

## CHAPTER XII. PUBLIC PROPERTY

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### ARTICLE 1. LIBRARY BOARD

- 12-101. LIBRARY BOARD ESTABLISHED. There is hereby established a library board for the City of Horton, Kansas, consisting of seven members appointed in the manner prescribed in K.S.A. 12-1222. The mayor shall be ex officio member of the board in addition to the seven appointed members. (Code 1965, 1-601; Code 1992)
- 12-102. SAME; COMPENSATION. The members of the board shall serve without compensation. (K.S.A. 12-1222; Code 1965, 1-602)
- 12-103. SAME; MEMBERS; ELIGIBILITY. No person holding any office with the city shall be a member of the board. All members of the board shall be residents of the city. (K.S.A. 12-1222; Code 1965, 1-603)
- 12-104. SAME; ORGANIZATION; MEETINGS. The members of the library board shall, immediately after their appointment and annually thereafter, meet and organize by the election of a chairperson, a secretary and a treasurer and such other officers as they may deem necessary. The board shall fix the date and place of its regular meetings and special meetings may be called by the chairperson or upon written request of a majority of the members. Written notice, stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two days in advance of such meetings, and no business other than that stated in the notice shall be transacted at such meeting. (K.S.A. 12-1224; Code 1965, 1-604)
- 12-105. SAME; DUTIES. The board shall make and adopt rules and regulations for the administration of the library. The board shall have the duties and powers set out in K.S.A. 12-1225. (Code 1965, 1-605)
- 12-106. SAME; TREASURER; BOND; DUTIES. The treasurer of the library board shall give bond, in an amount set by the board and approved by the governing body, for the safekeeping and due disbursement of funds that come into the hands of the treasurer. The bond shall be filed with the city clerk.  
The treasurer shall keep an accurate record of all moneys received and disbursed by the treasurer and shall make a monthly report of such to the board. (K.S.A. 12-1226; Code 1965, 1-606)

- 12-107. SAME; ANNUAL REPORT TO GOVERNING BODY. The board of directors shall, on or before the 15th day of January of each year, make an annual report to the governing body, stating the condition of their trust on the 31st day of December of the year next preceding, and the various sums of money received from the "library fund," and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of interest. Such report shall be verified by affidavit of the president and secretary of the board. (Code 1965, 1-607)
- 12-108. SAME; ANNUAL REPORT TO KANSAS TRAVELING LIBRARY COMMISSION. The board shall make an annual report to the Kansas Traveling Library Commission on or before the 31st day of January of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing statistical information on the library materials, acquired and on hand, number of library users and library services available. (K.S.A. 12-1225(i); Code 1965, 1-608)
- 12-109. USE OF LIBRARY; REGULATIONS. The library shall be free to the use of the inhabitants of the city, subject to the rules and regulations adopted by the board. The board may exclude from the use of the library any and all persons who willfully violate the rules and regulations of the board. The board may extend the privileges and use of the library to persons residing outside of the city but within the State of Kansas upon the terms and conditions prescribed by the board. (K.S.A. 12-1227; Code 1965, 1-609)
- 12-110. DONATIONS TO LIBRARY. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board, of directors, to be held and controlled by such board, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be the special trustee. (K.S.A. 12-1225(h) and (j); Code 1965, 1-610)

## **ARTICLE 2. PARKS AND RECREATION SYSTEM**

- 12-201. PARK AND RECREATION SYSTEM ESTABLISHED. There is hereby established, maintained and conducted, for the City of Horton, Kansas, a supervised park and recreation system within the city. (Ord. 805; Code 1992)
- Ref.: K.S.A. 12-1901 *et seq.*
- 12-202. RECREATION COMMISSION ESTABLISHED. There is hereby established a recreation commission and shall consist of five members to be appointed as follows:
- (a) The governing body of the City of Horton, Kansas, shall appoint four members, the first appointee to serve for four years, the second for three years, the third for two years, and the fourth for one year.

(b) The fifth member shall also serve for four years and shall be appointed by the four appointee members of the commission.

