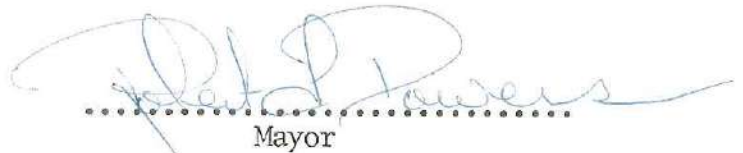
Section 1. ADOPTION OF UNIFORM PLUMBING CODE: There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations for the installation, construction, alteration, removal, demolition, use, location and maintenance of plumbing and plumbing equipment, that certain code known as the "Uniform Plumbing Code" being particularly the 1973 edition, published by International Association of Plumbing and Mechanical Officials, whose address is 5032 Alhambra Avenue, Los Angeles, California 90032, of which not less than three copies have been and now are filed in the Office of the City Clerk.

Section 2. OFFICE OF INSPECTION. It shall be the duty and responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the "Uniform Plumbing Code".


Section 3. ORDINANCES REPEALED. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its adoption and publication in the official City Paper.

PASSED and APPROVED this 10th day of October, 1973.


.....
Mayor

Attest:


.....
City Clerk

(SEAL)

ORDINANCE NO. 2246

AN ORDINANCE AMENDING TITLE VII, FIRE REGULATIONS, CHAPTER 1, OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION 7-1-1, ADOPTION OF THE UNIFORM FIRE CODE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. ADOPTION OF UNIFORM FIRE CODE: There is hereby adopted by the City of Garnett, Kansas, for the purpose of the safeguard of life and limb, health, property and public welfare, that certain code known as the "Uniform Fire Code", being particularly the 1973 edition, published by the Western Fire Chiefs Association, whose address is 5360 South Workman Mill Road, Whittier, California 90601, of which not less than three copies have been and are now on file in the Office of the City Clerk.

Section 2. OFFICE OF INSPECTION. It shall be the duty and responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the "Uniform Fire Code".


Section 3. ORDINANCES REPEALED. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper, the Anderson Countian.

PASSED and APPROVED this 10th day of October, 1973.


.....
Mayor

Attest:


.....
City Clerk

ORDINANCE #2248

AN ORDINANCE AMENDING ARTICLE 8, SPECIAL PROVISION, SECTION 8-104.09, SURETY BOND OF THE ZONING ORDINANCE OF THE CITY OF GARNETT, KANSAS, AND REPEALING ALL ARTICLES OR PARTS OF ARTICLES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

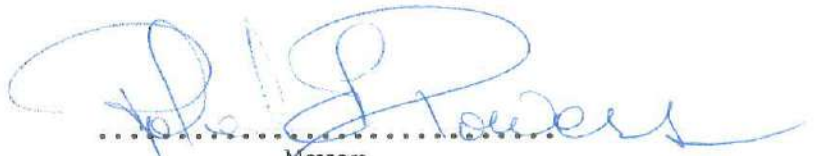
Section 1. Section 8-104.09 of the Zoning Ordinance (No. 2230) of the City of Garnett, Kansas is amended to read as follows:


SURETY BOND. The owner or person in control of a display sign suspended over a street or extending into a street more than one (1) foot beyond the building line, whether permanent or temporary, shall execute a bond as required by the Board of Zoning Appeals.

Section 2. All articles and parts of articles in conflict herewith are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper, the Anderson Countian.

PASSED and APPROVED this 14th day of November, 1973.


.....
Mayor

Attest:

.....
City Clerk
(SEAL)

ORDINANCE NO. 2251

AN ORDINANCE REDEFINING THE TERRITORIAL LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1973, and,

WHEREAS, It is necessary to redefine the territorial limits of the City of Garnett;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. That the boundary of the City of Garnett, as changed by the addition of territory thereto, is hereby described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast Corner of Section 25, Township 20, Range 19, thence North on said section line 679 feet, thence West 720 feet, thence South 679 feet to the South line of said Section 25, thence West 1920 feet to the Southwest corner of the Southeast Quarter of said Section 25, thence West 485 feet, thence North 1314 feet, thence East 485 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 25, thence North 3960 feet to the Northwest corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said section line 2640 feet to the Northeast corner of the Northeast Quarter of Section 25, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to the South line of Section 19, Township 20, Range 20, thence East on said section line 1060 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North 662 feet, thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said

line intersects the South line of said Section 19, thence East along said section line to the Northeast corner of the West Half of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 30, Township 20, Range 19, Anderson County, Kansas, thence East 71 feet, thence North 400 feet, thence East 170 feet, thence South 240 feet, thence West 70 feet, thence South 160 feet, thence East 819 feet to the Northeast corner of said Section 30, thence North 240 feet, thence East 230 feet, thence South 240 feet, thence East 3730 feet to the Northeast corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way of the Missouri Pacific Railroad, thence Southwesterly along the North line of said railroad right-of-way 1060 feet, thence North $23^{\circ}30'$, East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet, thence North 2260 feet to the Southeast corner of the North Half of the North Half of the Northeast Quarter of the Northwest Quarter of said Section 29, thence East 996.1 feet, thence South 165 feet, thence West 323.9 feet, thence South 855 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 29, thence West 1320 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 29, thence South 180 feet, thence East 334 feet, thence South 1148 feet, thence East 334 feet to the Southwest corner of the Northwest Quarter of Section 29, thence South approximately 1355 feet to the Southeast corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence West on the South section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest corner of lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast corner of Lot 1, Block 77, City of Garnett; thence West to the Southwest corner of the North Half of the Southeast Quarter

of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest corner of the North Half of the Northwest Quarter of Section 31, to the place of beginning; and commencing at a point where the east side of the right-of-way of the Atchison, Topeka and Santa Fe railroad intersects the south section line of Section 19, Township 20 South, Range 20 East, thence East to a point 538 feet East of the center line of said Section, thence North 660 feet, thence East 594 feet, thence South 660 feet, thence East 40 feet, thence North 2640 feet, East 198 feet, thence North 2640 feet, thence West 1320 feet, thence North 562.8 feet, thence East 990 feet, thence North 100 feet, thence North $44^{\circ}48'$, West 940.5 feet, thence West 330 feet, thence North 330.6 feet, thence north $89^{\circ}33'$, West 1185.3 feet, thence South $0^{\circ}27'$, West 706.5 feet, thence South $45^{\circ}0'$, West 90 feet, thence South $14^{\circ}7'$, East 90 feet, thence South $76^{\circ}7'$, West 65 feet to a point on the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence South and Southeastward along the East right-of-way line to a point of beginning; and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the East side of Section 29, thence South 800 feet, thence West 200 feet, thence North 800 feet, thence East 200 feet to point of beginning. A tract of land 31 acres, more or less, lying in the West half (W1/2) of the Southwest Quarter (SW1/4) of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning. East half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 2 acres more or less, described as follows: Beginning at a

point 375 feet West of the Northeast Corner of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the southeast corner of the Southeast Quarter (SE1/4) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53 1/2 rods, thence South 15 rods, thence East 53 1/2 rods to point of beginning; commencing 225 feet east of the Southwest corner of the Northeast Quarter (NE1/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence north 430 feet, thence east 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence southwest along said right-of-way to the south line of said Quarter Section, thence west to the point of beginning, except an easement for railroad spur now in place; beginning 889.2 feet west of the Southeast Corner of Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence North 309.3 feet, thence West 180 feet, thence South 309.3 feet, thence East 180 feet or to the place of beginning; beginning at a point 707.5 feet North of the Southeast Corner of Section 25, Township 20, Range 19, Anderson County, Kansas, thence West 720 feet, thence North 200 feet, thence East 720 feet, thence South 200 feet to place of beginning, all in Anderson County, Kansas.

Section 2: That this Ordinance shall be in full force and effect from and after its final passage and its publication in the official City paper according to law.

PASSED and APPROVED this 26th day of December, 1973.


.....
Mayor

Attest: 
.....
City Clerk

(SEAL)

ORDINANCE NO. 2252

ANNEXATION ORDINANCE

AN ORDINANCE ANNEXING CERTAIN LAND (HODGSON ADDITION) TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520 (SUPP.)

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

Section 1. The following described real estate situate in Anderson County, Kansas, to-wit:


Commencing at the Southeast Corner of the Southwest Quarter (SW/4) of the Southwest Fractional Quarter (SW Fr/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 399 feet, thence West 235 feet, thence South 146 feet, thence West 725 feet, more or less, to the Northeast Corner of Ellis Addition to the City of Garnett, Kansas, thence South 100 feet, thence West 100 feet, thence South 153 feet, thence East along section line to place of beginning;

having met one or more of the classifications for annexation prescribed by the above recited law, the land when annexed will make the city boundary line harmonious and some part thereof adjoins the City, is hereby annexed and made a part of the City of Garnett, Kansas.

Section 2. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Commission this 9th day of January, 1974.

A T T E S T:


Mayor


R. G. Doran
City Clerk

ORDINANCE NO. 2254

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS:

WHEREAS, the City has carried certain unpaid utility bills on its accounting records for two years; and,

WHEREAS, every reasonable effort has been made to collect these due and unpaid utility bills, but without success; and,

WHEREAS, the continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

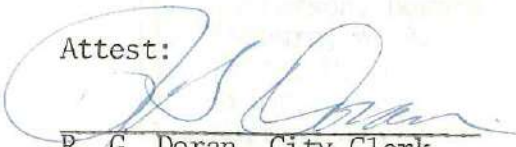
NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$1,869.41, incurred through December 31, 1972 are hereby deleted from the City's accounting records.

Section 2. That this Ordinance shall take effect from and after its publication in the official city paper.

PASSED and APPROVED THIS 23rd day of January, 1974.

Attest:


R. G. Doran, City Clerk

(SEAL)


Mayor

UNPAID UTILITY BILLS
January 1, 1970 to December 31, 1972

1. Bayless, Mary Lee	\$ 48.85
2. Kelly, Barbara	30.30
3. Carey, Bob	24.08
4. The Place	3.80
5. Holland, Ernest	23.30
6. Pierce, Jerry	1.13
7. Lentz, Nadine	18.55
8. Wadsworth, Leonard	39.98
9. Bishop, Dan	35.78
10. Hope, Jim	43.30
11. Kuhn, Fred	19.86
12. Pearson, Al	5.86
13. Caley, Delton	11.93
14. Lankard, Don	3.35
15. Michael, Howard	9.56
16. Dreyer, Wesley	5.95
17. McDaniel, Terry	73.42
18. Mills, Teddy	19.40
19. New, Walter	98.51
20. Burgess, Bob	63.48
21. Mead, John	74.98
22. Moyer, Robert	52.77
23. Hunsperger, Carol	26.30
24. Asebedo, Eleno	15.66
25. Peine, Helen	21.98
26. Downey, Jim	25.86
27. Cardell, Robert	35.36
28. Murphy, Charles	13.88
29. Mitchell, Elaine	33.16
30. Roach, Leland	37.96
31. Powell, Dale	83.08
32. Beckwith, Fred	26.83
33. Martin, Donald	3.70
34. Orton, John	2.54
35. Barnes, Clarence	38.22
36. Brocklesby, Martha	37.62
37. Barnett, Wilbur	14.18
38. Gibson, Jess	9.80
39. Dykes, Robert	44.00
40. Houston, Marjorie	32.53
41. Patterson, Howard	207.56
42. Ashburn, W. A.	39.63
43. Kelly, H. H.	4.33
44. Grant, Glenda	5.82
45. Norton, Jim	18.78
46. Busey, Alva	109.93

UNPAID UTILITY BILLS

January 1, 1970 to December 31, 1972

Page Two

47.	Burns, William	\$	12.76
48.	Catt, Clarence		21.32
49.	Foltz, Gary		11.32
50.	Collins, James		12.62
51.	Bourland, David		5.87
52.	Horn, Don		167.16
53.	McCain, L. E.		<u>41.51</u>
			\$1,869.41

AN ORDINANCE PROVIDING FOR MANDATORY WRITTEN APPLICATION BY CUSTOMER BEFORE COMMENCEMENT OF UTILITY SERVICE; AUTHORIZING PREPARATION OF APPLICATION FORM; AND PROVIDING AN EFFECTIVE DATE THEREFOR

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

Section 1: No utility services shall be commenced by the City for any customer until that customer has previously made written application to the City for such services on forms to be provided by the said city.

Section 2: The City Manager is hereby authorized to and shall prescribe the form of the application herein required and shall see that an adequate supply is maintained. Such application shall include, but shall not be limited to, the following information: The customer's previous address, length of time at such address, the names and addresses of previous suppliers of utilities supplied to said address, the customer's Social Security number, date of birth, and motor vehicle operator's or chauffeur's license number and the state of its issue.

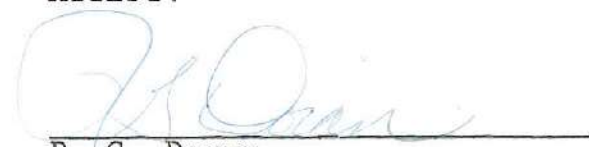
Section 3: This ordinance shall take effect and be in force from and after June 1, 1974, and upon its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

Passed and approved by the Commission this 27th day of February, 1974.



M. E. Payne Powers
Mayor Pro Tem

ATTEST:



R. G. Doran
City Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 2245 HERETOFORE ADOPTED OCTOBER 10, 1973, AND REPEALING SECTIONS THEREOF IN CONFLICT HEREWITH.

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

Section 1: Ordinance No. 2245 and the Uniform Plumbing Code, 1973 Edition, is amended in the following manner:

A. Section 1206 (c)(2) shall read as follows:

(2) Final Inspection:

This inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered or concealed are so concealed and before any fixtures, appliance, or shut-off valve has been attached thereto.

This inspection shall include an air pressure test, at which time the gas piping shall stand a pressure of not less than thirty (30) pounds per square inch guage pressure. Test pressures shall be held for a length of time satisfactory to the Administrative Authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure and without the introduction of additional air.

For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes.

B. Section 1212 (a) shall read as follows:

(a) All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or black steel, yellow brass (containing not more than seventy-five (75) per cent copper, or internally tinned or equivalently treated copper of iron pipe size.

C. Section 1213 (g) shall read as follows:

(g) Gas piping supplying more than one building on any one premises shall be equipped with separate shut-off valves to each building, so arranged that the gas supply can be turned on or off to any individual or separate building. Such shut-off valve shall be located outside the building it supplies and shall be readily accessible at all times.

D. Section 1218 (d) shall read as follows:

(d) The size of the supply piping outlet for any gas appliance shall be not less than one-half (1/2) inch.

The minimum size of any piping outlet for a freestanding gas range shall be three-quarter (3/4) inch.

The minimum size of any piping outlet for a mobile home shall be one (1) inch.

E. There is added to Section 1219 the following paragraphs:

(e) In no event shall any building be supplied with gas piping of a size smaller than one (1) inch.

(f) In such cases where the gas meter is located other than at the customer's property line immediately adjacent to the City's gas utility easement, minimum pipe sizes required by this Code to be installed on the outlet of said gas meter shall also be applicable and shall be required to be installed to connect the gas supply from the point where the City's supply enters the customer's property from the City's easement and running from that point to the inlet side of the said gas meter.


Section 2: Section 1206 (c)(2), Section 1212 (a), Section 1213 (g), and Section 1218 (d) of the Uniform Plumbing Code, 1973 Edition, as enacted by Ordinance No. 2245 and all other ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

Passed and approved this 27th day of February, 1974.


M. E. Payne Powers
Mayor Pro Tem

ATTEST:


R. G. Doran
City Clerk

AN ORDINANCE PROVIDING FOR AND ESTABLISHING A SURCHARGE FOR ALL CONSUMERS OF ELECTRICAL ENERGY FURNISHED BY THE CITY OF GARNETT, KANSAS

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

Section 1: There is hereby established a surcharge of four per cent (4%) for the use of electrical energy supplied by the City of Garnett, Kansas, to its consumers. This surcharge shall be applicable to each and every class of users as provided in either Ordinance No. 1943, Ordinance No. 1982, or Ordinance No. 2226, and shall be in addition to the regular charges made for said electrical energy as determined under the applicable existing ordinances.

Section 2: This surcharge shall be computed monthly by multiplying the amount of the consumer's total bill for electrical energy consumed, as determined under applicable existing ordinances, by the factor 0.04, and shall be billed monthly to each consumer of electrical energy, together with all other charges for utility services regularly due in that billing period, commencing with the first billing period after the effective date hereof.


Section 3: This ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

Passed and approved by the Commission this 27th day of February, 1974.



M. E. Payne Powers
Mayor Pro Tem

ATTEST:



R. G. Doran
City Clerk

ORDINANCE NO. 2260

AN ORDINANCE VACATING A PART OF MANDОВI ADDITION, AN ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RESERVATION TO THE SAID CITY OF GARNETT AND TO OTHER PUBLIC UTILITIES ANY RIGHTS-OF-WAY AND EASEMENTS WHICH MAY BE IN EXISTENCE AT THE TIME OF THE ADOPTION OF THIS ORDINANCE AND FOR THE RECORDING OF THIS SAID ORDINANCE AS A PUBLIC RECORD.

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

Section 1. That the following described real estate, to-wit:

The alley located in Block Eight (8), Mandovi Addition to the City of Garnett, Anderson County, Kansas, being more particularly described as follows:

A strip of land 20 feet north and south by 300 feet east and west and bisecting the said Block Eight (8) such that Lots One (1) through Ten (10) inclusive lie north of the said strip and Lots Eleven (11) through Twenty (20) inclusive lie south of said strip;

be vacated as a public alley; which said addition was duly platted, the said plat of said addition being dated July 19, 1858, and shown and recorded at Page 16, PLAT BOOK, Office of Register of Deeds, Anderson County, Kansas.

Section 2. That the area covered by the entirety of Block Eight (8) is and has been for some time in one ownership, and that it is necessary and expedient to vacate the above described public alley through the said Block Eight (8) in order that the highest and best use of the land may be made.

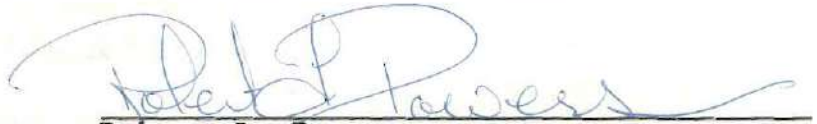
Section 3. That within a period of thirty (30) days after the publication of this ordinance as provided by law, one or more interested persons may file a written protest to the said vacation of the said public alley in the Office of the City Clerk of Garnett, Kansas, and unless a written protest is filed within the said thirty (30) days, this ordinance shall become effective.

Section 4. There is hereby reserved to the said City of Garnett, Kansas, and to any other public utility a right-of-way and easement over and through the real estate described in Section 1 hereof for the purpose of the installation, maintenance, removal, or reinstallation of utility services over and through the said real estate.


Section 5. That a certified copy of this ordinance, after the same becomes effective, shall be filed by the City Clerk in the Office of the County Clerk and the Office of Register of Deeds, Anderson County, Kansas, and be placed of record as provided by law.

Section 6. This ordinance shall take effect and be in force after publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas, and after expiration of the time as provided in Section 3 hereof.

Passed and approved this 13th day of March, 1974.


Robert L. Powers
Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2262

AN ORDINANCE DECLARING THE INHALATION, SALE, OR POSSESSION OF CERTAIN SUBSTANCES TO BE UNLAWFUL; DEFINING SAID SUBSTANCES, AND PROVIDING AND SETTING PENALTIES FOR THE VIOLATION THEREOF

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

Section 1: INHALATION UNLAWFUL; EXCEPTIONS. It is unlawful for any person within the corporate limits of the City to smell or inhale the fumes from any elements, compounds, or combinations of both elements and compounds as defined in Section 4 for the purpose of causing a condition of intoxication, hallucination, inebriation, excitement, stupefaction or the dulling of his brain or nervous system; provided, that nothing in this ordinance shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes as prescribed or administered by duly authorized personnel.

Section 2: POSSESSION. No person shall, for the purpose of violating Section 1, use or possess for the purpose of so using, any of the elements, compounds or combination of both elements and compounds as defined in Section 4.

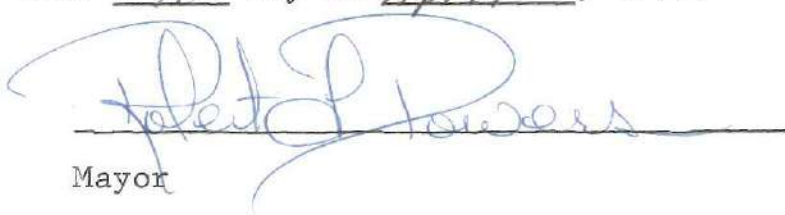
Section 3: SALE. No person shall sell, give, or offer to sell or give to any other person any of the elements, compounds or combinations of both elements and compounds as defined in Section 4 if he has knowledge that the product sold, given, or offered to be sold or given will be used for the purpose set forth in Section 1.