(c) Whenever a vacancy shall occur in the membership of the commission an elector shall be selected to fill such vacancy in the same manner as and for the unexpired term of the member he or she is succeeding. The commission shall elect a presiding officer and secretary. The commissioners are hereby in power to administer in all respects the business and affairs of the recreation system. The amount received from the tax herein provided shall be set over to the commission and used by the commission for the purposes herein set out; the funds shall be held by the treasurer of the city who shall be ex officio treasurer of the commission. All financial records of such commission shall be audited as provided in K.S.A. 75-1122, and a copy of such annual audit reports shall be filed with the governing body of the city.  
(Ord. 805, Sec. 4)

12-203. RECREATION COMMISSION; CERTIFYING BUDGET TO CITY. The commission shall annually, and not later than 20 days prior to the date for the publishing of the budget of the city, certify its budget to the city, which shall levy a tax sufficient to raise the amount required by such budget, but in no event more than one mill. (Ord. 805, Sec. 5)

### **ARTICLE 3. PARK AND LAKE REGULATIONS**

12-301. PARKS AND LAKES; PUBLIC USES WATER SUPPLY. The lakes known as Mission Lake and Park Lake and all the city owned and operated land adjacent to the lakes, located in Sections 21 and 28 in Township 4 South, Range 17 East in Brown County, Kansas, are opened to public use as a park and recreation area, but only so far as such public use of the lakes does not conflict with the primary use of the lakes as a municipal water supply. (Ord. 908, Sec. 1)

12-302. ADOPTION OF STANDARD CODES. The provisions of this article shall be cumulative to and supplemental to the ordinances of the city. All existing ordinances of the city, including ordinances adopting the Standard Traffic Ordinance and the Uniform Public Offense Code are applicable to offenses occurring on the lakes, parks and adjacent areas described above and other parks or public lands, owned or under the control of the city. (Ord. 1024, Sec. 1)

12-303. PUBLIC OFFENSES IN PARKS, LAKES AND ADJACENT AREAS, AND PUBLIC LANDS OWNED OR UNDER THE CONTROL OF THE CITY. The following acts shall be unlawful in parks, lakes, adjacent areas, and public lands owned or under the control of the city.

(a) Intentionally injuring, destroy, or disfiguring any fence, sign, gatepost, bench, table, boat dock, building, or other such property; including but not limited to the peeling of bark from trees, carving and chopping of trees, cutting branches, driving nails into trees, digging ground from the roots of trees and the removal of trees, shrubs and plants, the picking of flowers and other such acts injuring the public lands.

(b) Carrying or possessing any firearm thereon.

(c) Littering which for the purpose of the article shall be defined as follows: Intentionally 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, into, upon or about the above described Mission Lake, Park Lake and lands adjacent thereto.

(d) Intentionally damaging any seats, tables or other park equipment located within the Mission Lake, Park Lake and all land adjacent thereto as described above.

(e) Discarding any waste in the vicinity of a well or spring, urinating or defecating at any location other than toilets provided for the same.

(f) The riding of horses or the driving of automobiles or other motor vehicles on any children's playgrounds, bathing beaches or areas posted against such traffic use.

(g) Disorderly Conduct: 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:

(1) Engage in brawling or fighting;

(2) Disturbing an assembly, meeting or procession, not unlawful in this character; or

(3) Using offensive, obscene, or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

(h) Operate a motor vehicle on a park road at a speed in excess of 20 m.p.h. except where otherwise posted.

(i) Bathing, swimming or wading except in accordance with posted regulations.

(j) Fishing in the lakes without a Kansas State fishing license unless exempted by the fish and game laws of the State of Kansas.

(k) Possession or consumption of alcoholic liquor or cereal malt beverages.

(l) Violating any posted signs or regulations. Setting or possessing animal traps within the boundaries of city-owned and -operated land adjacent to Mission Lake and Park Lake is prohibited except by those contracted by the city or other governmental agency for the purpose of controlling animals that present a nuisance or hazard upon city property.

(Ord. 908, Sec. 3; Ord. 1024, Sec. 2; Ord. 1005, Sec. 1)

12-304.

CAMPING REGULATIONS. (a) There shall be three classifications of rates for camping in the Mission Lake, Park Lake, and other land adjacent thereto. At the first meeting in January of each year, the governing body shall establish the rates for the following:

(1) Daily camping permit.

(2) Two-week camping permit.

(3) Season permit, which will be from April 1 of any year through October 31 of the same year.

(4) Electric rates.

(b) A daily camping permit will allow camping for one night. Camp must be broke by 4:00 p.m. the afternoon following the last paid night.

(c) Camping shall be in designated areas only. Designated areas will include the east side of Mission Lake and the west side of Mission Lake north of the designated point past the two shelter houses. Camping will also be permitted in the city park located between K-20 Highway and the swimming pool.

(d) Parking Rules.

(1) Camping trailers (or any other camping device) may be set up for a period not to exceed 14 consecutive days. After the passage of 14 days, the camping trailer (or other device) must be physically removed from the lake property for a period of at least 72 consecutive hours. After the 72 consecutive

hour period of time has expired, the camping unit may once again be admitted to the designated camping areas, at which time the camping cycle as described previously herein, shall begin again. Camping trailers may be set up for the season without moving from lake property for an additional fee. State trailers shall be parked per campsite regulations.

(2) Trailers shall be parked at right angles to the lake. They may be either backed into or pulled through the camp site. Towing vehicles shall be block access of other campers to the lake.

(e) No hose, piping, or other appurtenance shall be attached to any hydrant or faucet and left unattended for prolonged time periods of over 30 minutes. (Ord. 908, Sec. 4; Ord. 1022, Sec. 1)

12-305.

FISHING REGULATIONS. (a) Any person having a Kansas state fishing license and any persons exempt by the fish and game laws of Kansas from having a license, may fish during the legal open season on or within any city park except as provided by this article. The city may restrict or close any park to fishing at any time at its discretion. Every person fishing is limited to not more than two fishing rods or poles with not more than two hooks attached to any one line, or a fly rod and line with not more than two flies attached, or a casting rod with not more than one artificial bait or lure attached. Any other method of taking or attempting to take fish is prohibited and is unlawful, with the exception of bowfishing. Fish which can be legally taken by bowfishing are nonsport fish (carp, drum, white amur, threadfin and gizzard shad, goldfish, gar, suckers—including carsuckers and buffalo--eel, sturgeon, goldeye, and bowfin). Any person fishing in a city lake must have the fishing rods or lines or poles in his or her possession, and any fishing rods, poles or lines left set in any bank, unattended, or attached to anything in such a manner that hooks may be taken by fish is prohibited and unlawful, and such items may be confiscated or seized by city officers or game protectors. Bow fisherman must have in possession a valid Kansas fishing license, unless exempt by law. Arrows must have barbed heads, and each arrow must be attached by a line to the bow and must be shot from the bow. Water areas within 50 yards of an occupied boat dock or ramp, occupied swimming areas, occupied boat dock or ramp, occupied swimming areas, occupied picnic site or camping area, and other public use areas are closed to bowfishing. The use of a crossbow to take fish is prohibited.

(b) Size and Limit.

Mission Lake and Little Lake

Large Mouth Bass — As stated by state regulations or posted

Channel Catfish — As stated by state regulations or posted

Channel Catfish does not include bullheads. There shall be no restrictions on any other species of fish.

(c) Creel Limits.

Mission Lake and Little Lake

Large Mouth Bass — As stated by state regulations or posted

Channel Catfish — As stated by state regulations or posted

The daily creel limit on all other species shall be that as stated by state regulations. (Ord. 960, Sec. 1; Ord. 1025, Sec. 1)

12-306.

BOATING REGULATIONS. (a) Park Lake. Boats with gasoline motors are not permitted on the Park Lake.

(b) Mission Lake. All boats powered or motor powered are permitted, however every boat will obtain a boating permit before launching. Every boat whether manually powered or motor driven will meet state safety regulations as follows:

(1) On vessels manually propelled (canoes, kayaks, sailboats, sailboards, jet skis), regardless of length, there must be one Coast Guard approved Type I, II, or III wearable life-saving device or one Type IV throwable device carried for each person aboard or being towed.

(2) Manually propelled vessels shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avoid a collision.

(3) Class A (under 16 feet). Motorboats or sailboats with auxiliary power. Valid certificate on board. Registration number on both sides of bow. One Coast Guard approved lifesaving device, Type I, II, III, or IV for each person aboard or being towed. Fire extinguisher one B-1 for motorboats in which flammable gasses may accumulate.

Lights while underway from sunset to sunrise. Motorboats--combination red and green light on bow, white light aft. Ventilation on motorboats using violative fuel. Flame arrester for inboard motors.

(4) Class 1 (16 feet to 26 feet). Motorboats or sailboats with auxiliary power. Valid certificate on board. Registration number on both sides of bow. One Coast Guard approved wearable lifesaving device, Type I, II, or III, for each person aboard and being towed, plus one throwable, Type IV Coast Guard approved device.