Section 4: DEFINITION. For the purpose of this chapter, elements, compounds, or combinations of both elements and compounds shall be defined as any material in a liquid, solid, or gaseous state, which contains one or more of the following chemical materials: hydrocarbons, to include but not limited to propane, benzene, toluene; alcohols, to include but not limited to methyl, ethyl, isopropyl and butyl; volatile esters, to include but not limited to ethyl, acetate, butyl acetate, amyl acetate; ketones, to include but not limited to acetone, methyl ethyl ketone, methyl iso butyl ketone; halogenated hydrocarbons, to include but not limited to chloroform, ethylene dichloride, freon; halogenated derivatives of hydrocarbons, to include but not limited to pentachlorophenol; ethers, to include but not limited to ethyl ethers; and any elements, compounds, or combination of both elements and compounds that produce a condition of intoxication, hallucination, inebriation, excitement, stupefaction or the dulling of his brain or nervous system.


Section 5: VIOLATION; PENALTY. Any person who violates any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed one (1) year or by both such fine and imprisonment.

Section 6: This ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

Passed and approved this 10 day of April, 1974.


Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2263

AN ORDINANCE PERTAINING TO THE REGULATION, CONTROL AND LICENSING OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; REQUIRING THE VACCINATION AND REGISTRATION OF DOGS; PROVIDING FOR DUTIES OF DOG OWNERS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NUMBER 1662 AND ALL OTHER ORDINANCES OR ENACTMENTS IN CONFLICT THEREWITH.

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

Section 1: DEFINITION. For the purposes herein, the following words and phrases shall have the meanings set opposite them:

(a) "Dog" shall mean all members of the canis familiaris, male or female, three (3) months of age or older.

(b) "Own" shall mean and include own, or keep, or harbor, or shelter, or manage, or possess, or to have a part interest in any dog. If a minor owns a dog subject to the provisions of this ordinance, the head of the household of which such minor owner is a member shall be deemed the owner of such dog for the purpose of this ordinance and under this ordinance shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this ordinance.

(c) "Owner" shall mean one who owns, his employee or agent, or other competent person into whose charge the actual owner has committed his dog's care or control, whether for a fee or otherwise.

(d) "Household" shall mean those members of a family living in the same dwelling unit.

(e) "At Large" Any dog shall be deemed to be at large when it is off the premises occupied by the owner's household as their abode and when not accompanied by its owner.

(f) "Vicious Dog" shall mean any dog which is fierce, dangerous, mean or uncontrollable; or one which has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.

(g) "Person" shall mean any individual, firm, association, partnership or corporation.

(h) "City Manager" shall include his deputy, delegate, alternate or appointee.

(i) "Competent Person" shall mean any human being who is capable of controlling the dog in question and to whose command the dog is obedient.

Section 2: REGISTRATION AND VACCINATION REQUIREMENTS. It shall be unlawful for any person living within the corporate limits of the City to own any dog without first having had the dog inoculated against rabies according to current veterinary practices and paying a registration fee to the City Clerk. The vaccination shall be administered by, or under the supervision and direction of, a licensed veterinarian who shall attest to the fact of the inoculation or vaccination upon a certificate, the form of which shall be approved by the City. No registration shall be accomplished unless the owner seeking such registration shall present such a certificate of vaccination, properly completed as herein set forth, to the City Clerk.

Section 3: REGISTRATION FEES. Between January 1st and before March 1st of each year the dog owner shall register all dogs owned by him at the office of the City Clerk and shall pay the following fees:

(a) The City Clerk shall collect a registration fee of \$2.50 for each male or spayed female dog whose owners reside within the corporate limits of the City, provided that all dogs belonging to the same household shall be registered in the name of the head of such household.

(b) The City Clerk shall collect a registration fee of \$10.00 for each unspayed female dog whose owners reside within the corporate limits of the City, provided that all unspayed female dogs belonging to the same household shall be registered in the name of the head of such household. It shall be presumed that any female dog is unspayed unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the City Clerk's registration books.

Section 4: LATE REGISTRATION FEES; EXCEPTIONS. On and after March 1st of each year, the City Clerk shall collect a registration fee of \$15.00 for each dog whose owners reside within the corporate limits of the City and who shall have failed, refused or neglected to have previously registered the said dog for the current licensing period as provided in Section 3 hereof. Provided, however, that new residents to the city or persons acquiring a dog or owning a dog which attains the age of registration after the first of January of any year shall have ten (10) days from such date of residency, acquisition or attainment of age to register such dog at the fee set forth in Section 3 hereof; otherwise, the late registration fee shall apply.

Section 5: ANNUAL REGISTRATION. All registrations issued by the City Clerk hereunder shall be valid until December 31st of the year in which the same are issued.

Section 6: REGISTRATION PROCEDURE.

(a) The City Clerk upon presentation of a certificate of vaccination issued within twelve (12) months prior to the date of registration, and upon payment of the fees, all as hereinbefore set out, shall record the following information for each dog registered: Owner's name; his address; color, breed, sex, age, weight, names (if any), and date of vaccination of dog. After recording said information, the City Clerk shall issue a license to said owner, and shall provide for each dog so registered a tag of metal or other durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times when the dog is outside the dwelling of the owner.

(b) The owner of any dog shall cause the same to wear a collar or harness while said dog is outside the dwelling of the owner. The tag herein required shall be securely affixed to the collar or harness of each dog registered. The tag shall be situated on the collar or harness in such a manner that it may at all times be easily visible. Replacement tags shall be issued upon the payment of the sum of \$1.00 each.

(c) The City Clerk may between December 1st and December 31st of each year cause notice to be given of the upcoming registration period for dogs by publication once in the official City newspaper.

Section 7: EXCEPTION TO REGISTRATION; REQUIREMENTS FOR VISITING DOGS. The provisions of this ordinance with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the City for less than thirty (30) days. However, such dogs shall be kept under restraint by the owner thereof at all times.

Section 8: RUNNING AT LARGE PROHIBITED. It shall be unlawful for the owner of any dog to permit such dog to run at large within the corporate limits of the City at any time.

Section 9: DOG FIGHTING. It shall be unlawful for any person by words, sign or otherwise, to set any dog to fight, or cause any dog to attack any other dog or animal, or aid or abet or encourage any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, knowingly to permit such dog to fight without endeavoring to prevent the same.

Section 10: KEEPING VICIOUS DOGS PROHIBITED. It shall be unlawful for any person to keep any vicious dog within the corporate limits of the City.

Section 11: TRESPASS. It shall be unlawful for any person to permit any dog to trespass upon, or do injury to public or private property of another.

Section 12: UNSPAVED FEMALE DOGS: CONFINEMENT DURING HEAT. An unspayed female dog shall be kept securely confined in an enclosed place while in heat.

Section 13: NOISY DOGS; COMPLAINT PROCEDURE. It shall be unlawful for the owner of any dog to permit in a careless, inattentive, wilful or malicious manner such dog to howl, bark or yelp so as to disturb the peace and quiet of the neighborhood. Any complaint hereunder must be signed by at least two (2) land owners or occupants who reside within 300 feet of the property whereon such dog is located.

Section 14: CRUELTY TO DOGS UNLAWFUL. It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill a dog or cause or procure the same within the corporate limits of the City.

Section 15: TRANSFER FEE. If there is a change in ownership of a registered dog during the license year, the new owner may have the current license transferred to his name upon the payment of the transfer fee of \$1.00, said payment to be made within ten (10) days of said transfer of ownership, otherwise the registration and license previously issued shall lapse.

Section 16: IMPOUNDMENT; DISPOSITION.

(a) Any dog in violation of this ordinance within the corporate limits of the City shall be subject to impoundment by the City Manager and a record of all dogs impounded shall be kept. Such record shall include the following information: color, sex, weight, height, identifying marks, registration number or rabies vaccination number (if any) and the date of impoundment.

(b) If the dog so impounded has no current registration tag, it shall be kept for three (3) days and if within that time the owner does not appear to claim such dog it may be sold, euthanized or otherwise disposed of. If within three (3) days of the impoundment date the owner of such impounded dog shall appear and claim such dog, it shall be turned over to the person claiming it upon payment of the actual costs of impoundment and upon compliance with the applicable requirements of Section 2 through Section 6, inclusive, hereof.

(c) If the dog so impounded has a current registration tag attached to its collar, the owner of such dog as shown by the records of the City Clerk shall be notified in writing as soon as possible within the three (3) day impounding period. If at the end of the said three (3) day impounding period the City Clerk has been unable to locate the owner or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold, euthanized or otherwise disposed of.

(d) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this ordinance for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

Section 17: IMPOUNDMENT OR CONFINEMENT OF RABIES SUSPECTS.

(a) Any dog which is suspected of having rabies, or any dog which has bitten a human being and has thereby caused a laceration of the skin of such human being, shall be seized and confined in a veterinary hospital for a period of fourteen (14) days; provided however the period of confinement may be shortened at the discretion of the veterinarian in charge of said hospital.

(b) Any dog bitten by a known rabid animal shall be seized and confined in a veterinary hospital, as provided in sub-part (a) of this Section.

(c) All expenses incurred during the period of confinement in a veterinary hospital for the purposes of this Section shall be born by the owner of the dog. If any dog so impounded is not claimed by the owner within the fourteen (14) day period, then the veterinarian shall transfer the said dog to the impounding facility of the City where such dog shall be disposed of according to the provisions of Section 16 hereof.

Section 18: RABIES; STATE OF EMERGENCY; PUBLICATION NOTICE. When there exists sufficient evidence to believe that rabies exists in or near the City, the governing body may by resolution require all dog owners within the corporate limits of the City to confine their dogs or securely muzzle such dogs with a wire or leather muzzle for such length of time as may be designated in said resolution or until otherwise ordered; and it shall be unlawful for any person to permit a dog to run at large in violation of the terms of said resolution. Such a resolution shall not become effective unless and until the same is published one (1) time in the official City newspaper.

Section 19: TRANQUILIZER GUN AUTHORIZED; KILLING AUTHORIZED UNDER CERTAIN CONDITIONS. The City Manager shall be authorized to use a tranquilizer gun in the enforcement of this ordinance. He shall be further authorized to kill any dog which is impractical or impossible to catch, capture or tranquilize and which is endangering persons.

Section 20: BREAKING POUND. It shall be unlawful for any person not duly authorized so to do to break open or attempt to break open any enclosure in which dogs are confined or held pursuant to the provisions of this ordinance, or to take or let out any dog placed therein by an officer of this City, or take or attempt to take from an officer of this City any dog taken by him or in any manner interfere with or hinder any officer of this City in the enforcement of this ordinance.

Section 21: RIGHT OF ENTRY. The City Manager shall have the right of entry upon any private, unenclosed lots or lands for the purpose of collecting any dog whose presence thereupon is a violation of this ordinance and it shall be unlawful for any person to interfere with the City Manager in the exercise of this right. The City Manager shall have the further right of entry to any property or premises during the period provided in

Section 17 hereof and it shall be unlawful for any person to interfere with the City Manager in the exercise of this right.

Section 22: PENALTY.

(a) Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon the first conviction thereof within any licensing period shall be fined in a sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00); upon the second conviction thereof within any licensing period shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00); and upon the third or subsequent conviction thereof within any licensing period shall be fined as upon a second conviction and in addition thereto, the offending dog may be ordered destroyed by the court

(b) In all cases charging a violation of Section 8 through Section 13, inclusive, hereof, and where the court finds that the dog involved in the said violation was at the time of the violation an unregistered dog, the court may impose a fine twice that set out in sub-part (a) of this Section.


Section 23: REPEALER. Ordinance No. 1662 of the City of Garnett, Kansas, and all other ordinances or enactments in conflict herewith, are hereby repealed.

Section 24: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after January 1, 1975, and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

Passed and approved this 10 day of April, 1974.


Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2264

AN ORDINANCE DECLARING CERTAIN ACTS OF CONDUCT, COMMONLY CALLED "DISORDERLY CONDUCT" TO BE UNLAWFUL; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND OTHER ENACTMENTS IN CONFLICT THEREWITH, INCLUDING BUT NOT LIMITED TO, TITLE 6, CHAPTER 1, SECTIONS 7 & 8, AND TITLE 9, CHAPTER 5, SECTION 10 OF THE MUNICIPAL CODE.

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

Section 1: DISORDERLY CONDUCT PROHIBITED. It shall be unlawful for any person, with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or other breach of the peace:

- (a) To engage in brawling or fighting; or
- (b) To disturb an assembly, meeting, or procession, not unlawful in its character; or
- (c) To use offensive, obscene, or abusive language or to engage in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

Section 2: VIOLATION; PENALTY. Any person who violates this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed one (1) month in the city jail, or by both such fine and imprisonment.

Section 3: REPEALER. All ordinances and other enactments in conflict herewith, including but not limited to, Title 6, Chapter 1, Sections 7 & 8, and Title 9, Chapter 5, Section 10 of the Municipal Code, are hereby repealed.

Section 4: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

Passed and approved this 10 day of April, 1974.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2266

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO HAVE IN HIS POSSESSION ANY OPENED CONTAINER OF CEREAL MALT BEVERAGE, OR TO CONSUME ANY CEREAL MALT BEVERAGE, ON THE PUBLIC STREETS, ROADS, ALLEYS, OTHER RIGHTS-OF-WAY, THE PUBLIC SQUARE OF THE CITY OF GARNETT, KANSAS, OR WITHIN OR UPON CERTAIN MOTOR VEHICLES; PROVIDING PENALTIES THEREFOR; AND REPEALING ORDINANCE NO. 2238 OF THE CITY OF GARNETT, KANSAS.

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

Section 1: That it shall be unlawful for any person to have any cereal malt beverage in his possession upon any public street, road, alley, other right of way, or the public square, except in the original and unopened container, or to consume any cereal malt beverage upon any public street, road, alley, other right-of-way, or the public square within the City of Garnett, Kansas.

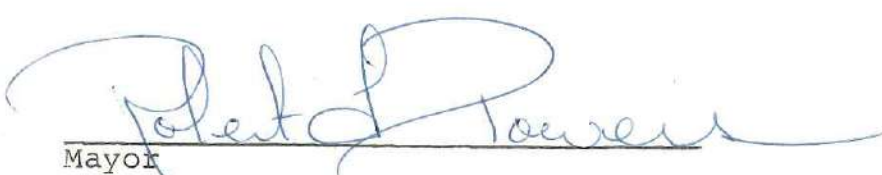
Section 2: That it shall be unlawful for any person to have any cereal malt beverage in his possession, except in the original and unopened container, or to consume any cereal malt beverage in or upon any motor vehicle, whether moving or parked, upon any public street, road, alley or other right-of-way or in any parking lot to which the motoring public has access. For the purpose of this section, the motoring public shall be deemed to have "access" irrespective of whether or not any fee is charged to gain entry to such parking lot.

Section 3: Any person convicted of violating the terms of this ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Section 4: Ordinance No. 2238 of the City of Garnett, Kansas, is hereby repealed.

Section 5: This ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official city newspaper.

PASSED AND APPROVED by the Commission this 15th day of May, 1974.


Mayor

A T T E S T:


City Clerk

ORDINANCE NO. 2268

AN ORDINANCE DECLARING CERTAIN ACTS, COMMONLY CALLED "LITTERING" TO BE UNLAWFUL AND DEFINING THE SAME; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND OTHER ENACTMENTS IN CONFLICT THEREWITH, INCLUDING, BUT NOT LIMITED TO ORDINANCE NO. 1928 AND TITLE 9, CHAPTER 5, SECTION 4 OF THE MUNICIPAL CODE ALL OF GARNETT, KANSAS

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

SECTION 1: DEFINITION. Littering is the dumping, throwing, placing, depositing, or leaving or causing to be dumped, thrown, deposited, or left, any refuse of any kind or any object or substance which tends to pollute, mar, or deface.

SECTION 2: LITTERING PROHIBITED. It shall be unlawful for any person to litter:

- (a) Any public street, highway, alley, road, right-of-way, park, or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts.
- (b) Any private property without the consent of the owner or occupant of such private property.

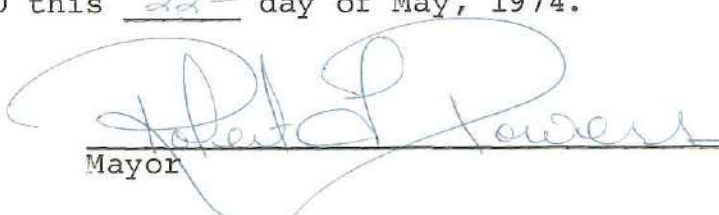
SECTION 3: VIOLATION; PENALTY. Any person who violates this Ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed one (1) month in the City Jail, or by both fine and imprisonment.

SECTION 4: REPEALER. All ordinances and other enactments in conflict herewith, including, but not limited to Ordinance No. 1928 and Title 9, Chapter 5, Section 4 of the Municipal Code, all of the City of Garnett, Kansas, are hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED this 22ND day of May, 1974.

ATTEST:


Mayor


City Clerk

ORDINANCE NO. 2271

AN ORDINANCE RELATING TO THE APPOINTMENT AND QUALIFICATIONS OF MEMBERS OF THE LIBRARY BOARD; AMENDING ORDINANCE NO. 1945 OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, AND REPEALING EXISTING ORDINANCES

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

SECTION 1. Section 1 of Ordinance No. 1945 of the City of Garnett is amended to read as follows:

Section 1. APPOINTMENT; TERM OF OFFICE. The Mayor shall appoint, with the approval of the governing body, a Library Board consisting of seven (7) members for the Garnett City Library. One (1) member shall be appointed for a term expiring the first April 30th following date of appointment; Two (2) members for terms expiring the second April 30th following date of appointment; Two (2) members for terms expiring the third April 30th following date of appointment; and Two (2) members for terms expiring the fourth April 30th following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members to said Board shall be appointed in a like manner for terms of four (4) years.

SECTION 2. Section 2 of Ordinance No. 1945 of the City of Garnett is amended to read as follows:

Section 2. QUALIFICATIONS. No person holding the office of City Commissioner, City Clerk, or City Manager of the City of Garnett shall be appointed to said Board while holding such office. All members appointed to the Library Board shall be residents of the City of Garnett. No person who has been appointed for two (2) consecutive four (4) year terms to said Board shall be eligible for further appointment to the Board until two (2) years after the expiration of the said second term.

SECTION 3. Section 3 of Ordinance No. 1945 of the City of Garnett is amended to read as follows:


Section 3. VACANCIES. Vacancies on the Board shall be filled by appointment by the member or members for the unexpired term, said appointments to be made in the manner herein provided for new appointments.

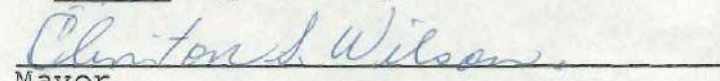
SECTION 4. Ordinance No. 1945 of the City of Garnett, as the same presently exists, is hereby repealed.

SECTION 5. This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED this 10 day of July, 1974.

ATTEST:


City Clerk


Mayor

ORDINANCE NO. 2272

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 11 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, RELATING TO CEMETERY SERVICE CHARGES; REPEALING EXISTING SECTION AND ALL ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. Title 9, Chapter 7, Section 11 of the Municipal Code of the City of Garnett, Anderson County, Kansas is amended to read as follows:

9-7-11: CEMETERY SERVICE CHARGES. The following fees and charges shall be made for cemetery services in the Municipal Cemetery, except that all charges shall be discounted twenty per cent (20%) to taxpayers in the corporate limits of the City:

<u>Burial Charges</u>	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Standard interment; adult	\$ 65.00	\$ 55.00
Child interment (of a size to permit five foot grave)	\$ 26.00	\$ 22.00
Baby interment (under 18 months)	\$ 14.00	\$ 12.00
Ashes interment	\$ 18.00	\$ 15.00
Charges in addition to above for interment made on Saturdays, Sundays, legal holi- days and after normal working hours	\$ 44.00	\$ 36.00

SECTION 2. Title 9, Chapter 7, Section 11 of the Municipal Code of the City of Garnett, Anderson County, Kansas, as it presently exists, and all ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED, This 10 day of July, 1974.

ATTEST:

Mayor

City Clerk

ORDINANCE NO. 2276

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1974, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE 2236 AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. INCORPORATION OF STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulation of traffic within the corporate limits of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance For Kansas Cities", Edition of 1974, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted by Ordinance No. 2276" with all sections or portions thereof intended to be omitted or changed clearly marked to show any 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, Municipal Judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance For Kansas Cities, similarly marked, as may be deemed expedient.

Section 2. AMENDMENT.

The Standard Traffic Ordinance For Kansas Cities, Edition of 1974, is amended in the following manner:

Article 7, Section 33 (a) (3) is amended to read as follows: "Thirty (30) miles per hour in any park."

Section 3. REPEAL.