Fire extinguisher, one B-1 for motorboats in which flammable gasses may accumulate, or a fixed system.

Lights underway from sunset to sunrise. Motorboats - combination red and green light on bow, white light aft. Sailboards - combination red and green light on bow, white light aft. Ventilation on motorboats using volatile fuel. Flame arresters on inboard motors.

Whistle, horn or other mechanical sound-producing device for all motorboats.

(5) Boats must operate in a counter clockwise course, no cross-crossing or cutting through traffic.

(6) Boats may pull a maximum of three skiers at one time. Boats and skiers must stay inside area marked by buoys and skiers must stay away from shore line.

(7) Boats are not permitted in area restricted for fishing unless a trolling speed (five m.p.h.) is maintained.

(8) Fishing from fishing boats in ski area will not be permitted from sunrise to sunset, if skiers are present.

(9) Swimming is not permitted in the lake.

(10) There will be no drinking and boating. Drinking in this case means any evidence whatsoever of alcoholic liquor or cereal malt beverage.

(11) All boats on the lake at dusk (when lights are turned on) must reduce to trolling speed not to exceed five m.p.h. All boats on the lake after dark must have alight visible at all times, and from all directions.

(12) All boats are subject to the inspection and approval of the park and lake officer or caretaker.

(13) Persons using boats do so at their own risk.

(c) Boating rates shall be established by the governing body at the first meeting in January of each year. Electric trolling motors and row boats will be excluded from these boating rates.  
(Ord. 908, Sec. 6; Code 1996)

12-307. PRIVATE DOCKS. (a) Private docks may be used only with the owner's permission. Private docks and other buildings shall be maintained in good repair. Upon failure of the owner to maintain a private dock or building in good repair, the city shall give the owner 10 days written notice to repair the dock or building. If repairs are not made within the 10 day period, the city shall remove the dock, or building, or repair and maintain the dock or building as a public facility.

(b) However, permission from lake officer and the park board commission must be obtained before a private dock may be put in at Mission Lake.  
(Ord. 908, Sec. 7)

12-308. CODE VIOLATIONS. It shall be a code violation to violate any of the terms and provisions of this article. (Ord. 908, Sec. 8)

#### **ARTICLE 4. SWIMMING POOL REGULATIONS**

12-401. MANAGEMENT AND SUPERVISION. The city swimming pool shall be operated under the direction, supervision and management of the governing body, or its authorized agent, under rules and regulations prescribed by the governing body. (Ord. 909, Sec. 1)

12-402. MANAGER. The governing body shall appoint a manager and other employees for the swimming pool. The manager shall be the authorized agent of the governing body and shall supervise the swimming pool and swimming pool patrons. The manager shall preserve order and enforce the rules and ordinances of the city and the state board of health. The manager may exclude any person from the pool for disregard of any posted rules or ordinances. (Ord. 909, Sec. 2; Code 1992)

12-403. RULES AND REGULATIONS. A copy of swimming pool rules and regulations prescribed by the governing body shall be posted in the office of the city clerk and be available for inspection by any individual during all hours the city hall is open for business; also a copy of swimming pool rules and regulations shall at all times be posted in buildings provided for dressing at each swimming pool.  
(Ord. 909, Sec. 3)

12-404. POOL OPERATING TIME. The governing body may prescribe the dates and hours for opening and closing city swimming pools: provided, that whenever it may become necessary by reason of an emergency or by reason of need for repairs of the swimming pool facilities or equipment, the authorized agent of the governing body may close the pools for such purposes. (Ord. 909, Sec. 4)

12-405. CONDITIONS FOR ENTERING. It shall be unlawful for any person or persons to enter upon the premises hereinbefore designated as the swimming pool or to avail themselves of the privileges of the facilities, except in accordance

with the rules and regulations established for the use of the facilities, or to enter upon the premises or to use the facilities at any time, or in any manner, except during the hours when the authorized agents of the city are present and in charge of the operation of the swimming pool facilities. (Ord. 909, Sec. 5)

12-406. TRESPASS, DESTRUCTION OF PROPERTY. It shall be unlawful for any person to trespass upon, injure, damage or destroy any property constituting a part of the facilities of the swimming pools or to place any article or substance of filth in, upon or about any swimming pool. (Ord. 909, Sec. 6)

12-407. POSSESSION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGES. It shall be unlawful for any person to consume or possess at the Horton swimming pool premises any alcoholic liquor or cereal malt beverage. (Ord. 909, Sec. 7)

#### **ARTICLE 5. CEMETERIES**

12-501. DEFINITIONS. As used in this article, the following terms shall have the meaning ascribed to them by this section, unless the context clearly shows otherwise:

- (a) Cemetery shall mean the municipal cemetery of the City of Horton, Kansas.
- (b) City shall mean the City of Horton, Kansas.
- (c) City Clerk shall mean the city clerk of the City of Horton, Kansas.
- (d) Governing Body shall mean the governing body of the City of Horton, Kansas.

(e) Mayor shall mean the mayor of the City of Horton, Kansas.  
(Ord. 920, Sec. 1; Ord. 956, Sec. 1)

12-502. NAME. The name of the municipal cemetery of the city shall be "The Horton City Cemetery." (Ord. 920, Sec. 2)

12-503. RECORDS; DUTIES OF CITY CLERK. The city clerks shall be responsible for the keeping of all records pertaining to the cemetery. The records shall include, but not be limited to, accurate and up-to-date plats showing the ownership of all cemetery lots and the names and dates of interment of all persons buried therein. The city clerk shall keep an accurate record of all funds received from the collection of taxes levied for the care and maintenance of the cemetery and all funds received from the sale of cemetery lots. The city clerk shall make payment out of any funds held for cemetery purposes only after approval by the governing body and such payments shall be in the same manner as other obligations of the city are paid. The city clerk shall attest the signature of the mayor on all conveyances of cemetery lots to purchasers thereof in the same manner as any other conveyance of real property by the city. The city clerk shall further perform such duties as are, or shall hereafter be, imposed upon the city clerk by the statutes of the State of Kansas regulating the operation and maintenance of municipal cemeteries, and such duties as may be imposed upon the city clerk by the governing body of the city. (Ord. 920, Sec. 3)

12-504. OTHER EMPLOYEES OF THE CITY. There is hereby established the position of sexton for the cemetery. The salary of the sexton shall be fixed by the city commission from time to time as it deems appropriate pursuant to separate ordinance. The governing body, through its city administrator, is hereby authorized to hire such other additional employees as it may deem necessary for the operation and maintenance of the cemetery. Such employees shall be paid from funds on hand for cemetery purposes. The compensation to be paid the additional employees shall be determined by the governing body, through its city administrator, at the time of such employment. The governing body is further authorized to use such other of the regular employees of the city as it may deem necessary for special care and maintenance of the cemetery. (Ord. 920, Sec. 4)

12-505. SALE OF LOTS; CHARGES FOR OPENING GRAVES. The prices to be charged for lots in the cemetery shall be established by the governing body of the city at such time as needed. No person, shall be allowed to own more than one full lot in Sections "K" and "L". No deed shall be issued to any lot, half lot or single grave space until the purchase price of the same shall have been paid in full to the city. A full lot shall contain eight grave spaces. The prices established for the lots shall include continued services of mowing grass and the filling of graves on the property by the sexton at the first reasonable opportunity. Upon payment as hereinbefore provided, the city clerk is hereby authorized and directed to prepare a deed to the purchaser of cemetery property, upon forms to be provided for that purpose, which the deed shall be signed by the mayor and attested by the city clerk, who shall deliver the same to the purchaser; provided, however, that the governing body is reserved the right to refuse the sale of any lot or half lot to any person when in their judgment the sale of the same would prove detrimental to the cemetery or to the owners of lots therein. All deeds to cemetery property shall recite that the execution of the same is subject to all of the rules and regulations

governing the cemetery. All graves shall be dug by a regularly employed or approved section of the cemetery or by an independent contractor who is solely responsible for this service, and who has met insurance requirements established by the governing body of the city. The charge for opening and closing each grave shall be the sum of \$200 and shall be payable at the office of the city clerk before burial takes place. The opening and closing for infant burial or inurement shall be \$125 provided the grave does not exceed three feet in length. Inurement does not include the burial of remains in a stone foundation. (Ord. 920, Sec. 5)

12-506.

**RULES AND REGULATIONS.** The following rules and regulations shall govern the operation of the cemetery:

(a) Lots shall be sold for no other purpose than for the burial of the human dead and for such incidental purposes as are suitable and proper for a cemetery lot. There shall be no more than one burial per grave site provided that there may be two infants burials per grave site in Sections "K" and "L", and there may be two inurements per grave site. All infants shall be buried at the head of the grave site. Any second infants buried in the same grave site shall be buried at the foot of the grave site. No concrete grave lids shall be allowed. All lids shall be either of granite or marble.