Ordinance 2236 and all other ordinances in conflict herewith are hereby repealed.


Section 4. EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED by the Governing Body of the City of Garnett, this 28th day of August, 1974.


Robert L. Powers
Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2277

AN ORDINANCE AMENDING ORDINANCE NO. 2274 OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, RELATING TO INDUSTRIAL REVENUE BONDS, SERIES 1974 OF SAID CITY; PROVIDING FOR A CHANGE IN THE DETAILS PRESCRIBED THEREUNDER; RATIFYING AND CONFIRMING LEASE-PURCHASE AGREEMENT AS MODIFIED, PREVIOUSLY ENTERED INTO BY SAID CITY AND H & M INDUSTRIES, INC. OF GARNETT, ANDERSON COUNTY, KANSAS; AND REPEALING SECTION 8b AND SECTION 19 OF SAID ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS:

Section 1. Section 8b of Ordinance No. 2274 of the City of Garnett, Anderson County, Kansas, is hereby amended to read as follows:

"b. H & M Industries, Inc., Garnett, Anderson County, Kansas shall on or before the 1st day of February, 1975, pay unto the Paying Agent any deficiency necessary adequately to pay the interest then due on said bonds, and H & M Industries, Inc., shall pay to the Paying Agent on or before the date on which the installment of principal and interest is due on said bonds, and in accordance with the bond and interest schedule set out in Section 3 hereof, an amount equal to said principal and interest plus all charges of the paying agent, and other nominal costs incidental to the payment of said bonds. The amount so to be paid shall be paid in monthly installments as set forth in Section 5 of the Lease-Purchase Agreement, as modified.

"Following the completion of the construction of the facility, as provided in the lease, the paying agent shall transfer all moneys remaining in the 'Construction Fund' to the 'Bond and Interest Account.'

"Moneys in the Construction Fund or in the Bond and Interest Account herein authorized may be invested by the Paying Agent, upon written instructions of the Lessee, in Certificates of Deposit or in Obligations of, or Obligations of principal and interest of which is guaranteed

by the United States Government or any agency thereof, unless the Lessee instructs the paying agent to hold such funds in cash or on deposit. The income from the money so invested shall be credited to the account of which said funds were invested."


Section 2. The Lease between the City of Garnett, Kansas and H & M Industries, Inc., Garnett, Kansas, dated August 14, 1974, and as modified by separate written agreement dated August 28, 1974, is approved and validated, as modified, and the terms and conditions thereof made a part and parcel of this Ordinance the same as though said lease and modification were fully set out herein.

Section 3. Section 8b and Section 19 of Ordinance No. 2274 of the City of Garnett, Anderson County, Kansas, are hereby repealed.

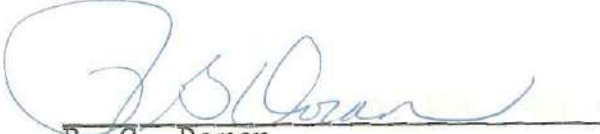
Section 4. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

Passed by the governing body and approved by the Mayor, this 11th day of September, 1974.

Mayor Pro Tem


Mayor of the City of Garnett,
Anderson County, Kansas

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2278

AN ORDINANCE REPEALING ORDINANCE NO. 1852 OF THE CITY OF GARNETT, KANSAS.

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

Section 1. Ordinance No. 1852 of the City of Garnett, Kansas is hereby repealed.

Section 2. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 11th day of September, 1974.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2281

AN ORDINANCE REGULATING HOURS OF CLOSING OF CERTAIN ESTABLISHMENTS WITHIN THE CITY OF GARNETT, KANSAS, WHICH SELL CEREAL MALT BEVERAGES AT RETAIL, AND PROVIDING PENALTIES FOR VIOLATIONS; ESTABLISHING ZONES IN WHICH NO SUCH PLACE OF BUSINESS MAY BE LOCATED WITHIN SUCH CITY AND PROVIDING PROCEDURES FOR OBTAINING EXCEPTIONS TO SAID ZONING.

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

SECTION 1: Every place of business licensed under Title 5-9-2 Subpart B of the Municipal Code of the City of Garnett, Kansas, to sell at retail cereal malt beverages, shall be closed to the public between the hours of 12:30 a.m. and 6:00 a.m.

SECTION 2: Any person violating the provisions of Section 1 hereof shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00) or by confinement in the City Jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. This penalty shall be in addition to any other penalty, civil or otherwise, which may be imposed as a result of such conviction, and the sentence or fine or both imposed hereunder shall in no way act as a bar to or limitation upon such other penalties as may by law be provided.

SECTION 3: No license authorizing the sale of cereal malt beverages at retail issued under Title 5-9-2 Subpart B shall be issued which would permit the location of the premises of such place of business within the City of Garnett, Kansas, other than in the following locations, to-wit:

- A. The South Half (S/2) of Block Thirty-four (34),
the South Half (S/2) of Block Thirty-five (35),
all of Block Forty-seven (47),
the South Half (S/2) of Block Forty-five (45),
the North Half (N/2) of Block Fifty-four (54),
all of Block Fifty-five (55),
the North Half (N/2) of Block Fifty-six (56), or
the North Half (N/2) of Block Sixty-six (66);

provided, however, that no license shall be issued, the issuance of which would permit the location of more than one (1) such place of business in any of the hereinbefore described blocks or half blocks.

- B. Any lot or tract, part of which abuts Maple Street between Park Road and Sixth Avenue;

provided, however, such licensed premises shall utilize Maple Street for all public entrances thereto or exits therefrom.

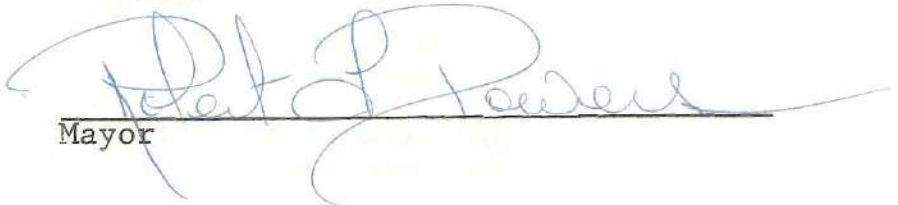
The location of such business premises at other than at one of the specifically designated locations in this section is prohibited, except as provided in Section 4 of this Ordinance.

SECTION 4: The City Commission may grant an exception to Section 3 hereof for good cause shown. Any person desiring an exception shall, at the time of submission of his application for license, endorse on such application a request for the desired exception. After receiving an application for a license so endorsed, the City Commission shall hold a public hearing on the request for such exception, at least twenty (20) days notice of the time and place of which shall be given by publication in the official city newspaper. Such exception, if granted, shall be personal and shall extend only to the applicant and not to his heirs, successors, or assigns, but shall be good only for so long as applicant shall be licensed to sell at retail cereal malt beverages under Title 5-9-2 Subpart B of the Municipal Code.

SECTION 5: Should any court declare any section, clause, or provision of this Ordinance invalid for any reason, such decision shall affect only such section, clause, or provision so declared invalid and shall not affect any other section, clause, or provision of this Ordinance.

SECTION 6: This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official city newspaper.

PASSED AND APPROVED this 25 day of September, 1974.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2282

AN ORDINANCE RELATING TO THE BUSINESS OF COMMERCIAL TREE TRIMMING, TREE PRUNING, AND TREE REMOVAL WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; AMENDING SECTION 3 OF ORDINANCE NO. 2180 OF THE CITY OF GARNETT, KANSAS, AND REPEALING EXISTING SECTION 3 THEREOF; PROVIDING FOR WRITTEN STATEMENT TO BE FURNISHED BY A LICENSED COMMERCIAL TREE TRIMMER TO CUSTOMER IN ADVANCE OF PERFORMANCE OF SUCH SERVICE OR WORK; REQUIRING COMPLIANCE WITH SUCH WRITTEN STATEMENT, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, The business of tree trimming, tree cutting, tree pruning, and removal of trees, or parts thereof has been found by the City of Garnett, Kansas, to be inherently dangerous and regulation deemed essential; and

WHEREAS, Such business, by virtue of its dangerous nature and apparent difficulty, presents an opportunity for the unscrupulous operator to obtain and take unfair advantage of the customer and there is a need for regulation and consumer protection in this area for persons within said City.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. Section 3 of Ordinance No. 2180 of the City of Garnett, Kansas, is hereby amended to read as follows:

"Section 3. The annual license fee for each applicant licensed hereunder shall be Fifty Dollars (\$50.00) per year. A license granted hereunder shall be valid for a period of one (1) year after its date of issuance, unless revoked for non-compliance with the conditions of this Ordinance."

Section 2. Section 3 of Ordinance No. 2180 of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. Every person, firm, association, or corporation licensed to engage in the business of tree trimming, tree cutting, tree pruning, or tree removal, or parts thereof, within the corporate limits of the City of Garnett, Kansas, shall present ^{for} each customer/whom such business performs any commercial tree trimming, tree cutting, tree pruning, or removal of trees, or parts thereof, a written statement setting forth the following:

- A. The business name and address and number of the commercial tree trimming license issued by the City of Garnett and used for such commercial tree trimming, cutting, pruning, or removal.
- B. The name and address of the customer.
- C. The location where the work or services are to be performed.

- D. The exact nature and extent of the work or services to be performed.
- E. The full cost to be charged the customer for such work or services.
- F. The signature of the authorized officer or representative of the licensed commercial tree operator.

Section 4. The required written statement for such tree services may be incorporated into any contract, written agreement, or other business form used by the said commercial tree operator; provided, that said statement shall be presented to the customer prior to the time that the tree services, covered by said statement, are commenced. The licensed tree operator shall retain a copy of each written statement in his files for a period of two (2) years from the date of issuance of any written statement. Said operator shall faithfully carry out the stipulations set forth in any statement prepared by himself or any agent. Each commercial tree operator shall make available to the City Manager, or his designated agent, a copy of any written statement and a list of all employees who worked on each pertinent job.


Section 5. Any person violating or failing to comply with any of the provisions of Section 3 or 4 of this Ordinance shall be deemed guilty of a misdemeanor. Each separate violation of this act shall be a separate misdemeanor punishable upon conviction by a fine of not more than One Hundred Dollars (\$100.00).

Section 6. This Ordinance shall take effect and be in full force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

Passed by the Commission this 9 day of October, 1974.

ATTEST:

Mayor


R. G. Doran
City Clerk

ORDINANCE NO. 2286

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE CONNECTION AND USE OF CERTAIN UTILITIES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING TITLE 4, CHAPTER 4, SECTION 2, SUBPART B; TITLE 4, CHAPTER 4, SECTION 4; TITLE 4, CHAPTER 6, SECTION 4; TITLE 4, CHAPTER 7, SECTION 4; TITLE 8, CHAPTER 3, SECTIONS 3 AND 6; REPEALING ORDINANCE NO. 2185, §2(B); ORDINANCE NO. 1982; ORDINANCE NO. 1943, §§2 AND 3; ORDINANCE NO. 2226, §§2 AND 3; ORDINANCE NO. 1898, §5; ORDINANCE NO. 2219, SECTION 1, SUBSECTION 4-7-4; ORDINANCE NO. 1927, §2; AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH; PROVIDING EFFECTIVE DATE THEREOF.

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

SECTION 1: Ordinance No. 2185, §2(B), codified as Title 4, Chapter 4, Section 2, Subpart B, of the City of Garnett, Kansas, is hereby amended to read as follows:

(B) Large Industrial-Commercial Rates: Large industrial-commercial rates are hereby established as follows: For the first two thousand (2,000) cubic feet or any fraction thereof, One Dollar Fifty Cents (\$1.50) minimum; for all gas used in excess of two thousand (2,000) cubic feet, SEVENTY-THREE Cents (73¢) per one thousand (1,000) cubic feet.

SECTION 2: Ordinance No. 1943, §2, codified as Title 4, Chapter 4, Section 4, of the City of Garnett, Kansas, is hereby amended to read as follows:

4-4-4: ELECTRICAL SERVICE -- MONTHLY RATES: The following monthly rates for the use of electrical energy are hereby established to users and consumers of the City, expressed in cents per kilowatt hour (k.w.h.):

A. Residential Rates:

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Excess of 100 k.w.h.	3 cents per k.w.h.

(Minimum monthly bill is \$1.75)

B. All-Electric Power Rates:

For such electrical energy consumed between June 1st to September 30th of any calendar year, both dates inclusive --

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Excess of 100 k.w.h.	2 1/2 cents per k.w.h.

For such electrical energy consumed between October 1st and May 31st of any calendar year, both dates inclusive --

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Excess of 100 k.w.h.	1 3/4 cents per k.w.h.

(Minimum monthly bill is \$3.50)

C. Industrial Rates:

First 200 k.w.h.	5 cents per k.w.h.
Next 800 k.w.h.	3 cents per k.w.h.
Next 1,000 k.w.h.	2 cents per k.w.h.
Excess of 2,000 k.w.h.	1 3/4 cents per k.w.h.

(Minimum monthly bill is \$5.00)

D. Commercial Rates:

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Next 1,400 k.w.h.	3 cents per k.w.h.
Next 1,500 k.w.h.	2 1/2 cents per k.w.h.
Excess of 3,000 k.w.h.	1 3/4 cents per k.w.h.

(Minimum monthly bill is \$3.50)

SECTION 3: Ordinance No. 2226, §2, codified as Title 4, Chapter 4, Section 4, Subpart E, of the City of Garnett, Kansas, is hereby amended to read as follows:

(E) The following monthly rates for the use of electrical energy for the Garnett Country Club, Garnett Gun Club, Garnett Saddle Club, Anderson County Historical Society, and Anderson County Community Building:

Semi-Public Power Rates:

First 50 k.w.h.	7 cents per k.w.h.
Next 50 k.w.h.	5 1/2 cents per k.w.h.
Next 1,400 k.w.h.	3 cents per k.w.h.
Next 1,500 k.w.h.	2 1/2 cents per k.w.h.
Excess of 3,000 k.w.h.	1 3/4 cents per k.w.h.

(Minimum monthly bill is \$3.50)

SECTION 4: The minimum monthly charge as set out by class of users in each subpart of the preceding sections is hereby established and shall apply to every user in such class.

SECTION 5: Ordinance No. 1898, §5, codified as Title 4, Chapter 6, Section 4, of the City of Garnett, Kansas, is hereby amended to read as follows:

SECTION 5: MONTHLY CHARGES. The following be, and hereby are, established as the monthly service charges to be paid to the City of Garnett, Kansas, by all persons, corporations, political subdivisions, and organizations whose premises are connected, or may be hereafter connected, to the sanitary sewer system of the City of Garnett:

- (1) For sewer connections receiving water from the City's water supply system and discharging sewage in the sewage system which does not place an unusual burden on the said sewage system by reason of volume, type or character of sewage, sewer charges shall be calculated monthly and shall be based on the gross consumption of water by such customer as recorded by each water meter serving the premises of such customer as follows:

- (a) First 1,000 gallons of water consumed each month, \$1.50 per month, which shall be the minimum sewer charge.

- (b) For the next 4,000 gallons of water consumed each month at the rate of 35¢ per each 1,000 gallons.
 - (c) For the next 15,000 gallons of water consumed each month at the rate of 25¢ per each 1,000 gallons.
 - (d) All over 20,000 gallons of water consumed each month at the rate of 20¢ per each 1,000 gallons.
 - (e) At the end of the three months' period consisting of the consecutive months of January, February, and March of each year, commencing with the year 1975, the average monthly gross consumption of water by each customer during said three months' period shall be ascertained and the monthly sewage service charges paid by such customer for each of the following twelve months shall be based upon the average monthly consumption of water by such customer during this three-month period. In the event a user or customer of the sewage disposal system has not been a consumer of water during the entire said three months period, the base consumption of such user or customer shall be computed on the portion of said three months period that said user or customer was a consumer of water. For any user or customer of the sewage disposal system who has not been a consumer of water during any of said three months period, the minimum monthly charge to any such user shall be the sum of \$1.50 per month until a base consumption of water for such user or customer is determined as above provided.
- (2) For each customer receiving water from the City's water supply system and having a sewer connection directly or indirectly with the City's sewage treatment plant and system, and discharging sewage in the sewage system which does place an unusual burden on the said sewage system, fair and equitable sewage charges may be fixed from time to time by the governing body of the City, taking into consideration the sewage burden aforesaid.
 - (3) For each customer having a sewer connection with the City's sewage system but receiving water from a source other than the City's water supply system, and discharging sewage in the sewage system which does not place an unusual burden on the said sewage system by reason of volume, type or character of sewage, there shall be a monthly sewer charge of \$2.00.
 - (4) For each customer having a sewer connection receiving water from a source other than the City's water supply system, and discharging sewage in the sewage system which does place an unusual burden on the said sewage system, fair and equitable sewage charges may be fixed from time to time by the governing body of the City, taking into consideration the sewage burden aforesaid. If the quantity or type and character of such sewage discharged into the system shall render it difficult to establish a fair and equitable sewer charge, the customer shall at his sole cost and expense install and maintain in good operating condition suitable meters or measuring devices of standard type and design at an appropriate point or points as necessary to properly measure the customer's sewage discharge and shall permit the

City to perform the reading of such metering device, and sewer charges for such customer shall be established in accordance with such metering records.

SECTION 6: Subsection 4-7-4 of Section 1 of Ordinance No. 2219, the same being Title 4, Chapter 7, Section 4 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

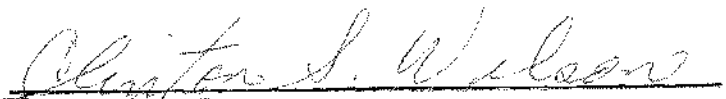
Section 4-7-4: SEWER UTILITY CONNECTION FEES; DEPOSIT REQUIRED: A service connection fee shall be charged for tapping and connections made to the public sewer system, the amount of which fee shall be the actual cost to the City of materials used and labor expended, plus fifteen percent (15%) thereof for supervision; provided, however, such fee shall in no event be less than Forty Dollars (\$40.00); and, provided further, that at the time of application for a permit to make such tap and connection, a deposit in the sum of Forty Dollars (\$40.00) shall be required to secure payment of the fee herein established.

SECTION 7: Title 4, Chapter 4, Section 2, Subpart B; Title 4, Chapter 4, Section 4; Title 4, Chapter 6, Section 4; Title 4, Chapter 7, Section 4; Title 8, Chapter 3, Sections 3 and 6 of the Municipal Code of Garnett, Kansas, are hereby repealed.

SECTION 8: Ordinance No. 2185, §2(B); Ordinance No. 1982; Ordinance No. 1943, §§ 2 and 3; Ordinance No. 2236, §§ 2 and 3; Ordinance No. 1898, §5; Ordinance No. 2219, Section 1, Subsection 4-7-4; and Ordinance No. 1927, §2, and all other ordinances in conflict herewith are hereby repealed.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 1975, and following the passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 11th day of December, 1974.


Mayor *1975 Term*

ATTEST:


City Clerk

ORDINANCE NO. 2287

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 7, PROVIDING FOR THE REMOVAL OF CERTAIN UTILITY METERS FROM BASEMENTS AND CONDITIONS FOR RESETTING SAME; AND REPEALING EXISTING SECTION OF SAID SECTION AND TITLE AND REPEALING ORDINANCE NO. 2210 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1: Title 4, Chapter 7, Section 7 of the City Code of Garnett, Kansas, is hereby amended to read as follows:

4-7-7: MOVING EITHER GAS OR WATER METERS OR BOTH AND SERVICE LINES THERETO FROM BASEMENTS:

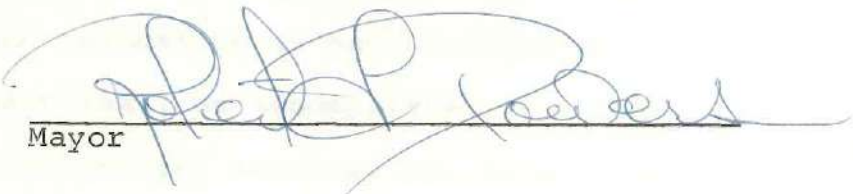
- A. Any gas or water meter located other than upon the City's utility easement or upon a public right-of-way used as such an easement and the service lines running thereto, shall be removed from such location and relocated upon such as easement or right-of-way so used. Removal and relocation as may be required in this subpart shall be accomplished at a time when no such utility services are being supplied to such location and before the reconnection of gas or water utilities for a new owner or utility customer at such address or location.
- B. The removal and relocation of meter and service line and restoration of such line to transport gas or water shall be performed without expense to a utility customer, except as may otherwise be provided in Subpart C hereof.
- C. The property owner or utility customer shall assume and be responsible for the cost and installation of his private service line through the plate of the building served and connection to the interior plumbing, in the case of gas, and for all future maintenance that may be required on that part of the service line running from the City's easement to the point of consumption, in the case of both water and gas.

D. Any utility customer presently being served at a location where either gas or water meters or both are not located as required herein, may, at any time, request the City to remove and re-locate such meters in accordance herewith.

SECTION 2: Title 4, Chapter 7, Section 7 as the same presently exists, Ordinance No. 2210 and all other ordinances in conflict herewith are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED, This 27th day of November, 1974.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2289

AN ORDINANCE DECLARING THE NECESSITY FOR A UTILITY SERVICE CHARGE IN CERTAIN CASES; MAKING PROVISION THEREFOR; ESTABLISHING THE AMOUNT THEREOF; AND PROVIDING THE EFFECTIVE DATE THEREOF.

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

Section 1. LEGISLATIVE FINDING AND DECLARATION. It is the finding of this Commission that this City frequently receives requests from utility customers to investigate various utility malfunctions, interruptions, and cessation in their service, many of which disclose service problems the repair of which are the exclusive responsibility of the complaining customer. When such requests are made, the resulting investigation by City utility maintenance personnel, if done on weekends, holidays, or after normal working hours, results in a financial burden to this City in the form of overtime wage expenditure. It is the specific finding and declaration of policy that such expenditures of City funds should be eliminated.

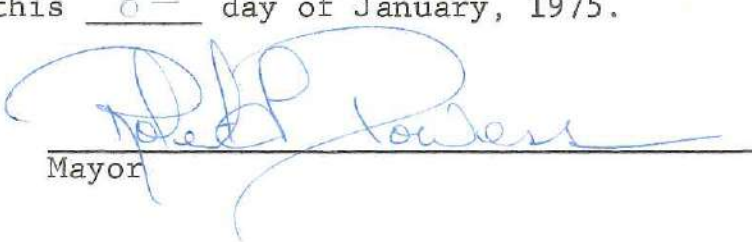
Section 2. SERVICE CHARGE. A charge of \$ 25.00 shall be made to any utility customer who requests City utility maintenance personnel to investigate any cause of utility malfunction, interruption, or cessation, when such investigation discloses the cause thereof and duty to correct the same to be solely upon the utility customer, as provided by the various ordinances and enactments of this City; provided, however, such charge shall only apply when said request is made and investigation conducted on weekends, holidays, or after working hours on any regular weekday.

Section 3. CHARGE IN ADDITION TO OTHERS. This service charge, herein provided, shall be in addition to any other service charge, whether for labor, materials, or flat rate, which is now applicable or which might in the future be made applicable and chargeable to said customer by reason of such service call and investigation.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 8th day of January, 1975.

ATTEST:


Mayor


City Clerk

ORDINANCE NO. 2291

AN ORDINANCE AMENDING TITLE 4, CHAPTER 5, SECTION 2 OF THE MUNICIPAL CODE OF GARNETT, KANSAS; PROVIDING FOR PERMITS AND FEES FOR THE MOVING OF HOUSES, BUILDINGS, OR OTHER STRUCTURES WITHIN SAID CITY; REPEALING SAID SECTION AS PRESENTLY EXISTS; AND PROVIDING EFFECTIVE DATE HEREOF

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

Section 1. Title 4, Chapter 5, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

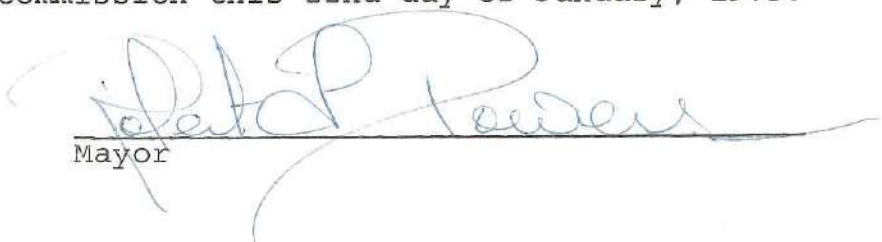
4-5-2: APPLICATION FOR PERMIT: All applications for permits to move houses, building, or other structures described in Section 4-5-1 hereof, shall be to the City Manager. If said houses, buildings, or other structures are under one hundred (100) square feet in area, the application shall be accompanied by a permit fee of Two Dollars (\$2.00). If said house, building, or structure is one hundred (100) square feet or more in area, but less than four hundred (400) square feet in area, the application shall be accompanied by a permit fee of Twenty-five Dollars (\$25.00). If said house, building, or structure is four hundred (400) square feet or more in area, the application shall be accompanied by a permit fee of Fifty Dollars (\$50.00).

The said application shall further specify the day and hour said moving is to commence, the place from and the place to which said structure is to be moved, the description of said structure, and the route through the City over which said structure is proposed to be moved, and such application shall be made as aforesaid at least forty-eight (48) hours prior to the commencement of the moving of said structure. If it shall be necessary to move any utility poles, or to raise, cut or in any way interfere with any cables or wires, or to cut or trim any trees, or to remove any street signs, the application shall state the name of the owner or owners of said poles, wires, cables or trees that will have to be cut, moved or raised, and shall also state when and where the cutting, moving or raising of said poles, cables, wires or trees will be necessary.

Section 2. Title 4, Chapter 5, Section 2 of the Municipal Code of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Commission this 22nd day of January, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2292

AN ORDINANCE REDEFINING THE TERRITORIAL LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1974, and,

WHEREAS, It is necessary to redefine the territorial limits of the City of Garnett;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. That the boundary of the City of Garnett, as changed by the addition of territory thereto, is hereby described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast Corner of Section 25, Township 20, Range 19, thence North on said section line 679 feet, thence West 720 feet, thence South 679 feet to the South line of said Section 25, thence West 1920 feet to the Southwest corner of the Southeast Quarter of said Section 25, thence West 485 feet, thence North 1314 feet, thence East 485 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 25, thence North 3960 feet to the Northwest corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said section line 2640 feet to the Northeast corner of the Northeast Quarter of Section 25, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to the South line of Section 19, Township 20, Range 20, thence East on said section line 1060 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North 662 feet, thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said

line intersects the South line of said Section 19, thence East along said section line to the Northeast corner of the West Half of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 30, Township 20, Range 19, Anderson County, Kansas, thence East 71 feet, thence North 400 feet, thence East 170 feet, thence South 240 feet, thence West 70 feet, thence South 160 feet, thence East 819 feet to the Northeast corner of said Section 30, thence North 240 feet, thence East 230 feet, thence South 240 feet, thence East 3730 feet to the Northeast corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way of the Missouri Pacific Railroad, thence Southwesterly along the North line of said railroad right-of-way 1060 feet, thence North $23^{\circ}30'$, East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet, thence North 2260 feet to the Southeast corner of the North Half of the North Half of the Northeast Quarter of the Northwest Quarter of said Section 29, thence East 996.1 feet, thence South 165 feet, thence West 323.9 feet, thence South 855 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 29, thence West 1320 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 29, thence South 180 feet, thence East 334 feet, thence South 1148 feet, thence East 334 feet to the Southwest corner of the Northwest Quarter of Section 29, thence South approximately 1355 feet to the Southeast corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence West on the South section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest corner of lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast corner of Lot 1, Block 77, City of Garnett; thence West to the Southwest corner of the North Half of the Southeast Quarter


of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest corner of the North Half of the Northwest Quarter of Section 31, to the place of beginning; and commencing at a point where the east side of the right-of-way of the Atchison, Topeka and Santa Fe railroad intersects the south section line of Section 19, Township 20 South, Range 20 East, thence East to a point 538 feet East of the center line of said Section, thence North 660 feet, thence East 594 feet, thence South 660 feet, thence East 40 feet, thence North 2640 feet, East 198 feet, thence North 2640 feet, thence West 1320 feet, thence North 562.8 feet, thence East 990 feet, thence North 100 feet, thence North $44^{\circ}48'$, West 940.5 feet, thence West 330 feet, thence North 330.6 feet, thence north $89^{\circ}33'$, West 1185.3 feet, thence South $0^{\circ}27'$, West 706.5 feet, thence South $45^{\circ}0'$, West 90 feet, thence South $14^{\circ}7'$, East 90 feet, thence South $76^{\circ}7'$, West 65 feet to a point on the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence South and Southeastward along the East right-of-way line to a point of beginning; and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the East side of Section 29, thence South 800 feet, thence West 200 feet, thence North 800 feet, thence East 200 feet to point of beginning. A tract of land 31 acres, more or less, lying in the West half (W1/2) of the Southwest Quarter (SW1/4) of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning. East half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 2 acres more or less, described as follows: Beginning at a

point 375 feet West of the Northeast Corner of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the southeast corner of the Southeast Quarter (SE1/4) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53 1/2 rods, thence South 15 rods, thence East 53 1/2 rods to point of beginning; commencing 225 feet east of the Southwest corner of the Northeast Quarter (NE1/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence north 430 feet, thence east 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence southwest along said right-of-way to the south line of said Quarter Section, thence west to the point of beginning, except an easement for railroad spur now in place; beginning 889.2 feet west of the Southeast Corner of Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence North 309.3 feet, thence West 180 feet, thence South 309.3 feet, thence East 180 feet or to the place of beginning; beginning at a point 707.5 feet North of the Southeast Corner of Section 25, Township 20, Range 19, Anderson County, Kansas, thence West 720 feet, thence North 200 feet, thence East 720 feet, thence South 200 feet to place of beginning; commencing at the Southeast Corner of the Southwest Quarter (SW1/4) of the Southwest Fractional Quarter (SW Fr 1/4) of Section Nineteen (19), Township Twenty (20) South,

Range Twenty (20) East of the Sixth Principal Meridian, thence North 399 feet, thence West 235 feet, thence South 146 feet, thence West 725 feet, more or less, to the Northeast Corner of Ellis Addition to the City of Garnett, Kansas, thence South 100 feet, thence West 100 feet, thence South 153 feet, thence East along section line to place of beginning, all in Anderson County, Kansas.

Section 2: That this Ordinance shall be in full force and effect from and after its final passage and its publication in the official City newspaper according to law.

PASSED and APPROVED this 22nd day of January, 1975.


Mayor

ATTEST:


City Clerk

AN ORDINANCE RENAMING CERTAIN STREETS, AVENUES, AND ROADS IN THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, The Planning Commission of the City of Garnett, Anderson County, Kansas, has recommended to this Commission that certain streets and avenues of said City be renamed in order that a more uniform pattern might be established therefor to prevent confusion and misunderstanding of such names; and

WHEREAS, Certain other streets, avenues, and roads ought to be renamed to conform with said pattern thus so established.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1: All or so much of any named or numbered street, avenue, or road running in a north and south direction, or generally so, and lying north of what is now First Street of the said City of Garnett, shall, from and after the effective date hereof, be renamed thus: By the addition of the prefix "North" to the present legal name of each such street, avenue, or road, or part thereof, not presently embodying said prefix in its full legal name.

Section 2: All or so much of any named or numbered street, avenue, or road running in a north and south direction, or generally so, and lying south of what is now First Street of the said City of Garnett, shall, from and after the effective date hereof, be renamed thus: By the addition of the prefix "South" to the present legal name of each such street, avenue, or road, or part thereof, not presently embodying said prefix in its full legal name.

Section 3: All of any named or numbered street, avenue, or road running in a north and south direction, or generally so, of the said City of Garnett, shall, from and after the effective date hereof, be renamed and designated generally as a "Street" and any other general name or designation presently existing shall be deleted and "Street" substituted therefor; provided, however, that the avenue presently known as "Park Avenue" and presently laid out in the Lizer and Bronston Heights Additions to said City shall continue to be so named and designated and shall not be affected by the operation of this section, nor shall any direct extension or continuation of Park Avenue which may be laid out and opened at some future time be affected by the operation of this section; provided, further, that the road presently known as "North Lake Road" as laid out in the North City Park shall continue to be so named and designated and shall not be affected by the operation of this section.

Section 4: All of any named or numbered street, avenue, or road running in an east and west direction, or generally so, of the said City of Garnett, shall, from and after the effective date hereof, be renamed and designated generally as an "Avenue" and any other general name or designation presently existing shall be deleted and "Avenue" substituted therefor; provided, however, that the road presently known as "Park Road" shall continue to be so named and designated and shall not be affected by this section, nor shall any direct extension or continuation thereof which may be laid out and opened at some future time be affected by the operation of this section.

Section 5: So much of what is presently known and designated as "Madison Street" and as lies within the Parkview Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Monroe Avenue".

Section 6: So much of what is presently known and designated as "Monroe Street" and as lies within the Parkview Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Madison Avenue".

Section 7: So much of what is presently known and designated as "First Avenue" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Thirteenth Avenue".

Section 8: So much of what is presently known and designated as "Second Avenue" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Fourteenth Avenue".

Section 9: So much of what is presently known and designated as "Broadway Avenue" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Fifteenth Avenue".

Section 10: So much of what is presently known and designated as "Pottawatomie" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Vine Street".

Section 11: So much of what is presently known and designated as "Main Street" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Market Street".

Section 12: So much of what is presently known and designated as "Market Street" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Walnut Street".

Section 13: So much of what is presently known and designated as "Walnut Street" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Oak Street".

Section 14: So much of what is presently known and designated as "Hickory Street" and as lies within the Mandovi Addition to the said City of Garnett, shall, from and after the effective date hereof, be renamed "Pecan Street".

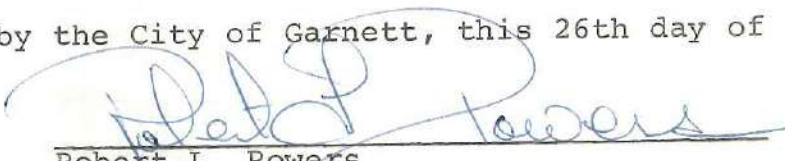
Section 15: So much of what is presently known and designated as "First Street" and as lies in the vacated Orchard Park Addition or the new Orchard Park Addition, or either of them, of the said City of Garnett, shall, from and after the effective date hereof, be renamed "Redbud Avenue".

Section 16: So much of what is presently known and designated as "Second Street" and as lies in the vacated Orchard Park Addition or the new Orchard Park Addition, or either of them, of the said City of Garnett, shall, from and after the effective date hereof, be renamed "First Avenue".


Section 17: All ordinances in conflict herewith are hereby repealed.

Section 18: This Ordinance shall take effect from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the City of Garnett, this 26th day of February, 1975.


Robert L. Powers
Mayor

Attest:


R. G. Doran
City Clerk



ORDINANCE NO. 2295

AN ORDINANCE REGULATING OPERATION OF MOTOR VEHICLES; DECLARING CERTAIN ACTS, COMMONLY CALLED "CARELESS DRIVING", ILLEGAL; PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

SECTION 1. Careless Driving. No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger or be likely to endanger, any person or property.

SECTION 2: Penalty. It shall be unlawful for any person to violate the provisions of this Ordinance within the corporate limits of the City of Garnett. Every person convicted of a violation of this Ordinance shall be punished for first conviction thereof by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter, such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year, such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

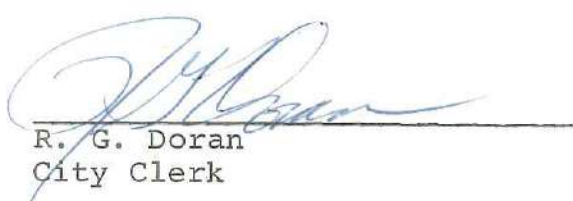
SECTION 3: Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this _____ day of March, 1975.



Mayor

ATTEST:



R. G. Doran
City Clerk

ORDINANCE NO. 2296

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS; REPEALING TITLE 4, CHAPTER 4, SECTION 2 OF THE MUNICIPAL CODE OF SAID CITY; REPEALING ORDINANCE NO. 2185 AND ORDINANCE NO. 2286, SECTION 1

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

Section 1: GAS SERVICE MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility consumers:


(A) Residence and Commercial Rates: The gas service rates for residence and commercial uses are hereby established as follows: For the first two thousand [2,000] cubic feet, or any fraction thereof, One Dollar Sixty-five Cents [\$1.65] minimum; for all gas used in excess of two thousand [2,000] cubic feet, Eighty-three Cents [83¢] per one thousand [1,000] cubic feet.

(B) Large Industrial-Commercial Rates: Gas service rates for large industrial-commercial uses are hereby established as follows: For the first two thousand [2,000] cubic feet, or any fraction thereof, One Dollar Sixty-five Cents [\$1.65] minimum; for all gas used in excess of two thousand [2,000] cubic feet, Seventy-eight Cents [78¢] per one thousand [1,000] cubic feet.

Section 2: REPEAL. Ordinance No. 2185 and Ordinance No. 2286, Section 1, both codified as Title 4, Chapter 4, Section 2 of the Municipal Code, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED This _____ day of March, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2298

AN ORDINANCE RELATING TO THE COLLECTION, STORAGE, AND DISPOSITION OF SOLID WASTE, ESTABLISHING REGULATIONS AND PROCEDURES THEREOF; FIXING FEES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; SEVERABILITY PROVISION; REPEALING ALL ORDINANCES AND PRIOR ENACTMENTS, OR PARTS THEREOF, IN CONFLICT THEREWITH; PROVIDING EFFECTIVE DATE THEREOF.

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

SECTION 1

DEFINITIONS: The following terms used in this Ordinance shall have the meanings ascribed to them in this Section:

- (a) City - The City of Garnett, Anderson County, Kansas.
- (b) City Manager - The City Manager of the City of Garnett, Kansas, including his deputy, delegate, alternate, or appointee.
- (c) Commercial Waste - All solid waste emanating from establishments engaged in business, including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments, and nursing homes, but shall not include hazardous wastes.
- (d) Dwelling Unit - Any enclosure, building, or portion thereof occupied by one or more persons for and as living quarters.
- (e) Hazardous Wastes - Hazardous wastes are materials of any kind, liquid or solid, which may present a special hazard to collection or disposal personnel or equipment or to the public and include, but are not limited to explosive materials; rags or other wastes soaked in volatile or inflammable materials; drugs, poisons, radioactive materials, and highly combustible materials, soiled dressings, clothing, bedding, or other wastes contaminated by infectious or contagious diseases, bacteria or other organisms.
- (f) Garbage - Putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking, and serving of meat, produce, and other foods, and shall include unclean containers.
- (g) Multi-Family Unit - Any structure containing more than four [4] individual dwelling units.
- (h) Person - Person shall include every real person and every firm, co-partnership, joint venture, association, corporation, lodge, society, organization, or any other combination of real persons, whether recognized in law as a separate entity or not.
- (i) Refuse - All garbage, rubbish, trash, or waste materials.
- (j) Residential - Any structure containing four [4] or fewer individual dwelling units, rooming houses having no more than four [4] persons in addition to the family of the owner or operator, and mobile homes.
- (k) Rubbish or Trash - All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, tree branches, limbs, tree trunks and stumps, boxes and barrels, wood and excelsior, 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, or hazardous wastes.
- (l) Solid Waste - All non-liquid refuse.

SECTION 2

COLLECTION OF SOLID WASTE; INTERFERENCE:

(a) The City shall collect, convey, and dispose of all solid waste generated within the corporate limits of said City. Solid waste collectors employed by the City are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Ordinance. Solid waste in residential areas shall be collected not less than once weekly. Commercial solid waste shall be collected at intervals which shall be fixed by the City Manager.

(b) No person shall interfere, directly or indirectly, in any manner with employees of the City in the collection of refuse.

SECTION 3

DUTY OF OWNER OR OCCUPANT; CONTAINERS; LOCATION THEREOF:

(a) The owner or occupant of every dwelling unit or commercial enterprise shall provide, at his own expense, a suitable container for the storage of solid waste; provided, however, that where special commercial containers are provided by the City they may be leased at a monthly fee fixed by the City Manager, subject to approval of the governing body.

(b) Residential containers shall not have a capacity of more than thirty [30] gallons. They shall be of galvanized iron or other non-rusting material of substantial construction. Each container shall have a tight-fitting lid and shall be leakproof and fly-tight. All containers shall have handles of suitable construction to permit lifting; provided, however, that plastic bags of not less than 1.5 mils. in thickness may be substituted for the containers as set forth above; and, provided further, that plastic bags, when used, shall be securely closed.

(c) Containers for commercial waste shall be of such size and construction as shall be determined by the City Manager, giving due regard to the quantity and nature of commercial wastes to be stored therein and collected therefrom.

(d) Baskets, boxes, and non-complying refuse or garbage cans shall be considered disposable refuse and may be removed by the City, if they are the proper size and otherwise acceptable for collection; or shall be left uncollected if they are larger than the allowable size or otherwise unacceptable for collection, after having given notice to the users thereof.

(e) All solid waste containers shall be stored on the premises at which such wastes are accumulated and such containers shall be located adjacent to the alley of the premises, or if there is no alley, within fifteen [15] feet of the owner's property line adjacent a public street or highway; provided, however, nothing herein shall be construed to prevent two [2] or more commercial accounts whose premises are adjacent from jointly using one [1] container or bin.