(b) The governing body shall have the right to refuse sale of any lot or half lot or any portion of any lot to any person.

(c) When a lot owner dies, his or her heirs or devisees shall be recognized according to the laws of the State of Kansas; provided, however, that it shall be the duty of the heirs or devisees to file with the city clerk full and proper proof of their ownership, which proof shall be subject to the approval of the governing body, and no further interments shall be made until such proof is furnished and approved.

(d) No visible lines will be permitted dividing lots into smaller tracts. No gravel, stone, brick, cement or any kind of artificial walks will be permitted on any lot or part of lot, or will any boxes, shells, trinkets or like objects be permitted. No fencing, coping or enclosure of any kind whatsoever will be allowed around lots or graves.

(e) Monument dealers or any person desiring to erect monuments or grave markers in the cemetery must first submit to the city clerk specifications showing the size of the monument or marker to be used and the plan and materials to be used in constructing the base upon which the monument or marker is to be placed, together with the location of the same, and no work shall be done until the construction of the same is authorized by the city clerk on behalf of the governing body. All headstones shall be placed at the head of the graves. All corner lot markers shall be no higher than ground level. All headstones and all corner lot markers shall have four inch borders installed at surface level. There will be a charge of \$25 for marking out headstone and/or corner markers and/or footstone locations.

(f) Individual mausoleums and vaults designed to be covered by plates and ledgers to hold human remains at ground level are hereby allowed to be erected or constructed in the cemetery. Individual mausoleums and vaults designed for above ground internment is prohibited provided that provisions of this section shall not apply to any person who at the time of the enforcement of this article is the owner of a burial plot in the cemetery and who has a previously deceased spouse presently interred above ground in the cemetery in a mausoleum or vault. Any such person meeting the requirements of the above mentioned exception shall have the right to erect or construct, or cause to be

erected or constructed, a mausoleum or vault above ground of like quality and style of that provided for his or her previously deceased spouse; provided further, however, that persons meeting the requirements of this article shall comply with all laws of the State of Kansas and administrative requirements of any state agency empowered to regulate the use or construction of mausoleums and vaults above ground. Nothing herein shall prevent or prohibit ledgers and burial vaults designed to be placed over caskets which are buried below ground level as long as the plate or ledge is ground level. All exposed ledges and plates in any case with all various vaults shall be granite.

(g) It is to be remembered that the cemetery grounds are sacredly devoted to the interment of the death and proper decorum within and near the cemetery shall be mandatory of all persons at all times.

(h) No person shall be permitted within the cemetery between the hours of sunset and sunrise.

(i) No advertisements shall be permitted within the cemetery at any time.

(j) No dogs will be permitted to run loose in the cemetery and all persons entering the cemetery with dogs must keep the same on leash or confined within an automobile.

(k) No trees or shrubbery shall be planted or removed from any lot or portion of a lot without the prior consent of the governing body. The governing body reserves the right to trim or remove any trees, shrubs or plants growing on any lot or part of lot if in its judgment such is to the best interests of the cemetery.

(l) It shall be unlawful for any person to willfully or maliciously destroy, disturb, remove or attempt to remove any tree, shrub, monument or other thing placed in the cemetery, for ornament or otherwise, or with like intent to destroy, disturb, or remove any fence by which the cemetery is enclosed, or to drive any animal or vehicle of any kind except cemetery equipment upon the cemetery grounds except upon the drives provided for that purpose.

(m) No lot owner shall be allowed to sell or convey his or her lot, or any part thereof, by gift or for a consideration, unless special permission for such conveyance has been first obtained from the governing body; and upon approval thereof by the governing body, such instrument of conveyance must be filed of record in the office of the city clerk before such transfer becomes effective.

(n) All plant, flowers, wreaths, potted plants and/or other gravesite decorations of any kind, artificial or otherwise, shall be removed from the cemetery within 10 days after any holiday declared to be an official holiday under the laws of the State of Kansas, except that it shall be permissible to allow to remain for a longer period of time, one gravesite decoration per gravesite. In the event that more than one plant, flower, wreath, potted plant or any other gravesite decoration be allowed to remain for a longer period of time than 10 days after an official holiday, then the caretaker of the cemetery shall be empowered to remove and dispose of all such plants, flowers, wreaths, potted plants or other gravesite decorations.