SECTION 4

WRAPPING OF GARBAGE: Within the corporate limits of the City, all garbage or refuse consisting of waste, animal and vegetable matter which may attract flies, dogs, or rodents, shall be drained of all excess liquid, wrapped in paper or disposable containers, and placed or stored until collected in covered or suitable containers as described in Section 3.

SECTION 5

MISCELLANEOUS WASTES:

(a) Large, bulky items of miscellaneous wastes, such as furniture, trees and tree limbs four [4] inches or greater in diameter, automobile bodies or frames, and appliances that cannot be reduced to fit approved containers or otherwise tied or bundled as herein provided, will not be collected as a part of weekly service, but will be collected when prior arrangements have been made with the City Manager.

(b) Rocks, dirt, sod, concrete, and building material shall be disposed of only in sites and in the manner approved by the City Manager and local and state boards of health; and will be collected only when prior arrangements have been made with the City Manager.

(c) Trees less than four [4] inches in diameter, branches, and shrubbery trimmings shall be securely tied in bundles which shall not exceed eighteen [18] in diameter or forty-eight [48] inches in length, and the bundle shall not, regardless of size, exceed fifty [50] pounds in weight.

(e) Empty cardboard boxes shall be flattened prior to collection. No trash, other than books, papers, or lawn clippings shall be placed in cardboard containers.

SECTION 6

HAZARDOUS WASTES:

(a) No person shall deposit in a garbage or refuse container, or otherwise offer for collection, any hazardous waste, except as provided in this Section.

(b) Hazardous wastes generated by residential customers will be collected by the City for an additional charge covering the cost of such collection to be borne by said customer; provided prior arrangements must have been made with the City Manager for such collection. Rates for collection of residential hazardous waste shall be set by the City Manager, giving due regard to the nature and quantity of the waste to be collected, the location and accessibility of its storage, the method of disposal required, and any other like factors.

(c) Hazardous commercial wastes will be collected by the City after prior arrangements have been made with the City Manager. Commercial customers regularly generating hazardous wastes and requiring regular collection and removal thereof shall be charged for such service by the inclusion of the costs thereof in its regular monthly service charge as determined under this Ordinance. Other commercial customers generating hazardous wastes collected and disposed of by the City shall be assessed an additional charge for such services as shall be set by the City Manager, giving due regard to the nature and quantity of the waste to be collected, the location and accessibility of its storage, the method of disposal required, and any other like factors.

(d) Hazardous wastes shall be stored in containers and at such locations as are approved by the City Manager. In no case shall hazardous wastes be commingled or stored in the same container with any other refuse.

SECTION 7

OWNERSHIP OF REFUSE MATERIALS: Title to refuse materials, when placed in containers by the occupants or owners of the premises upon which the same are located, shall be vested in the City and shall, thereafter, be subject to the exclusive control of the City and its employees and no person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof in any alley, street, public easement, or other public property within the corporate limits of the City.

SECTION 8

ACCUMULATION OF REFUSE AND GARBAGE:

(a) No person shall store, collect, maintain, or display on private property refuse or garbage that is offensive or hazardous to the health and safety of the public or which creates odors or a condition of unsightliness. Storage, collection, maintenance, or display of wastes or solid wastes in violation of this Section shall be considered to be a public nuisance.

(b) No person shall permit to accumulate quantities of refuse, papers, trash, ashes, or other waste materials within or close to any building in the City, unless the same is stored in containers in such a manner as not to create a health or fire hazard.

SECTION 9

BURYING OF REFUSE: No person shall bury refuse at any place within the City of Garnett, Kansas, or keep, place, or deposit refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collections upon premises owned, occupied, or under possession and control of such person; provided, however, that lawn and garden trimmings may be composted.

SECTION 10

BURNING OF REFUSE: No person shall burn any refuse, especially leather, rubber, plastic, green or wet vegetation or organic material, or burn any other substance producing smoke or odor within the City. A permit may be obtained for burning in an approved-type incinerator that is in compliance with all existing federal and state standards. Provided, that nothing in this Section shall be construed to prohibit the burning of wood, coal, or other fuel in a residential fireplace or stove, nor the ignition and burning of wood, coal, or charcoal for purposes of cooking, whether inside or outside a dwelling.

SECTION 11

UNAUTHORIZED DISPOSAL: No person shall haul or cause to be hauled refuse of any kind, nor dispose of such refuse in any dumping place, site or area, within or without the corporate limits of the City, unless such place, site, or area is a sanitary landfill site, transfer point, or disposal facility approved by the Kansas State Department of Health; in addition, said place, site, area, transfer point, or facility must comply with all applicable health and zoning ordinances of the City.

SECTION 12

USE OF PUBLIC PROPERTY PROHIBITED: No person shall throw, place, rake, deposit, dump, drop, spill, or allow to accumulate, leave, or cause to be thrown, placed, raked, deposited, dumped, dropped, spilled, or left upon any sidewalk, gutter, street, alley, thoroughfare, park, or other public grounds, or rights-of-way, or any City-owned property, any litter, refuse, or foreign materials, cast-off machinery, abandoned automobile bodies, tires, junk, filth, dirt, or refuse of any kind, except by depositing the same in containers provided specifically for such purpose.

SECTION 13

UNAUTHORIZED DEPOSIT: No person shall deposit or cause to be deposited solid waste in any container other than that owned or leased by him or under his control, without consent of such owner, and with the intent of avoiding payment of the refuse service charge.

SECTION 14

PERMITS:

(a) No person shall collect or haul over the streets, alleys, or highways of the City any refuse or waste, unless such person shall have a permit from the City of Garnett, Kansas; provided, that this Section shall not apply to departments of City government; provided further, that nothing in this Section shall be construed to prevent a person from hauling or disposing of his own refuse, accumulated at his residence or business establishment, in such a manner as not to endanger the public health or safety, not to create a nuisance to the inhabitants of said City, and not to litter the streets, alleys, or highways of said City, and after having obtained a permit from the City Clerk so to haul and dispose of his own refuse. Provided further that such person shall have hauling equipment meeting Kansas State Department of Health requirements, and that the place and method of disposal used is in accordance with Kansas State Department of Health requirements.

(b) Every person desiring to haul his own refuse shall make written application to the City Clerk setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the disposal of such refuse, the nature and approximate quantities of refuse to be hauled, the place of disposal, and the method of disposal to be practiced. Upon approval of such application, the City Clerk shall issue a permit to the applicant. The permit fee shall be Twenty-five Dollars [\$25.00], payable in advance to the City Clerk.

(c) A permit issued under this Ordinance shall expire on the 31st day of December in each year. Permits shall be renewable annually in the same manner and upon payment of the same annual fee as provided in Subsection (b) hereof.

SECTION 15

SERVICE FEES: A refuse service charge of Three Dollars [\$3.00] per calendar month shall be levied against each residential dwelling unit for the collection and disposition of solid waste as required by this Ordinance.

Commercial refuse service charges shall be determined by the City Manager, subject to approval of the governing body. In no case,

however, shall such commercial rates be less than that charged a dwelling unit. In determining commercial rates the City Manager shall consider such factors as the nature and quantity of refuse collected, the number of collections each month, and accessibility to the place of collection.

SECTION 16

REQUEST FOR SERVICE: A request for any City utility service shall automatically constitute a request for refuse service. A termination of such utility service shall automatically terminate refuse service; provided, however, that the absence of City utility service shall not relieve any owner or occupant of any residence, multi-family dwelling, or commercial enterprise from the responsibility of complying with the provisions of this Ordinance.

SECTION 17

NO REFUSE; PRESUMPTION: Persons or households of which they are members having no refuse shall not be required to pay any service charge for refuse collection; however, every residential unit and every business or commercial establishment within the corporate limits of said City shall be presumed to generate solid waste and have refuse, unless clear and convincing proof to the contrary is furnished to the City.

SECTION 18

PARTIAL SERVICE; EXCEPTIONS:

(a) Any person, firm, or corporation at the time of beginning or terminating service who receives service for a period of fewer than eighteen [18] consecutive days shall be billed at one-half [1/2] the rate for such service; for service of eighteen [18] or more consecutive days the charge shall be at the full monthly rate.

(b) Where collections are to be made from households of two [2] or fewer occupants, one or both of whom is over sixty-two [62] years of age, or from households of a single occupant regardless of age, such household shall be entitled to a special rate equal to one-half [1/2] the regular household residential rate. It shall be the duty of any householder making application for exception under this Subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he is entitled to such exception.

SECTION 19

FAILURE TO PAY BILL: The charges for municipal solid waste collection and charges for municipal utility service are hereby declared to be parts of one debt to the City, insofar as the same affect any one customer or consumer, and the refusal or failure to pay all or any part of such debt for any monthly period of service shall be sufficient cause, without further notice, to discontinue all utility and refuse services to said customer or consumer. Late payment charges now or hereafter provided for delinquent utility accounts shall also be applicable to charges for municipal refuse collection, and any disconnection of other city utilities occasioned by the application of this Section shall subject the customer or consumer to all utility reconnection or reinstatement fees applicable. Failure of the City to exercise

fully the provisions of this Section in any one case or at any one time shall not bar full exercise subsequently. Neither shall imposition of any penalty, late payment charge, reconnection or reinstatement fee, nor shall exercise of rights conferred hereunder bar the criminal prosecution for the violation of this Ordinance, and upon conviction in such a prosecution, the levying of a fine as provided in Section 22 of this Ordinance.

SECTION 20

CONSTRUCTION AREAS AND SPECIAL CONDITIONS:

(a) Nothing in this Ordinance shall prevent any person, with prior approval from the City, from encumbering the streets or alleys with building materials or earth as may be necessary for the purpose of construction, erection, adding to, remodeling, or repairing any building or structure, or resulting from demolition operations; provided, however, that in the event of such encumbering of the alleys or streets, the contractor, owner, or occupant shall remove any and all materials remaining within ten [10] days from the completion of the work and shall leave the said street or alley in the same condition that they were prior to such use thereof.

(b) Nothing elsewhere contained in this Ordinance shall be construed as prohibiting construction contractors, tree surgeons, roofers, and other private contractors whose operations result in the accumulations of refuse, from hauling and disposing of accumulations of trash and rubbish resulting from their own operations, without having to obtain a special permit therefor, but always upon the condition that they shall at all times comply with the other provisions of this Ordinance.

(c) In situations which are not contemplated or considered by the terms and conditions of this Ordinance, the City Manager shall have the power and the authority to grant special rights and privileges on a temporary basis for the collection, hauling, and disposal of refuse where such special privileges are required in order to maintain the health and sanitation of the City and its inhabitants, or such right and privilege is required to avoid the creation or maintenance of a public nuisance.

SECTION 21

ADOPT REGULATIONS: The City Manager is hereby authorized to promulgate reasonable rules and regulations, subject to approval by the governing body, necessary to carry out the provisions of this Ordinance.

SECTION 22

PENALTY: Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars [\$100.00] or more than Two Hundred Fifty Dollars [\$250.00]; provided that each day's violation shall be a separate offense.

SECTION 23

SEVERABILITY: If for any reason any section, subsection, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, such decisions shall not affect the validity of any remaining section, subsection, sentence, clause, or phrase of this Ordinance.

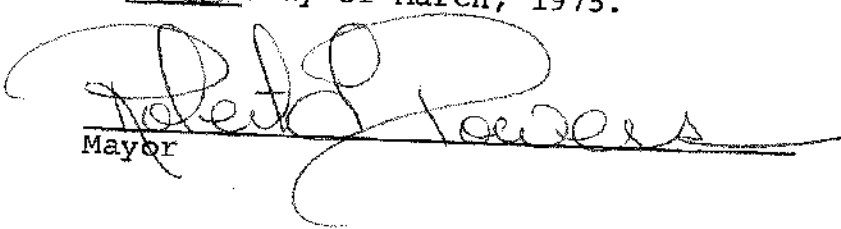
SECTION 24

REPEALER: Ordinance Number 1228 and Title 7, Chapter 2, §§1-3, inclusive, of the Municipal Code, City of Garnett, Kansas, and all other ordinances or enactments, or so much thereof as is in direct conflict with the provisions hereof, are hereby repealed.

SECTION 25

EFFECTIVE DATE: This Ordinance shall take effect July 1, 1975, and from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED AND APPROVED this 26 day of March, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2299

AN ORDINANCE PROVIDING PENALTIES FOR VIOLATION OF THE "UNIFORM FIRE CODE," ADOPTED BY REFERENCE ON OCTOBER 10, 1973, BY ORDINANCE NO. 2246 OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS.

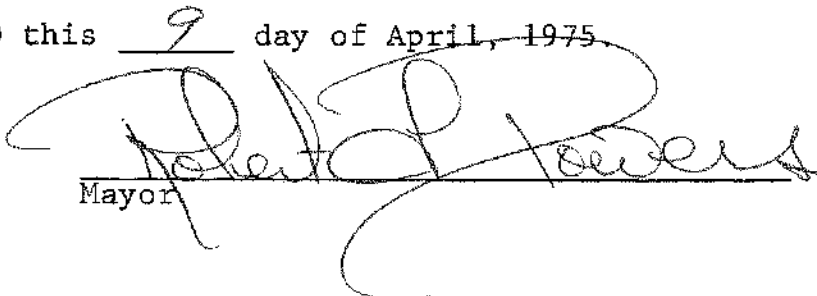
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. Any person violating the provisions of the "Uniform Fire Code" as adopted by reference by the City of Garnett, Anderson County, Kansas, on October 10, 1973, in Ordinance No. 2246, or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager of the City of Garnett, Kansas, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment; provided, however, that for each and every violation of Section 13.207 of the said "Uniform Fire Code", entitled Hydrant Use Approval, there shall be imposed a fine in a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and a period of imprisonment in the City Jail for a period of not less than one (1) nor more than six (6) months, which thirty (30) days of any such sentence shall be executed and not suspended. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

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Section 2. This Ordinance shall be in full force and effect from and after its passage and approval and publication in THE ANDERSON COUNTIAN, the official city newspaper.

PASSED AND APPROVED this 9 day of April, 1975



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2301

AN ORDINANCE RELATING TO THE BUSINESS OF COMMERCIAL TREE TRIMMING, TREE PRUNING, AND TREE REMOVAL WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; AMENDING SECTION 3 OF ORDINANCE NO. 2180 OF SAID CITY; REPEALING ORDINANCES IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

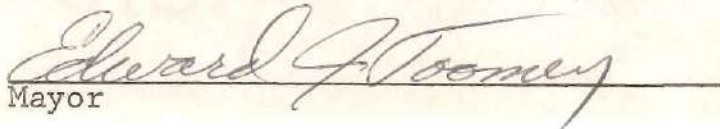
SECTION 1. Section 3 of Ordinance No. 2180 of the City of Garnett, Kansas, is hereby amended to read as follows:

"Section 3. The annual license fee for each applicant licensed hereunder shall be Twenty Dollars (\$20.00) per year. A license granted hereunder shall be valid for a period of one (1) year after its date of issuance, unless revoked for non-compliance with the conditions of this ordinance."

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in full force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED by the Commission this 23rd day of April, 1975.


Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2302

AN ORDINANCE REQUIRING AND REGULATING THE CONSTRUCTION AND MAINTENANCE OF CROSSINGS, CULVERTS, AND WATERWAYS BY RAILROAD COMPANIES OPERATING WITHIN THE CITY OF GARNETT, KANSAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. Every person or corporation owning or operating any railroad within the corporate limits of the City of Garnett, Kansas, is hereby required to keep the streets and alleys over which it runs properly drained, to construct and keep in repair to their full width in a safe and smooth condition, all crossings over all streets and alleys, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets and alleys over which their tracks run, and to conform their tracks to the grade of the street and alleys over which they run, so as to make the top of the rails level with the grade of the street or alley established by the said City.

SECTION 2. When the street or alley over which the tracks of any such railway company shall cross is improved by the construction of a hard surfaced road, the said railroad company shall pave the space between the rails and for a distance of two (2) feet on each side thereof with a pavement of the same or a better type for the full width of the pavement of said improved street or alley, and in the event of the removal of a rail or track, shall fill, repair, and repave the excavation or other damage caused thereby with the same quality of materials and same manner of construction as the street or alley from which the removal is made.

SECTION 3. All work described and required in Sections 1 and 2 hereof, shall be performed in a workmanlike manner and shall generally conform to the laws of this State and generally conform to the standards established by the American Railway Engineering Association, AAR, entitled "Specifications for Highway Grade Crossings Over Railroad Tracks" and all such work shall be accomplished at the expense of said railway company.

SECTION 4. In the event any street or alley crossing within the corporate limits of the City of Garnett shall become defective so that it is dangerous or hazardous to the traveling public or so impedes vehicular traffic as to cause obstruction or slowing of such traffic to the detriment of public welfare and safety, the railroad company whose tracks cross said street or alley shall be notified in writing by the City Manager, or his delegate, of such defect or dangerous or hazardous condition and shall be directed to correct such condition within ninety (90) days after receipt of said notice. In the event said railway company so notified shall fail and neglect or refuse to lay, re-lay, construct, or reconstruct, or repair its railroad track or tracks or crossings to correct such defect or dangerous or hazardous condition within said ninety (90) day period, the City Manager, or his delegate, may make the necessary construction and repair of said track, tracks, or crossing and the cost and expense of the same shall be a lien upon the property of such railway company in the same manner as other taxes are assessed, levied, and collected. Said notice of repairs or reconstruction shall be ordered by the governing body, signed by the Mayor, attested by the City Clerk and the City's official seal affixed thereto, and served by any police officer of the City, or by certified mail, with return receipt requested, upon any agent of such railway company.

SECTION 5. The failure to comply with the provisions and directions of this Ordinance shall, in addition to any other remedy

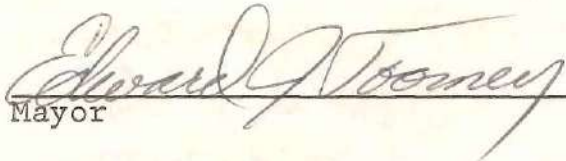
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herein provided, be deemed a misdemeanor and upon conviction the offending railway company may be fined in the sum not to exceed One Hundred Dollars (\$100.00). Each days violation shall constitute a separate offense.


SECTION 6. All ordinances or parts thereof which are directly in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect and be in full force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 23rd day of April, 1975.


Mayor

ATTEST:


R. G. Doran
City Clerk

ORDINANCE NO. 2303

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, RELATING TO ELECTRICAL UTILITY CONNECTION FEES; REPEALING EXISTING TITLE 4, CHAPTER 7, SECTION 2 OF SAID MUNICIPAL CODE.

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

SECTION 1. Title 4, Chapter 7, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

"4-7-2: ELECTRIC UTILITY CONNECTION FEES: The following service connection fee shall be charged for complete installation of electric service, including meter, meter socket, connectors and wire from transformer to structure, to-wit:

Single Phase service, 100 amp.....95% of actual cost

Single Phase service, 200 amp.....95% of actual cost

Single Phase service, 300 & 400 amp..80% of actual cost

Three Phase service, 200 amp.....80% of actual cost

Three Phase service, 400 amp.....70% of actual cost

Three Phase service, 600 amp.....60% of actual cost

Three Phase service, 800 amp.....50% of actual cost

All larger connections.....50% of actual cost

Any change from a 110 volt service, regardless of amperage, to a 220 volt, 100 amp single phase service, the charge shall be sixty per cent (60%) of the 100 amp single phase service charge set forth in the above table. Any change from 100 amp single phase service to a larger service, the charge shall be the difference between the cost of the two services. Any change from a 60 amp service to a 100 amp service, which requires only a change in meter sockets, the charge shall be the wholesale cost of the meter socket at the time of such change. A deposit in the amount of Twenty Dollars (\$20.00) shall be required until the actual cost is determined and shall be refunded when payment as required by this Section is received."

SECTION 2. Repeal: Title 4, Chapter 7, Section 2, as it presently exists in the Municipal Code of the City of Garnett, Kansas, is hereby repealed.

SECTION 3. Effective Date: This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the Governing Body of the City of Garnett, Kansas, this 23 day of April, 1975.

ATTEST:

Mayor

R. G. Doran
City Clerk

ORDINANCE NO. 2304

AN ORDINANCE AMENDING ESTABLISHED UTILITY TURN-ON POLICIES FOR THE CITY OF GARNETT, KANSAS; REPEALING ORDINANCE NO. 2138 OF SAID CITY

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


SECTION 1. Utility Turn-On Policy. Any municipal utilities disconnection by reason of non-payment of the regular and customary charges therefor by the consumer will not be reconnected on Saturdays, Sundays, holidays, or after normal working hours on weekdays.

SECTION 2. Connection or Disconnection of Utility Services. Utility services will not normally be connected or disconnected on Saturdays, Sundays, holidays, or after normal working hours on weekdays. If such services are requested by the customer during said period, a charge of Twelve Dollars and Fifty Cents (\$12.50) shall be made for such connection or disconnection during said period and this charge shall be in addition to other charges permitted or required by applicable ordinances of this City.

SECTION 3. Repeal. Ordinance No. 2138 of the City of Garnett, Kansas, is hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 14th day of May, 1975.



Mayor

ATTEST:



R. G. Doran
City Clerk

ORDINANCE NO. 2305

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS; REPEALING TITLE 4, CHAPTER 4, §§1 AND 2 OF THE MUNICIPAL CODE OF SAID CITY, AND ORDINANCE NO. 2296, ORDINANCE NO. 2131, AND ORDINANCE NO. 2073 OF SAID CITY.

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

Section 1: GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:

For the first two thousand [2,000] cubic feet, or any fraction thereof, One Dollar Sixty-five Cents [\$1.65], which said sum shall be the minimum monthly bill; and

For all gas used in excess of two thousand [2,000] cubic feet, Eighty-eight Cents [88¢] per one thousand [1,000] cubic feet.

Section 2. GAS SERVICE; ONE USER CLASS. From and after the effective date of this Ordinance there shall be but one class of gas consumer within this City; all special classes of users are hereby abolished.

Section 3. REPEAL. Ordinance No. 2296, Ordinance No. 2131, and Ordinance No. 2073, as codified in Title 4, Chapter 4, §§1 and 2 of the Municipal Code, be and they are hereby repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 14th day of May, 1975.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2308

AN ORDINANCE REGULATING WORK DONE FOR HIRE OR REMUNERATION ON THE MUNICIPAL GAS, WATER, ELECTRIC, AND SEWAGE UTILITIES; PROVIDING FOR LICENSES, BONDS, EXAMINATIONS AS CONDITION PRECEDENT TO LICENSING AND CONDITIONS OF FORFEITURE; PROVIDING, ALSO, AN EFFECTIVE DATE THEREOF; REPEALING TITLE 3, CHAPTER 3, §§ 17-19, INCLUSIVE, AND ALL OTHER PROVISIONS OF THE MUNICIPAL CODE IN CONFLICT WITH SAID ORDINANCE.

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

Section 1. LICENSE REQUIRED: It shall be unlawful for any person to do any work for hire or for remuneration, in money or money's worth, upon the City's water, gas, electric, or sanitary sewer utilities, or appurtenances, pipes or wires connected thereto, or to make any connection with or alteration or extension to or from the supply pipes or wires or discharge laterals of the respective utilities belonging to any customer thereof or person using any of the said utilities, or any of them, until such person performing such work shall have taken out a license as herein provided.

Section 2. CLASS OF LICENSE: Licenses issued hereunder shall be of one or more of the following classes--

1. Gas
2. Water
3. Electrical
4. Sanitary sewer

and such class shall be conspicuously endorsed upon the face of each license. A license issued for one class shall permit the licensee to perform for hire or remuneration, work of that class and no other.

Section 3. APPLICATIONS: Applications for licensing hereunder shall be made upon forms supplied by the City for such purpose and shall include the name and address of the applicant and of each member of his firm; the business name of the firm operated by applicant, if any, and its correct street address; the class or classes of licenses for which application is made; and such other information as may be relevant or enable the City to process the application. Each application form shall include a statement to which applicant shall subscribe his name stating that if licensed, he will abide by all the rules and regulations now and hereafter adopted by the City controlling the class of work for which applicant shall be licensed.

Section 4. BOND: Before receiving a license, applicant shall file a bond in the penal sum of One Thousand Dollars (\$1,000.00) for each such license classification for which application is made, with a corporate surety authorized to do business in the State of Kansas, with the City Clerk, the condition of which shall be: That licensee will indemnify and keep harmless the City from all liability for any loss arising from his negligence in performing that work for which he is licensed hereunder, and that he will also restore the streets, sidewalks, and pavements over all pipes or conduits or cables he may lay and fill all excavations made by him so as to leave the sidewalks, streets, and pavements in as good condition as he found them, and that he will pay all fines that may be imposed on him for a violation of any of the regulations or ordinances of Garnett and in force during the term of his license.

Section 5. EXAMINATION: No license shall be issued hereunder until the applicant therefor has successfully completed an examination on his ability to read and understand the English language and of his technical knowledge in the class for which license application is made. The examination shall be designed and administered by the City Manager or his delegate, subject to approval of the City Commission, and may include either written or oral questions, or a combination of both forms.

Section 6. FORFEITURE AND TERM: Any licensee found guilty of violating the rules, regulations, or ordinances of the City relative to plumbing, whether water or gas, sanitary sewer, or the electric utility, or of the provisions of this ordinance, or whose bond shall lapse or be revoked, shall immediately forfeit his license. Otherwise, the term of such license shall be for one (1) year from date of issue.

Section 7. REPEAL: Title 3, Chapter 3, §§ 17-19, inclusive, and all other provisions of the Municipal Code of the City of Garnett, Kansas, which are in conflict with this Ordinance are hereby repealed.

Section 8. EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after January 1, 1976, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the City Commission this 13th day of August, 1975.



Mayor

ATTEST:



City Clerk

AN ORDINANCE ESTABLISHING NEW CLASSIFICATIONS OF USERS OF ELECTRICAL ENERGY AND RATES AND CHARGES FOR THE CONNECTION AND USE OF ELECTRICAL ENERGY WITHIN THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE FOR SUCH; AND REPEALING TITLE 4, CHAPTER 4, SECTIONS 3, 4 & 12 OF THE MUNICIPAL CODE OF SAID CITY AND ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH.

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

Section 1. Electrical Service; Classification of Users:
Users of electrical energy furnished by the City are hereby classified and defined as follows:

A. Residential Service--Standard. (i) This classification of service shall be available in all territory served by the City electric utility. (ii) It shall be applicable to all electric service required for residential purposes in individual private dwellings and individually metered apartments and trailers. Resale of energy purchased under this classification shall not be permitted. (iii) The character of service hereunder shall be single-phase, 120/240 volt A.C., 60 Hz. Three-phase service as required is offered, but subject to availability.

B. Residential Service--All Electric Home. (i) This classification of service shall be available in all territory served by the City electric utility. (ii) It shall be applicable only to total electric homes, where electric service is used exclusively for all lighting, cooling, refrigeration, water heating, space heating and cooling, and household appliances, for residential purposes in individual private dwellings and individually metered apartments and trailers. (iii) The character of service hereunder shall be single-phase, 120/240 volt A.C., 60 Hz. Three-phase service as required is offered, but subject to availability.

C. Small General Service. (i) This classification of service shall be available in all territory served by the City electric utility. (ii) It shall be applicable to any customer whose electric service is not provided for by any other rate classification. (iii) The character of service hereunder shall be single-phase, 120/240 volt A.C., 60 Hz. Other voltages as required, subject to availability. Three-phase service as required shall, also, be generally available. (iv) This classification shall not be available for breakdown, standby, supplementary or resale service.

D. Large General Service. (i) This classification of service shall be available in all territory served by the City electric utility. (ii) It shall be applicable to any commercial or industrial customer with loads of 10 kW or more during any twelve consecutive month period. (iii) The character of service hereunder shall be single or three-phase A.C., 60 Hz supplied at any standard utility voltage level. (iv) This classification shall not be available for breakdown, standby, supplementary or resale service.

E. Public Highway and Street Lighting. This classification of service shall be available to the City for public highway and street lighting services.

F. Private Area Lighting. (i) This classification of service shall be available in all territory served by the City electric utility. (ii) It shall be applicable to any customer for illumination of private property by means of mercury vapor street lighting type luminaires supported by either new or existing standard overhead-distribution-type wood poles. (iii) The

character of service hereunder shall be to furnish and install and maintain each fixture and appurtenances. Each fixture shall be automatically energized from dusk to dawn each day.

G. Municipal Pumping Service. This classification of service shall be available to the City of Garnett for water pumping and sewage disposal, and shall be single or three-phase A.C., 60 Hz supplied at any standard utility voltage level.

Section 2. Same; Periodic Rates: The following periodic rates for the use of electrical energy are hereby established to users and consumers of the City:

A. Residential Service--Standard. (i) The net rate per month for energy purchased under this classification shall be--

Customer Charge	\$2.50 per month
Energy Charge:	
First 80 kWh per month @ 3.5¢ per kWh	
Next 920 kWh per month @ 3.2¢ per kWh	
Over 1,000 kWh per month @ 2.9¢ per kWh	

(ii) Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance, and a 20% surcharge as provided in Ordinance No. 2035, as applicable.

(iii) The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

B. Residential Service--All Electric Home. (i) The net rate per month for energy purchased under this classification shall be--

Customer Charge	\$2.75 per month
Energy Charge:	
For energy consumed between June 1 and September 30 of any calendar year, both dates inclusive, as follows:	
First 80 kWh per month @ 3.5¢ per kWh	
Next 920 kWh per month @ 3.0¢ per kWh	
Next 1,000 kWh per month @ 2.7¢ per kWh	
Over 2,000 kWh per month @ 2.5¢ per kWh	

For energy consumed between October 1 and May 31 of any calendar year, both dates inclusive, as follows:

First 80 kWh per month @ 3.5¢ per kWh	
Next 920 kWh per month @ 3.0¢ per kWh	
Over 1,000 kWh per month @ 2.5¢ per kWh	

(ii) Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance, and a 20% surcharge as provided in Ordinance No. 2035, as applicable.

(iii) The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

C. Small General Service. (i) The net rate per month for energy purchased under this classification shall be--

Customer Charge	\$3.00 per month
Energy Charge:	
First 80 kWh per month	@ 3.5¢ per kWh
Next 920 kWh per month	@ 3.1¢ per kWh
Next 1,000 kWh per month	@ 2.7¢ per kWh
Over 2,000 kWh per month	@ 2.4¢ per kWh

(ii) Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance, and a 20% surcharge as provided in Ordinance No. 2035, as applicable.

(iii) The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

D. Large General Service. (i) The net rate per month for energy purchased under this classification shall be--

Customer Charge	\$4.50 per month
Demand Charge:	
First 10 kW of Billing Demand per month	\$30.00 per month
Over 10 kW of Billing Demand per month	@ \$2.50 per kW
Energy Charge:	
First 1,000 kWh per month	@ 2.5¢ per kWh
Next 14,000 kWh per month	@ 1.7¢ per kWh
Next 35,000 kWh per month	@ 1.3¢ per kWh
Over 50,000 kWh per month	@ 1.1¢ per kWh

(ii) Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance, and a 20% surcharge as provided in Ordinance No. 2035, as applicable.

(iii) The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the demand charge, the regular energy charge for all kWh used, and applicable adjustments.

(iv) For the purposes of this classification, the term "billing demand" for any month shall be the maximum 30 minute integrated kilowatt demand in the month, but not less than 80% of the highest metered demand established during the preceding 11 months; provided, however, that whenever the power factor is less than 80% lagging during any month, the demand for that month shall be determined on the basis of 80% of the metered kilovolt ampere demand.

E. Public Highway and Street Lighting. (i) The annual rate for energy consumed under this classification shall be computed according to the following table for each fixture of the appropriate size and type:

Mercury Vapor Street Lights

175 Watt	\$ 42.00 per fixture
250 Watt	\$ 50.00 per fixture
400 Watt	\$ 60.00 per fixture
1,000 Watt	\$120.00 per fixture

Lucalox Street Lights

400 Watt	\$120.00 per fixture
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(ii) In addition to the annual rate above set forth, there shall be added a fuel and purchased energy cost adjustment as set out elsewhere in this ordinance, and applied to the average energy consumption per fixture according to the table following, and accumulated for annual billing--

<u>Mercury Vapor Street Lights</u>	<u>Basis for Application of Fuel Adjustment</u>
175 Watt	59 kWh per Month
250 Watt	85 kWh per Month
400 Watt	135 kWh per Month
1,000 Watt	339 kWh per Month
<u>Lucalox Street Lights</u>	
400 Watt	136 kWh per Month

F. Private Area Lighting. (i) The charge per month for fixtures and appurtenances supplied under this classification shall be--

Luminaires

100 Watt Mercury Vapor (4,000 Lumens)	\$3.50 per fixture
175 Watt Mercury Vapor (7,000 Lumens)	\$4.00 per fixture
400 Watt Mercury Vapor (21,000 Lumens)	\$6.00 per fixture

(ii) The above table shall be applicable to overhead wiring for such fixtures. Underground wiring for lighting fixtures and appurtenances is available at an additional cost as determined by the City Manager, subject to final approval by the City Commission.

(iii) Energy consumed by fixtures and appurtenances supplied under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance, and for such purposes the average monthly consumption per fixture shall be determined from the following table--

<u>Luminaires</u>	<u>Basis for Application of Fuel Adjustment</u>
100 Watt Mercury Vapor (4,000 Lumens)	34 kWh per Month
175 Watt Mercury Vapor (7,000 Lumens)	59 kWh per Month
400 Watt Mercury Vapor (21,000 Lumens)	135 kWh per Month

In addition, the rates under this classification shall be subject to a 20% surcharge as provided in Ordinance No. 2035, where applicable.

(iv) The total monthly charge for lighting service under this classification shall be the sum of the per fixture charge and applicable adjustments.

G. Municipal Pumping Service. (i) The rate for energy supplied under this classification shall be computed according to the following table and accumulated for annual billing--

Water pumping	@ 2.65¢ per kWh
Sewage disposal	@ 2.16¢ per kWh

(ii) Energy billed under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this ordinance.

Section 3. Fuel Cost Adjustment:

The energy charge in any month shall be increased, or decreased, by 0.00109 cent per kilowatt hour sold for each 0.001 cent per kilowatt hour increase above, or decrease below, the average cost of fuel of 0.856 cents per kilowatt hour delivered to the system at the net generation level.

The average cost of fuel shall be defined as the total cost of fuel burned plus the energy component of purchased power for the previous calendar month, divided by the total kilowatt hours of energy delivered into the electric system.

Section 4. Terms and Conditions of Service:

All electrical and related service provided by the electric utility of the City of Garnett shall be subject to the rules and regulations of the City Manager or his delegate.

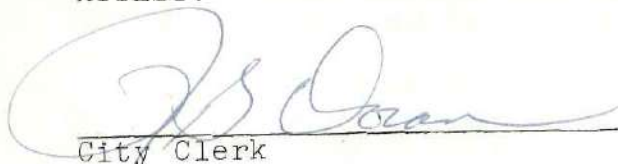
Section 5. Repealer: Title 4, Chapter 4, Sections 3, 4, and 12 of the Municipal Code of the City of Garnett, Kansas, and all other ordinances of said City or parts thereof which are in conflict herewith are hereby repealed.

Section 6. Effective Date: This ordinance shall take effect and be in force from and after July 1, 1975, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 25th day of June, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2311

AN ORDINANCE DECLARING FIRST AVENUE BETWEEN MAPLE AND CLEVELAND STREETS A MAIN TRAFFICWAY


WHEREAS, First Avenue, within the City of Garnett, Kansas, between Maple and Cleveland Streets of said City, carries through traffic between areas of concentrated activities within the said City, and is now and in the future shall be performing the functions of a main trafficway.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

That First Avenue lying between Maple and Cleveland Streets, within the City of Garnett, Kansas, be and the same is hereby declared, designated, and established as a main trafficway within said City, as such term is defined in K.S.A. 12-685, et seq.

This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the Commission this 25th day of June, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2312

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$75,000.00 REVENUE BONDS, REFUSE COLLECTION, SERIES 1975, OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, TO PAY THE COSTS OF PURCHASING REFUSE COLLECTION EQUIPMENT AND THE ERECTION OF A BUILDING TO HOUSE AND STORE SAID EQUIPMENT FOR THE SAID CITY OF GARNETT UNDER THE AUTHORITY OF K.S.A. 12-2104 AND ARTICLE 12 OF CHAPTER 10 OF KANSAS STATUTES ANNOTATED AND ALL AMENDMENTS THERETO; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEM FOR THE PURPOSES AUTHORIZED BY LAW, INCLUDING PAYING THE COST OF OPERATION, IMPROVEMENT AND MAINTENANCE OF SAID UTILITY, PAYING THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS OF SAID CITY ISSUED AGAINST SAID SYSTEM AND PROVIDING ADEQUATE RESERVE FUNDS, AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, By Resolution No. 4/23/75-3, the Governing Body of the City of Garnett, Anderson County, Kansas, declared the necessity and advisability of purchasing certain refuse collection equipment, to-wit: Two (2) compacter-type collection trucks; a supply of commercial trash storage bins; and erection of a building to house and store said trucks and equipment; and

WHEREAS, Said Resolution No. 4/23/75-3 was published as required by law on May 1, 1975; and no protests in regard to said improvements were received by the City Clerk within thirty (30) days following said publication; and

WHEREAS, All legal requirements pertaining to said equipment and improvements have been complied with, and the total cost thereof has been ascertained, found, and determined to be the sum of \$75,000.00, and that it is necessary at this time that the City of Garnett, Anderson County, Kansas, proceed forthwith to issue its Refuse Collection Revenue Bonds, Series 1975, in the principal amount of \$75,000.00 for the purpose of paying for the purchase of said equipment and erection of said building, all as provided in the Resolution aforesaid,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. For the purpose of paying the costs of purchase of refuse collection equipment and the erection of a building to house and store the same for the City of Garnett, as authorized by a certain resolution No. 4/23/75-3, adopted April 23, 1975, there shall be and is hereby authorized and directed to be issued, a series of Refuse Collection Revenue Bonds, Series 1975, of the City of Garnett, Anderson County, Kansas, in the aggregate amount of \$75,000.00, which said issue shall consist of fifty (50) bonds, numbered from one (1) to fifty (50) inclusive, in the denomination of One Thousand Five Hundred Dollars (\$1,500.00) each, and shall be dated July 1, 1975. The first interest shall be payable January 1, 1976, and semi-annually thereafter on the first days of July and January of each year until the principal sum shall have been paid. Said bonds shall be numbered, shall become due serially on July 1st in each year and shall bear interest as follows, to-wit:

<u>NUMBERS</u>	<u>MATURITY DATE</u>	<u>AMOUNT</u>	<u>INTEREST</u>
1 - 5	July 1, 1976	\$ 7,500.00	7.5%
6 - 10	July 1, 1977	7,500.00	7.5%
11 - 15	July 1, 1978	7,500.00	7.5%
16 - 20	July 1, 1979	7,500.00	7.5%
21 - 25	July 1, 1980	7,500.00	7.5%
26 - 30	July 1, 1981	7,500.00	7.5%
31 - 35	July 1, 1982	7,500.00	7.5%
36 - 40	July 1, 1983	7,500.00	7.5%
41 - 45	July 1, 1984	7,500.00	7.5%
46 - 50	July 1, 1985	7,500.00	7.5%

Said bonds and interest coupons to be attached thereto as hereinafter provided, shall be payable in lawful money of the United States of America at the Office of the State Treasurer of the State of Kansas, in the City of Topeka, Shawnee County, Kansas.

Section 2. Said bonds and each of them shall be executed for and on behalf of the City of Garnett by the signatures of the Mayor and City Clerk with the Seal of the City affixed. Interest coupons shall be attached to said bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City of Garnett.

Section 3. Said bonds and coupons shall contain recitals and be in the form and of the size provided by the statutes of the State of Kansas. Said bonds shall be sold in the manner provided by law.

Section 4. The Mayor and City Clerk are hereby authorized and directed to prepare and execute said bonds and coupons and when so executed said bonds shall be registered as provided by law, and when duly executed and registered, to deliver said bonds to the purchasers thereof on payment of the purchase price.

The accrued interest, if any, on said bonds received on the sale thereof, shall be credited to the "Refuse Collection Bond And Interest Account For Bonds Dated July 1, 1975" hereinafter ordered to be established. The principal amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the treasury of the City of Garnett, to be known as the "Refuse Collection Purchase And Construction Fund", and shall be used by the said City of Garnett together with other cash funds on hand for the sole purpose of purchasing refuse collection equipment and erection of a building to house and store the same as provided in said Resolution No. 4/23/75-3. All withdrawals from said fund shall be made in the manner provided by law. Any surplus remaining in said construction fund, not required for purchase or construction as hereinbefore set out, shall be credited to the "Refuse Collection Bond And Interest Account For Bonds Dated July 1, 1975" hereinafter ordered to be established.

Section 5. The \$75,000.00 principal amount of the Refuse Collection Revenue Bonds, Series 1975, of the City of Garnett, dated July 1, 1975, herein authorized, are hereby made a lien on the revenues produced from the refuse collection utility of the City of Garnett and the principal of and interest on said bonds shall be payable solely from the revenues derived by said City of Garnett from the operation of its refuse collection utility, and neither said bonds, nor the interest thereon shall be payable in whole or in part, out of funds raised by taxation. Said bonds shall not be or constitute a general obligation of the City of Garnett, Kansas, nor shall they constitute indebtedness of said City of Garnett within the meaning of any constitutional or statutory limitation.