(o) All interments are to be made in a durable outcast of concrete, steel or approved fiberglass with the exceptions of infants less than three feet in length and interment of remains.

(p) There shall be no lots, half lots, quarter lots, or single grave spaces sold in Sections "A", "D", "E", "F", "G", or "H", provided however, that any existing isolated lots or grave spaces located in these sections may be sold.

(Ord. 956, Sec. 2)

## ARTICLE 6. CITY AIRPORT

- 12-601. PRIVATE HANGARS. Construction of private airport hangars or other buildings and structures upon the Horton City Airport is prohibited except when authorized and approved as to location, size, materials, and type of construction by the governing body of the city, or its designee. (Ord. 927, Sec. 1)
- 12-602. PRIORITY USE. Upon private construction of an airport hangar or other buildings or structures at the Horton city airport, the hangar, building or structure becomes a public building or structure, however, the persons or persons constructing the same shall have priority in the use thereof, but shall be required to show proof of liability insurance for their activities thereon in an amount to be approved by the city. (Ord. 927, Sec. 2)
- 12-603. NAME TO BE PLACED ON FACILITY. As proof of priority-builder status, the person or persons constructing the facility shall paint thereon their name. (Ord. 927, Sec. 3)
- 12-604. MAINTENANCE. Private hangars, buildings or structures shall be maintained in good repair. (Ord. 927, Sec. 4)
- 12-605. RIGHT OF ENTRY. The city, through the officers of the Horton police department or other of its employees or agents, shall have the right to enter into any such structure constructed on the airport grounds without the prior consent of the person constructing the same, for the purpose of inspecting the structure to determine that it complies with the provisions of this article and also to determine that no hazardous or dangerous substances are located therein. (Ord. 927, Sec. 5)
- 12-606. HAZARDOUS MATERIALS PROHIBITED. Any person using any such private hangars, buildings or structures shall not keep or store therein any hazardous materials, including but not limited to dynamite, blasting powder, toxic chemicals, or any illegal or controlled substances. (Ord. 927, Sec. 6)
- 12-607. NOTICE TO REPAIR FACILITIES. Should the governing body of the city determine that a structure located on the airport grounds, having been constructed by a private person, is not in a state of good repair, the city shall give 10 days written notice to the builder thereof, specifying the defects in the structure and specifying the repairs to be made to the structure and further specifying a time by which the repairs shall be completed. (Ord. 927, Sec. 7)
- 12-608. SAME; HEARING. The notice shall further provide that the person or persons affected shall have the right to request a hearing with the Horton city commission on the issue of the proper repairs needed for the structure. Written notice shall be given to the city clerk should such a hearing be desired. (Ord. 927, Sec. 8)
- 12-609. SAME; REMOVAL OR REPAIR. If the repairs are not made within the time specified by the notice or within the time provided by the city commission should a hearing be held, the city shall, without further notice to the builder, proceed to

remove the structure from the city airport or shall proceed to repair the structure at the sole discretion of the city commission. (Ord. 927, Sec. 9)

12-610. SAME; LOSS OF PRIORITY. Should the commission determine to repair the structure, thereafter the structure shall be the sole property of the city and the builder thereof shall lose any right to a priority use thereof. (Ord. 927, Sec. 10)

12-611. APPLICATION OF ARTICLE. The provisions of this article shall apply to all existing structures located at the Horton city airport. (Ord. 927, Sec. 11)

#### **ARTICLE 7. TREE BOARD**

12-701. CITY TREE BOARD ESTABLISHED. There is hereby created and established a city tree board for the city which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city commission. (Ord. 954, Sec. 1)

12-702. SAME; TERM OF OFFICE. The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed for the unexpired portion of the term. (Ord. 954, Sec. 2)

12-703. SAME; COMPENSATION. Members of the board shall serve without compensation. (Ord. 954, Sec. 3)

12-704. SAME; DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, including planting, culture, and removal or disposition, of trees and shrubs in parks, streets, alleys, and other lands owned or managed by the city. Such plan will be presented annually to the city commission and upon their acceptance and approval, shall constitute the official comprehensive city tree plan for the city. The board, when requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Ord. 954, Sec. 4)

12-705. SAME; OPERATION. The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 954, Sec. 5)