Section 6. There is hereby created and ordered to be established in the Treasury of the City of Garnett, Kansas, which shall be maintained and administered by the said City as hereinafter provided, so long as any of the bonds herein authorized remain outstanding, a fund entitled "Refuse Collection Utility Fund". Said fund shall be utilized for the purpose of handling all revenues and expenses of the refuse collection utility owned and operated by the said City of Garnett; and the City covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, all the revenues derived by the said City of Garnett from the operation of its refuse collection utility will be paid and deposited in said "Refuse Collection Utility Fund", and that moneys in said fund will be administered and used for the purposes set out in this Ordinance and the same will not be commingled with other funds of the City.

Section 7. Moneys paid and deposited in the "Refuse Collection Utility Fund" hereinbefore established shall be administered and disposed of so long as any of the bonds herein authorized are outstanding as follows:

a. The City, each month, shall pay or make provision for the payment of the reasonable and proper expenses of operating and maintaining the City's refuse collection utility for the current month and keeping the same in sound order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, and insurance.

b. After paying, or making provisions for the payment each month of the reasonable and proper expenses of operating and maintaining the City's refuse collection utility for the current month, the City of Garnett shall next pay or credit from the "Refuse Collection Utility Fund" into the "Refuse Collection Utility Bond And Interest Account For Bonds Dated July 1, 1975" to the extent necessary to meet at maturity thereof all interest on and principal of the bonds herein authorized, the following sums:

(i) On the first day of each month, beginning as of August 1, 1975, and ending December 1, 1975, such proportionate amounts as may be necessary to pay the interest that will become due on the bonds herein authorized on January 1, 1976; and on January 1, 1976, and continuing on the first day of each month thereafter, so long as any of the bonds remain outstanding and unpaid, an amount not less than one-sixth (1/6th) of the amount of interest that will become due on said bonds on the next succeeding interest payment date; and

(ii) On the first day of each month, beginning as of August 1, 1975, and ending June 1, 1976, such proportionate amounts as may be necessary to pay the principal of the bonds herein authorized on July 1, 1976; and on July 1, 1976 and continuing on the first day of each month thereafter, an amount not less than one-twelfth (1/12th) of the principal amounts of said bonds that will become due on the next succeeding bond maturity date.

All amounts paid or credited to said Bond and Interest Account shall be used and expended by the City of Garnett for the sole purpose of paying the principal of and interest on the bonds herein authorized, Series of 1975, as and when the same become due.

c. After all amounts required at the time to be paid or credited from the "Refuse Collection Utility Fund" into the said Bond and Interest Account, as provided by this Section, shall have been so paid or credited, and if at that time said City shall not be in default in the performance of any covenant or agreement contained in this Ordinance, the City of Garnett, at the close of each fiscal year of the City's refuse collection system, after retaining in the "Refuse Collection Utility Fund" such amount as the Governing Body of the City of Garnett may deem necessary to pay the reasonable and proper expenses of operating and maintaining said City's refuse collection utility during the next succeeding period of sixty (60) days, shall pay and credit remaining moneys then in the "Refuse Collection Utility Fund" to an account hereby created and ordered to be established and maintained in the treasury of said City and entitled "Refuse Collection Surplus Account". Moneys in said Surplus Account may be applied by the Governing Body of said City to any purpose authorized by the laws of the State of Kansas.

d. If at any time the revenues derived by the City of Garnett from the operation of its refuse collection utility shall be insufficient to make any payment or credit on the date or dates hereinbefore specified, the City shall make good the amount of such deficiency by making payments or credits out of the first available revenues thereafter received by the City from the operation of its said refuse collection utility, such payments and credits being made and applied in the order specified in Section 6 hereof.

Section 8. If at any time the moneys in the "Refuse Collection Utility Bond And Interest Account For Bonds Dated July 1, 1975" are not sufficient to pay the principal of or interest on the bonds here in authorized as and when the same become due, then the amount of such deficiency shall be made up by transfer of moneys from the other funds and accounts hereinbefore created in the following order: First, from the "Refuse Collection Surplus Account", and second, from moneys held in the "Refuse Collection Utility Fund", provided, however, that there shall always remain in the "Refuse Collection Utility Fund" an amount sufficient to pay the reasonable and proper expenses of operating and maintaining the City's refuse collection utility during the next succeeding period of thirty (30) days.

Section 9. Any moneys held in any fund or account which are not immediately needed for the purposes of such fund or account, may be invested by the City in direct obligations of the United States Government or in certificates of deposit in banks which are members of the Federal Deposit Insurance Corporation; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created, and no investment shall be made in obligations maturing longer than five (5) years after the date of purchase. Cash moneys in each of the funds and accounts herein created or established shall be deposited in a bank or banks in Garnett, Kansas, which are members of the Federal Deposit Insurance Corporation. All such bank deposits and all money, which may from time to time be invested in certificates of deposit in any such bank shall be adequately secured by the banks holding such deposits or certificates. All interest on any investments held in any fund or account created by or referred to in this Ordinance shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations of the United States Government shall be valued at the market value thereof.

Section 10. The City of Garnett, Kansas, covenants with the purchasers and owners of any of the Refuse Collection Revenue Bonds of the City, Series of 1975, herein authorized, that so long as any of the said bonds remain outstanding and unpaid:

a. The City will fix, establish, maintain, and collect such rates, fees, and charges for the use of or services rendered by the refuse collection system of said City, which rates, fees, or charges shall be sufficient to pay the cost of operation, improvement, and maintenance of said utility, provide an adequate depreciation fund, and pay the principal of and interest on all Refuse Collection Utility Revenue Bonds issued by the City against said utility. The City further covenants that said rates, fees, and charges shall be sufficient, in addition, to produce a net operating income each year equal to 140% of the average principal and interest on all revenue bonds outstanding during such year and which constitute a lien on the said rates, fees, charges, and revenue of the refuse collection utility of the said City.

b. None of the facilities or services afforded by the refuse collection system of the City will be furnished to any user without a reasonable charge being made therefor in accordance with applicable rates and charges fixed by ordinance.

c. The City of Garnett will maintain in good repair and working order all equipment utilized in the City's refuse collection utility and will operate the same in an efficient manner and at reasonable cost. In such operation the City will require prompt payment of all accounts and will discontinue refuse collection service to any customer delinquent in the payment of his account for a period which shall not exceed sixty (60) days, all as provided by the ordinances of said City.

d. The City will not mortgage, pledge, or otherwise encumber its refuse collection utility, or any part thereof or any improvement, extension, or enlargement thereof, nor will it sell, lease, or otherwise dispose of said refuse collection utility, or any material part thereof; provided, however, that the City may dispose of any property

which has become obsolete, non-productive, or otherwise unusable to the advantage of said City. Any cash proceeds derived from the sale of such property shall be used by the City to improve, extend, or enlarge its refuse collection utility.

e. The City will carry and maintain a reasonable amount of all-risk insurance upon the properties forming a part of its refuse collection utility, insofar as they are an insurable nature, the amount of such insurance being such amount as would normally be insured by a private corporation engaged in a similar type of business. In the event of loss or damage, the City with all reasonable dispatch will use the proceeds of such insurance in the reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then in redeeming or purchasing outstanding refuse collection utility revenue bonds of the City, including the bonds herein authorized or other refuse collection utility revenue bonds of the City hereinafter issued, in accordance with the conditions contained in this Ordinance and standing on a parity with the bonds herein authorized, such redemption or purchase being made in accordance with the provisions of this Ordinance relating to the redemption or purchase of bonds. The City, in operating its refuse collection utility, will carry and maintain public liability and workmen's compensation insurance in such amounts as would normally be maintained by private corporation engaged in a similar type of business and the proceeds derived from any such policies shall be used in paying the claims on account of which such proceeds were received; provided, however, the City may elect to accept the provisions of the Workmen's Compensation Act of the State of Kansas as presently authorized by law and any amendments thereto hereinafter enacted, and, in such event, may elect to carry its own risk in accordance with the provisions of the statutes of the State of Kansas. The cost of all insurance referred to in this subparagraph shall be paid as an operating cost out of the revenues of the City's refuse collection system.

f. The City of Garnett will install and maintain proper books, records, and accounts entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all dealings and transactions of or in relation to the properties, business, and affairs of the refuse collection utility of the City. Such accounts shall show the amount of revenue received from said utility, the application of such revenue, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of public utilities. The City will operate its refuse collection system on the basis of a fiscal year beginning on January 1st and ending on December 31st. Annually, as soon as possible following the close of each fiscal year, the City will cause an audit to be made by a competent firm of certified public or licensed municipal accountants experienced in public utility accounting of the accounts of its refuse collection utility for the preceding fiscal year. Each such audit, in addition to such matters as may be thought proper by said accountant shall, without limiting the generality of the foregoing, include statements of gross revenues, operational expenditures, and net operational incomes, and shall contain an operational balance sheet, a statement of profit and loss, a statement of all bonds called or matured, and all interest paid, a statement of the number of customers served, a statement of the amount and character of all insurance carried, and a statement and summary of the accountant's recommendations as to the City's practices and procedures of refuse collection operations. Within thirty (30) days after the completion of each such audit, said accountants shall file a copy thereof in the office of the City Clerk.

If such audit shall disclose the proper provision has not been made for all of the requirements of the law under which these bonds herein authorized are issued and of this Ordinance, the City covenants and agrees that it will promptly proceed to cause to be charged for the services rendered by the City's refuse collection utility rates

which will adequately provide for such requirements.

g. The holder of any of the bonds of the City, herein authorized, shall have the right at all reasonable times to inspect the refuse collection utility of the City and all records, accounts, and data relating thereto, and any such holder shall be furnished, by the City, with all such information concerning said utility and the operation thereof which he may reasonably request.

h. The City will punctually perform all duties and obligations with respect to the operation and maintenance of its refuse collection utility now or hereafter imposed upon the City by the Constitution and the laws of the State of Kansas and by the provisions of this Ordinance.

Section 11. The City of Garnett, Kansas, hereby covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, the City will not issue any additional bonds or other obligations payable out of the revenues of its refuse collection utility, which stand on parity or equality with the bonds herein authorized, unless all the following conditions are met:

a. The issuance of additional refuse collection utility revenue bonds shall be authorized or permitted under the laws of the State of Kansas.

b. The City will cause to be created, established, and maintained a special bond reserve fund, the minimum balance of which shall not be less than ten per cent (10%) of the average principal and interest due on all outstanding bonds as authorized by this Ordinance and such additional bonds as may be in the future authorized, issued, and outstanding. Moneys in such reserve account shall be used and expended by the City solely to prevent any default in the payment of the principal or interest on the bonds herein authorized, Series of 1975, if the moneys in the Bond and Interest Account are insufficient to pay the principal of or interest on said bonds as they become due and if no other funds are available to pay said principal and interest.

c. The City shall not be in default in making any payments at the time required to be made by or into the respective accounts created or established by this Ordinance.

Additional refuse collection utility revenue bonds of the City issued under the conditions hereinbefore set out shall stand on parity with the bonds herein authorized and shall enjoy complete equality of lien on and claim against the revenues of the City's refuse collection system with the bonds herein authorized and the City may make equal provision for paying said bonds and the interest thereon out of the "Refuse Collection Utility Fund" and may likewise provide for the creation of a reasonable bond reserve account for the payment of such additional bonds and the interest thereon out of moneys in said "Refuse Collection Utility Fund".

Section 12. The provisions of this Ordinance, including the covenants and agreements hereinbefore contained, shall constitute a contract between the City and the holders of the bonds herein authorized. All ordinances in conflict with the provisions hereof are hereby repealed.

Section 13. This Ordinance shall take effect and be in full force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 25th day of June, 1975.

ATTEST:

Mayor

City Clerk

ORDINANCE NO. 2313

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS:

WHEREAS, the City has carried certain unpaid utility bills on its accounting records for two years; and,

WHEREAS, every reasonable effort has been made to collect these due and unpaid utility bills, but without success; and,

WHEREAS, the continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$868.23, incurred through December 31, 1974 are hereby deleted from the City's accounting records.

Section 2. That this Ordinance shall take effect from and after its publication in the official city paper.

PASSED and APPROVED this 25th day of June, 1975.


MAYOR

Attest:


City Clerk

(SEAL)

Attachment to Ordinance #2313

1973

C. G. Bell	\$ 39.48
Dennis L. Morgan	25.37
Michael Kirk	32.13
Richard Burns	65.70
Rex M. Crawford	29.81
Judy Crouch	7.22
Dianne Barber	11.64
Felix Heidrick	27.42
Douglas V. Ambrose	48.57
Raymond Gooding	49.78
Ed Buddenhagen	12.63
	<u>\$349.75</u>

1974

Jack Artman	\$ 31.95
Michael Gellhaus	26.40
Vivian Cox	17.75
Roberta Skaggs	62.35
Earl Lizer	6.14
John C. Lay	48.68
Ronald D. Bland	18.04
W. K. Gillispie	26.53
David Bloom	65.58
James Swogar	50.73
Ed Trant	37.57
Robert Hayes	52.03
Gary Evans	30.63
Arlena Kay Mishler	34.65
Richard Teter	7.45
3-B TV & Radio	2.00
	<u>\$518.48</u>

Grand Total	\$868.23
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ORDINANCE NO. 2314

AN ORDINANCE REGULATING BOATING UPON THE LAKES AND WATERS WITHIN THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 9, CHAPTER 5, SECTION 14 OF THE MUNICIPAL CODE.

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

Section 1. Title 9, Chapter 5, Section 14 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

9-5-14: BOATING: Boating, canoeing, and motor boats shall be permitted to be operated on Lake Garnett at all times, so long as the speed of the boat shall be restricted to trolling speed and so long as the owner-operator has procured an annual permit from the City. No motorized boat shall be permitted on Crystal Lake; provided, however, electrically powered motors may be mounted upon a boat and used upon Crystal Lake, provided that such electric power source is not generated on board such boat by an internal combustion engine. Rowboats without motors shall be permitted on Crystal Lake.

All boats with motors, including electric motors, shall be required to pay a Two Dollar Fifty Cent (\$2.50) annual fee to procure their annual boating permit; no permit fee shall be required of boats without motors, even though the annual permit shall be required of all boats, canoes, or other vessels used on waters in City lakes.

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

Passed by the Commission this 9th day of July, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2316

AN ORDINANCE AMENDING TITLE IV, BUILDING REGULATIONS, CHAPTER 2, OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION 4-2-1, ADOPTION OF BUILDING CODE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT:

Section 1. ADOPTION OF UNIFORM BUILDING CODE: There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations to prohibit any person, firm, or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector, that certain code known as the Uniform Building Code being particularly the 1973 edition, published by International Conference of Building Officials, whose address is 5360 South Workman Mill Road; Whittier, California 90601, of which not less than three copies have been and now are filed in the Office of the City Clerk.

Section 2. OFFICE OF INSPECTION: It shall be the duty and responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the "Uniform Building Code".


Section 3. ORDINANCES REPEALED: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after its adoption and publication in the official City Paper.

PASSED and APPROVED this 23RD day of July, 1975.


.....
MAYOR

Attest:


.....
CITY CLERK



ORDINANCE NO. 2317

AN ORDINANCE REGULATING BOATING UPON THE LAKES AND WATERS WITHIN THE CITY OF GARNETT, KANSAS; AMENDING TITLE 9, CHAPTER 5, § 14, § 16, AND § 18; REPEALING ALL ORDINANCES AND PROVISIONS OF THE MUNICIPAL CODE OF THE CITY OF GARNETT IN CONFLICT THEREWITH.

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

Section 1. Title 9, Chapter 5, § 14 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

9-5-14: BOATING: (a) Boating, canoeing, and motor boats shall be permitted to be operated on Lake Garnett at all times, so long as the speed of the boat shall be restricted to trolling speed and so long as the owner-operator has procured an annual permit from the City. No motorized boat shall be permitted on Crystal Lake; provided, however, electrically powered motors may be mounted upon a boat and used upon Crystal Lake, provided that such electric power source is not generated on board such boat by an internal combustion engine. Rowboats without motors shall be permitted on Crystal Lake.

(b) All boats, canoes, or vessels used on waters and lakes within the City of Garnett shall be required to procure an annual boating permit from the City Clerk. Said permits shall be issued upon a calendar year basis and where fees are applicable, no proration shall be allowed in the annual rate for registrations less than the full twelve month period. Residents of Anderson County, Kansas owning and registering boats with motors, including electric motors, shall be required to pay a \$ 5.00 annual fee to procure their annual boating permit. All other persons shall pay \$ 35.00 to register boats with motors, including electrical motors. Residents of Anderson County, Kansas shall be charged \$ 1.50 for the annual permit to register boats without motors; all other persons shall pay \$ 7.50 to register boats without motors.

Section 2. For the purposes of this Ordinance and all titles of the Municipal Code of the City of Garnett, Kansas, the term "trolling speed" shall mean a speed not in excess of five (5) statute miles per hour. A boat traveling in excess of trolling speed shall be considered a speed boat and shall be subject to the regulations of this Ordinance and Title 9, Chapter 5 of the Municipal Code.

Section 3. Title 9, Chapter 5, § 16 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

9-5-16: SPEED BOATS; WATER SKIING: (a) Speed boating and water skiing shall be permitted on Lake Garnett on each Wednesday and Sunday and the first (1st) and third (3rd) Saturdays of each month, from twelve o'clock (12:00) noon to sunset of each such day, beginning Memorial Day and ending December 1st of each year. Speed boating and water skiing shall also be permitted on Lake Garnett between twelve o'clock (12:00) noon and sunset on July 4th and Labor Day of each year. Speed boating on Crystal Lake is prohibited at any time, and speed boating on Lake Garnett other than at the times herein expressly permitted is prohibited.

(b) No speed boating or water skiing shall be permitted at any time in the east neck or the far south end of Lake Garnett, both of which restricted areas shall be marked with bouies.

(c) Any person who exercises the privilege of water skiing or attempting to water ski shall do so at his own risk, and shall comply with all rules for safety for water skiing. Any person water skiing or attempting to water ski on Lake Garnett shall, before entering the water for such purpose, attach to his body in a proper manner a sufficient life preserver or life jacket.

(d) Anyone operating a boat pulling water skiers shall do so at a reasonable and prudent speed and shall observe all the rules of safety for the protection of the skier and shall observe all rules of courtesy towards other persons using the Lake for any lawful purposes.

(e) All boats must follow the following pattern when leaving and returning to the dock: boats leaving the dock must keep to the right while in east neck. Upon entering the main lake boats must keep to right of center when going south and north. When entering the east neck boats must keep to the right and slow to 5 m.p.h.

(f) Boats pulling skiers or surf-boards riders will have the right-of-way over all other boats. They shall operate at approximately 75 feet from the shore in a counter clockwise course from the dam in the main body of the lake ONLY. When a skier or surf-board rider falls, the boat operator must turn RIGHT and retrieve him at once. Tow rope cannot be more than 75 feet in length.

(g) Not more than two (2) skiers may be pulled on any one boat if there are more than eight (8) boats on the lake.

(h) All boat owners and holders of city permits shall furnish proof of paid-up liability insurance.

(i) Boat trailers are not to be parked on the road leading up from the ramp while the boat is on the lake.

(j) The dock at the ramp is for loading and unloading passengers only and boats are not to be tied to it.

Section 4. Title 9, Chapter 5, § 18 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:


9-5-18: PENALTIES: Any person violating the provisions of Title 9, Chapter 5, §§ 1-17, inclusive, shall, upon conviction, be guilty of a misdemeanor and shall be subject to the general penalty provisions of the Municipal Code.

Section 5. All ordinances, sections of ordinances, and titles, chapters, and sections of the Municipal Code which are in conflict herewith are hereby repealed.

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Section 6. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 27th day of August, 1975.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2318

AN ORDINANCE SETTING FORTH THE MAXIMUM SPEED LIMIT FOR K-31 HIGHWAY; REPEALING ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, The Urban Highways Department of the State Highway Commission of Kansas has conducted and completed traffic studies on Highway K-31 in Anderson County; and

WHEREAS, As a result of these studies the State Highway Commission desires to establish a 45 m.p.h. maximum speed limit on said K-31 Highway for 0.33 miles adjacent to the north city limit of this City, commencing and running westerly from the intersection of said K-31 Highway and U. S. Highway 59; and

WHEREAS, 180 feet of this said 0.33 mile area is within the corporate limits of the City of Garnett.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1. There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of 45 m.p.h over and upon that part of K-31 Highway commencing at the intersection of said highway and U. S. Highway 59 and running west a distance of 180 feet.

SECTION 2. All ordinances or parts thereof which are in conflict with this ordinance are hereby repealed.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 13th day of August, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2321

AN ORDINANCE PROVIDING FOR THE REIMPROVEMENT OF FIRST AVENUE BETWEEN MAPLE AND CLEVELAND STREETS, A MAIN TRAFFICWAY, AND DESCRIBING GENERALLY SUCH REIMPROVEMENTS AND SETTING FORTH THE ESTIMATED COST THEREOF.

WHEREAS, First Avenue, within the City of Garnett, Kansas, between Maple and Cleveland Streets of said City, has previously been declared a main trafficway and it has been found necessary and desirable to reimprove the same; and

WHEREAS, The Governing Body of said City has declared its intention to reimprove said Avenue and has by Resolution set forth in writing a general description of such reimprovements, together with the estimated cost thereof and has caused a copy of such Resolution to be published in THE ANDERSON COUNTIAN, the official City newspaper, two (2) consecutive weeks, commencing with the first publication July 31, 1975; and

WHEREAS, The time for protest as provided and set forth in K.S.A. 12-688 has past and no protest has been filed with the City Clerk within such time, making any objection to such reimprovements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1: That First Avenue within the City of Garnett, Kansas, between Maple and Cleveland Streets of said City, declared to be a main trafficway, shall be reimproved by the removal of existing road surface and installation of a compacted rock base over the entire length thereof, followed by a treatment of the surface thereof with an asphaltic prime and double seal coat. The first asphaltic application shall be made at once and the second not sooner than six (6) weeks after the first application or later than one (1) year thereafter. The estimated cost of such reimprovement is \$15,000.00.

Section 2: This Ordinance is enacted pursuant to the authority granted by K.S.A. 12-685, et seq., and shall take effect and be in force from and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the Commission this 10th day of September, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2323

AN ORDINANCE AMENDING SECTION 18(b) of ORDINANCE NO. 2298, PROVIDING A GREATER CHARGE FOR CERTAIN TRASH SERVICE CUSTOMERS; AND REPEALING EXISTING SUBSECTION.

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

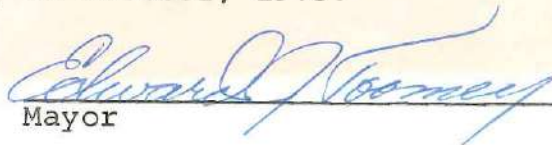
Section 1. Section 18(b) of Ordinance No. 2298 is hereby amended to read as follows:

"(b) Where collections are to be made from households of a single occupant regardless of age, such household shall be entitled to a special rate of Two Dollars (\$2.00) per month, which shall entitle said household to regular household residential trash services. It shall be the duty of any householder making application for exception under this Subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he is entitled to such exception."


Section 2. Section 18(b) of Ordinance No. 2298 as the same presently exists is hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED AND APPROVED this 8th day of October, 1975.


Mayor

A T T E S T:


City Clerk

ORDINANCE No. 2324

AN ORDINANCE AMENDING TITLE 10, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, TO PROVIDE MINIMUM PENALTIES FOR VIOLATIONS OF SAID CHAPTER.

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

Section 1. Title 10, Chapter 8, Section 3 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

"10-8-3: PENALTY: Every person convicted of a violation of this Chapter shall be punished for a first conviction thereof by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than ten (10) days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Provided, however, no fine imposed hereunder shall be less than that computed according to the following schedule, to-wit:

<u>Inclusive Violation Speed:</u>	<u>Minimum Fine:</u>
21 M.P.H. through 29 M.P.H.	\$ 30.00
30 M.P.H. through 34 M.P.H.	\$ 40.00
35 M.P.H. through 39 M.P.H.	\$ 45.00
40 M.P.H. through 44 M.P.H.	\$ 65.00
45 M.P.H. through 49 M.P.H.	\$ 75.00
50 M.P.H. through 54 M.P.H.	\$ 90.00
Each additional M.P.H. over 54 M.P.H.	\$ 5.00 per mile

Provided, however, no fine shall exceed the maximums set forth in this section."

Ordinance No. 2324
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Section 2. Title 10, Chapter 8, Section 3 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists is hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED AND APPROVED this 8th day of October, 1975.



Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2326

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

Section 1. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:

For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents (\$1.35), which said sum shall be the minimum monthly bill; and

For all gas used in excess of one thousand (1,000) cubic feet, Ninety Cents (90¢) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after December 1, 1975, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 12th day of November, 1975.


MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO. 2328

AN ORDINANCE RELATING TO SECURITY DEPOSITS FOR MUNICIPAL UTILITIES, PROVIDING A UNIFORM CLASS AND FIXING THE AMOUNT OF SUCH DEPOSITS; REPEALING TITLE 4, CHAPTER 8, SECTIONS 3, 4, AND 5 INCLUSIVE OF THE MUNICIPAL CODE.

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


SECTION 1: AMOUNT OF DEPOSITS. The utilities security deposit for both residential and commercial customers to be provided utility service shall be Twenty Dollars (\$20.00) for electrical service, Twenty Dollars (\$20.00) for gas service, and Ten Dollars (\$10.00) for water service. There shall be but one class of utility customers for the purpose of making security deposits and no distinction shall be made within said class with respect to ownership of the specific property to be provided with said utility services.

SECTION 2: INTEREST PAID ON DEPOSITS. The City shall pay interest at the rate of three per cent (3%) per annum on all utility security deposits required and said interest shall accrue from the date of the original deposit.


SECTION 3: REPEALER. Title 4, Chapter 8, Sections 3, 4, and 5 inclusive of the Municipal Code of the City of Garnett, Kansas, and all other legislative enactments of said City which are in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED by the Commission this 25th day of November, 1975.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2329

AN ORDINANCE CHANGING CERTAIN REGISTRATION FEES FOR DOGS; AMENDING TITLE 6, CHAPTER 2, SECTIONS 3 AND 4 AND REPEALING EXISTING SECTIONS 3 AND 4 OF SAID TITLE AND CHAPTER; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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

SECTION 1. Title 6, Chapter 2, Section 3 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

"6-2-3: REGISTRATION FEES: Between January 1 and before March 1 of each year the dog owner shall register all dogs owned by him at the office of the City Clerk and shall pay the following fees:

(A) The City Clerk shall collect a registration fee of two dollars fifty cents (\$2.50) for each male or spayed female dog whose owners reside within the corporate limits of the City, provided that all dogs belonging to the same household shall be registered in the name of the head of such household.

(B) The City Clerk shall collect a registration fee of five dollars (\$5.00) for each unspayed female dog whose owners reside within the corporate limits of the City, provided that all unspayed female dogs belonging to the same household shall be registered in the name of the head of such household. It shall be presumed that any female dog is unspayed unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the City Clerk's registration books."

SECTION 2: Title 6, Chapter 2, Section 4 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

"6-2-4: LATE REGISTRATION FEES; EXCEPTIONS: On and after March 1 of each year, the City Clerk shall collect a registration fee of five dollars (\$5.00) for each male and spayed female dog and ten dollars (\$10.00) for each unspayed female dog whose owner resides within the corporate limits of the City and who shall have failed, refused, or neglected to have previously registered the said dog for the current licensing period as provided in Section 6-2-3 hereof. Provided, however, that new residents to the City or persons acquiring a dog or owning a dog which attains the age of registration after the first of January of any year shall have ten (10) days from such date of residency, acquisition, or attainment of age to register such dog at the fee set forth in Section 6-2-3 hereof; otherwise, the late registration fee shall apply."

SECTION 3: REPEALER. Title 6, Chapter 2, Sections 3 and 4 inclusive, as the same presently exist in the Municipal Code of the City of Garnett, Kansas, are hereby repealed.

SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after January 1, 1976, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

Ordinance No. 2329
Page 2

PASSED and APPROVED by the Commission this 25th day of November,
1975.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2331

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

Section 1. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:

For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents (\$1.35), which said sum shall be the minimum monthly bill; and


For all gas used in excess of one thousand (1,000) cubic feet, Ninety-three Cents (93¢) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after February 1, 1976, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 14th day of January, 1976.


Mayor

Attest:

City Clerk
(SEAL)

ORDINANCE NO. 2335

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE NO. 2298; PROVIDING FOR OPEN BURNING OF CERTAIN SUBSTANCES DURING CERTAIN TIMES OF THE YEAR; AND REPEALING EXISTING SUBSECTION

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

SECTION 1. Section 10 of Ordinance No. 2298 is hereby amended to read as follows:

"BURNING OF REFUSE: No person shall burn any refuse, especially leather, rubber, plastic, green or wet vegetation or organic material, or burn any other substance producing smoke or odor within the City. A permit may be obtained for burning in an approved-type incinerator that is in compliance with all existing federal and state standards. Provided, that nothing in this Section shall be construed to prohibit the burning of wood, coal, or other fuel in a residential fireplace or stove, nor the ignition and burning of wood, coal, or charcoal for purposes of cooking, whether inside or outside a dwelling. Provided further that nothing in this Section shall prohibit the open burning on residential premises containing four (4) or fewer dwelling units and carried out incidental to the normal habitation of said dwelling units during periods specified by the City Manager or his delegate. Such limited period of open burning shall not exceed a total of two (2) weeks during any one calendar year and a notice of the declaration of such period shall be given by the City Manager or his delegate by inserting one (1) publication in the official City newspaper prior to any such limited burning period. This limited burning privilege shall be in no way construed to permit the burning of commercial wastes, hazardous wastes, or garbage."

SECTION 2. Section 10 of Ordinance No. 2298, as the same presently exists, is hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 11th day of February, 1976.


Mayor

ATTEST:


City Clerk

ORDINANCE No. 2336

AN ORDINANCE DECLARING THE DESIRABILITY OF IMPROVING THE MUNICIPAL AIRPORT OF THE CITY OF GARNETT, KANSAS, BY ACQUIRING AND IMPROVING A CERTAIN METAL BUILDING AND TO FINANCE SUCH ACQUISITION AND IMPROVEMENT BY THE ISSUANCE OF MUNICIPAL BONDS (GENERAL OBLIGATION) OF SAID CITY, PURSUANT TO K.S.A. 3-113; PROVIDING FOR BOND ELECTION AND THE CONDUCT AND NOTICE THEREOF, PURSUANT TO K.S.A. 10-120.

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

Section 1.: That it is hereby found, determined and declared to be advisable that the municipally-owned airport of the City of Garnett, Kansas, should be improved by the acquisition of title and addition to the existing facilities of that certain metal building now existing upon said airport grounds and the internal improvement thereof; and that the total cost of such acquisition and internal improvement should not exceed the sum of \$25,000.00.

Section 2.: That the total cost of such acquisition and improvement as aforesaid shall be paid by the issuance of Municipal Bonds (General Obligation) of the City of Garnett, Kansas, not exceeding said amount, as provided and authorized in K.S.A. 3-113.

Section 3.: Pursuant to said statute, and pursuant to the provisions of K.S.A. 10-120, there shall be submitted to the legally qualified electors of said city of Garnett, Kansas, at the City Election of April 6th, 1976, the same occurring within 90 days of the effective date of this ordinance, a special question, to-wit: Shall the City of Garnett, Kansas, issue its municipal bonds (general obligation) in an amount not to exceed \$25,000.00 for the purpose of acquiring and improving a certain existing metal building on the site of the said City's municipal airport as a general improvement thereto?.

Section 4.: Said election shall be conducted by the County Election Officer pursuant to K.S.A. 25-2110 and due notice thereof given as provided by law. The ballot for such proposition shall be in accordance with K.S.A. 10-120 and with the provisions of this ordinance.

Section 5.: This ordinance shall take effect and be in force from and after its passage and publication in THE ANDERSON COUNTIAN, the official city newspaper.

PASSED AND APPROVED this 25th day of February, 1976.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2338

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR CERTAIN CLASSES OF USE OF THE ELECTRIC UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 4 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

Section 1. Title 4, Chapter 4, Section 4 of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

- A. RESIDENTIAL SERVICE -- ALL ELECTRIC HOME. The net rate per month for energy purchased under this classification shall be:

Customer Charge \$2.75 per month

Energy Charge:

For energy consumed between June first and September thirtieth of any calendar year, both dates inclusive, as follows:

First	80 kwh per month at	\$.035 per kwh
Next	920 kwh per month at	\$.030 per kwh
Next	1,000 kwh per month at	\$.026 per kwh
Over	2,000 kwh per month at	\$.024 per kwh

For energy consumed between October first and May thirty-first of any calendar year, both dates inclusive, as follows:

First	80 kwh per month at	\$.035 per kwh
Next	920 kwh per month at	\$.027 per kwh
Over	1,000 kwh per month at	\$.019 per kwh

- B. Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this Ordinance, and a twenty per cent (20%) surcharge as provided in Ordinance No. 2035, as applicable.
- C. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kwh used and applicable adjustments.

Section 2. Title 4, Chapter 4, Section 4 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after March 1, 1976, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 10th day of March, 1976.


Mayor

Attest:

City Clerk

(SEAL)

ORDINANCE NO. 2340

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

Section 1. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:

For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents (\$1.35), which said sum shall be the minimum monthly bill; and

For all gas used in excess of one thousand (1,000) cubic feet, One dollar, six cents (\$1.06) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after April 1, 1976 and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 14th day of April, 1976.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

ORDINANCE NO. 2341

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS,
IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519, ET SEQ.

BE IT ORDAINTED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:


SECTION 1: The following-described real estate situate in
Anderson County, Kansas, to-wit:

Beginning at a point 1121 feet South of the
Northeast Corner of the Southeast Quarter (SE/4)
of Section Twenty-four (24), Township Twenty (20)
South, Range Nineteen (19) East, thence continu-
ing South from said point for a distance of 1531.3
feet, more or less, to the Southeast Corner of
said quarter section, thence running West 1093
feet, thence running North 489.3 feet, thence
running West 200 feet, thence running North 1540
feet, thence running East 75 feet, thence running
North 629 feet, more or less, to the North boundary
line of said quarter section, thence running East
along said north boundary line 1008 feet, thence
South 420 feet, thence West 161 feet, thence South
198 feet, thence East 378 feet, thence South 200 feet,
thence West 217 feet, thence South 174 feet, thence
South 52°-45' East 210 feet to a point 37 feet
directly west of the place of beginning, thence
East 37 feet to place of beginning, less: Beginning
889.2 feet West of the Southeast Corner of the
said quartersection, thence running North 309.3
feet, thence running West 180 feet, thence running
South 309.3 feet, thence running East 180 feet to
the place of beginning; and also less: Beginning
at a point 60 feet West and 310 feet North of the
Southeast Corner of said quarter section, thence
West 458 feet, thence North 180 feet, thence East
11 feet, thence North 154 feet, thence East 450
feet, thence South 335 feet, more or less, to the
place of beginning;


having met one or more of the classifications for annexation de-
scribed by K.S.A. 12-519, et seq., is hereby annexed and made a
part of the City of Garnett, Kansas.

SECTION 2: This Ordinance shall take effect and be in force
from and after its publication in the official City newspaper.

PASSED by the City Commission this 28th day of April, 1976.


Mayor

A T T E S T:


R. G. Doran
City Clerk

ORDINANCE NO. 2343

AN ORDINANCE AMENDING PARTS OF TITLE 5, CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AND SETTING OUT PROCEDURES FOR THE APPLICATION, ISSUANCE, AND SUSPENSION OF RETAIL SALES LICENSES FOR CEREAL MALT BEVERAGES; PROVIDING RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF SUCH LICENSED BUSINESSES; PROHIBITING SALES TO CERTAIN PERSONS AND UNDER CERTAIN CONDITIONS; PROVIDING CRIMINAL PENALTIES IN ADDITION TO OTHER PENALTIES AND FORFEITURES FOR VIOLATIONS HEREOF, AND REPEALING CONFLICTING ORDINANCES AND PROVISIONS OF THE MUNICIPAL CODE.

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

SECTION 1. Title 5, Chapter 9, Sections 3 through 9 inclusive are hereby respectively amended to read as follows, to-wit:

5-9-3 LICENSES; APPLICATION AND ISSUANCE:

A. Applications for licenses shall be made upon the proper form prescribed by the Attorney General of the State of Kansas and shall comply in every respect with the requirements of Chapter 41, Article 27 of Kansas Statutes Annotated, as the same presently exists or is from time to time hereafter amended.

B. The Governing Body shall, if the applicant is qualified as provided by law, issue a license as applied for to the said applicant. No license shall be issued to anyone not meeting the requirements of Chapter 41, Article 27 of Kansas Statutes Annotated, as the same presently exists or is from time to time hereafter amended. Such license shall be signed, attested, and countersigned by the officer charged by law to issue other licenses under the general licensing power of the City and shall be by order of the Governing Body.

C. The Governing Body of the City shall revoke or suspend such license upon the grounds and following the procedures set forth in Chapter 41, Article 27 of Kansas Statutes Annotated, as the same presently exists or is from time to time hereafter amended.

5-9-4 LICENSEE'S RESPONSIBILITY FOR CONDUCT OF BUSINESS AND OF EMPLOYEES: Licensees are, at all times, responsible for the conduct of their business and are, at all times, directly responsible for any act or conduct of any employee while engaged in and acting in the course of employment which is in violation of any State law or of the ordinances of this City.

5-9-5 LICENSED PREMISES; SANITATION: Sanitary conditions conducive to public health and welfare must be maintained at all times in, on, or about the licensed premises of all licensees.

5-9-6 SALES ON CREDIT PROHIBITED: No person shall sell or furnish cereal malt beverages at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares, or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law, and in addition shall suffer any criminal penalties provided by the State of Kansas or the ordinances of this City.

5-9-7 CONDUCT PROHIBITED IN LICENSED PREMISES: No licensee shall engage in, allow, permit, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noises, gambling of any kind or character, nor the operation or possession of any slot machine or pay-off gambling device or punch board of any kind or character or suffer the licensed premises to be conducted in such a manner as to create a public nuisance.

5-9-8 SALES TO MINORS PROHIBITED: No person under eighteen (18) years of age shall be permitted to buy or drink any cereal malt beverage in or about a place of business licensed under this chapter. It shall be a misdemeanor for any person under eighteen (18) years of age to purchase or attempt to purchase or to consume any cereal malt beverage in any licensed place of business.

5-9-9 INTOXICATED PERSONS ON LICENSED PREMISES; POSSESSION OF ALCOHOLIC LIQUOR; LICENSEE SHALL NOT PERMIT: No person licensed under this chapter shall permit or allow an intoxicated person to frequent, loiter, or be employed upon the licensed premises, nor shall he permit the drinking or possession of any alcoholic liquor in, on, or about the premises covered by said license, unless the premises are currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

SECTION 2:

5-9-11 CERTAIN LICENSED BUSINESSES; HOURS OF CLOSING SPECIFIED; AGE RESTRICTIONS; QUALIFICATION AND REGISTRATION OF EMPLOYEES; NO PRIVATE AREAS; CONSUMPTION LIMITED: The following rules, regulations, and restrictions shall apply to every place of business licensed under Section 2(B) of this chapter:

A. Every such place of business licensed under Section 2(B) of this chapter, except such business as may be exempt under the provisions of Subparagraph A of this Section, shall be closed to the public and no member of the public shall be or remain in or upon the licensed premises between the hours of 12:30 a.m. and 6:00 a.m.

B. No person shall be employed or be permitted to continue in employment by such licensed business in a managerial capacity or as a sales clerk who actually sells, carries for sale or receives payment for cereal malt beverages who has not attained eighteen (18) years of age and who is not a person of good character and reputation in the community in which he resides and who is not a citizen of the United States and who, within two (2) years immediately preceding the date of his employment or during his employment, has been convicted of a felony or any crime involving a 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.

C. No such licensed premises shall be operated with any private rooms or closed booths, but this shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

D. No such licensee shall consume or permit any other person to consume any cereal malt beverage upon the licensed premises at hours other than when the business is open to the public or permitted to be open to the public; nor shall any employee of such business consume any cereal malt beverage during the hours he is on duty at such business.

SECTION 3:

5-9-12 SUSPENSION OR REVOCATION OF LICENSES FOR LICENSEE'S REFUSAL TO PERMIT INSPECTION OF PREMISES: All premises licensed under this chapter shall be open to the duly constituted police or to the City Manager or his delegate and should any licensee refuse to permit any such officer, the City Manager, or his delegate to inspect the licensed premises and any cereal malt beverage in the licensee's possession or under his control upon such premises covered by the license, said refusal shall be grounds for the revocation or suspension of the license of the licensee.

SECTION 4:

5-9-13 PENALTY: Any person violating the provisions of this chapter shall, upon conviction, be found guilty of misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the City Jail for not more than thirty (30) days or by both such fine or imprisonment. This penalty shall be in addition to any other penalty, civil or otherwise, which may be imposed as a result of such conviction, and the sentence or fine, or both, so imposed shall in no way act as a bar to or limitation upon such other penalties or forfeitures as may by law be provided.


SECTION 5: Title 5, Chapter 9, Sections 3 through 9 inclusive, as the same presently exists in the Municipal Code of the City of Garnett, Kansas, and all other ordinances which are in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 28th day of April, 1976.


Mayor

ATTEST:


City Clerk