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ORDINANCE NO. . 4215 \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lots 5,6,7 and 8,Block 61 in the City of Garnett,

be changed as requested; the zoning classification thereof is HEREBY CHANGED from R-3 Flexible Residential Dwelling District to B-1 General Business District.

SECTION 2: Upon the effective date of this ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be re-incorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED by the Commission, 2 members voting Aye; 0 members voting Nay; on this 8 day of October, 2020.

Bicette Behrens Huss  
Mayor

A T T E S T:

Lavis Wilson  
City Clerk



ORDINANCE NO. 4216

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

**WHEREAS**, The City has carried certain unpaid bills on its accounting records; and,

**WHEREAS**, Every reasonable effort has been made to collect these due and unpaid 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 \$3,280.59 incurred through December 17, 2019 are hereby deleted from the City's accounts records.

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

PASSED AND APPROVED THIS 27<sup>th</sup> day of October, 2020.

  
Mayor

Attest:

  
City Clerk



*Small, Serene, Simply Garnett.*



ORDINANCE NO. 4217

=====

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission set out in their report that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

All land lying south and east of U.S. Highway 169 of the described tract of land: The North Half (N $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 29, Township 20 South, Range 20 East of the 6th P.M. and also LESS a tract beginning at the southwest corner of the North Half (N $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 29, thence running North 150 feet, thence East 290 feet, thence South 150 feet, thence West 290 feet to the place of beginning; and,

ALSO all land lying south and east of U.S. Highway 169 of the described tract of land: Beginning at the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 29, thence East 19.84 chains, thence North to a point 10.56 feet West and 973 feet South of the northeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 29, thence West 1309.44 feet to the west line of Section 29, thence South to the place of beginning, LESS commencing at a point 60 feet north of a point 48 links east of the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 29, thence running North 170 feet, thence East 20 feet, thence South 30 feet, thence East 20 feet, thence South 140 feet, thence West 40 feet to the place of beginning;

be changed as requested; the zoning classification thereof is HEREBY CHANGED from R-S Residential Suburban District to B-1 General Business District.

SECTION 2: Upon the effective date of this ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be re-incorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED by the Commission, 2 members voting Aye; 0 members voting Nay; on this 9th day of February, 2021.

Mayor



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A T T E S T:

  
City Clerk





ORDINANCE NO. 4218

=====

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

=====

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

SECTION 1: Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lot 3 of the Prairie Plaza Addition to the City of Garnett, Anderson County, Kansas, according to the recorded plat thereof

be changed as requested; the zoning classification thereof is HEREBY CHANGED from I-1 Light Industrial District to B-1 General Business District.

SECTION 2: Upon the effective date of this ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be re-incorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED by the Commission, 3 members voting Aye; 0 members voting Nay; on this 9th day of March, 2021.

\_\_\_\_\_  
Mayor

A T T E S T:

Javis Wilson  
City Clerk



ORDINANCE NO. 4219

=====

AN ORDINANCE VACATING DESIGNATED PUBLIC STREET AND ALLEY RIGHTS OF WAY IN THE MANDОВI ADDITION TO THE CITY OF GARNETT, KANSAS, AND AS MORE PARTICULARLY SET OUT HEREIN; RESERVING UTILITY EASEMENTS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR THE RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423.

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WHEREAS, the recorded plat of Mandovi Addition to the City of Garnett, Kansas, describes public street and public alley rights of way within the Mandovi Addition to the City of Garnett; and,

WHEREAS, a portion of said street and alley rights of way is no longer needed to serve the public need and are presently a part of a developed commercial improvement and should be vacated, but reserving a utility easement in such rights of way is prudent and in the best interests of the City.

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

SECTION 1: (a) That part of the public street right of way now known as Vine Street (but denominated on the original plat of Mandovi as "Pottawatamie St.") from an extension of the north boundary line of Block 8 and Block 9 South a distance of 506 feet, more or less, to the extension of the south boundary line of Lot 1, Block 21 and Lot 10, Block 20, in the Mandovi Addition to the City of Garnett, is hereby vacated as a public street.

(b) That part of the public street right of way now known as 14th Avenue (but denominated on the original plat as of Mandovi as "2nd St.") from its intersection on the west with Maple Street/U.S. 59 Highway thence running East to said avenue's intersection with Vine Street and thence continuing East an additional distance of 366 feet, more or less, to said avenue's intersection with Elm Street on the east, in the Mandovi Addition to the City of Garnett, is hereby vacated as a public street.

(c) The alley rights of way, running east and west through the entirety of Block 8 and of Block 20, and that part of the alley right of way running east and west part-way through Block 9, said part being the west 210 feet (to the southeast corner of Lot 4, Block 9), all in the Mandovi Addition to the City of Garnett, is hereby vacated as a public street.

SECTION 2: There is hereby reserved to the City of Garnett, Kansas, for its perpetual use and benefit, utility easements in

Vacation Ordinance  
Page 2

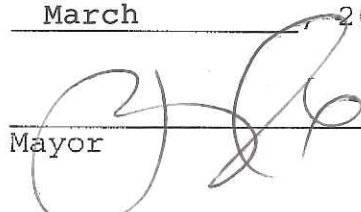
all of the rights of way hereby vacated as public streets and public alleys.

SECTION 3: Within a period of 30 days after the publication of this ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to this vacation of the parts of said street rights of way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, this ordinance shall become effective.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 3 hereof.

SECTION 5: A certified copy of this ordinance, after the same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED this 9th day of March, 2021.

  
\_\_\_\_\_  
Mayor

A T T E S T:

  
\_\_\_\_\_  
City Clerk



(Published in the Anderson County Review on \_\_\_\_\_)

**ORDINANCE NO. 4220**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF Garnett, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS STATE TREASURER FOR THE PURPOSE OF OBTAINING A LOAN PURSUANT TO THE CITY UTILITY LOW-INTEREST LOAN PROGRAM TO FINANCE EXTRAORDINARY ELECTRIC AND/OR NATURAL GAS COSTS INCURRED DURING THE EXTREME WINTER WEATHER EVENT OF FEBRUARY 2021; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.**

**WHEREAS**, on March 3, 2021, Governor Laura Kelly signed into law House Substitute for Senate Bill 88, establishing the City Utility Low-Interest Loan Program and authorizing the State Treasurer to distribute up to \$100 million in loans for the purpose of providing loans to cities for extraordinary electric and/or natural gas costs incurred during the extreme winter weather event of February 2021 (the "Act"); and

**WHEREAS**, the City of Garnett, Kansas (the "City") has previously adopted Resolution No.2021-6<sup>8</sup> authorizing the City to make application to the State Treasurer for a loan pursuant to the City Utility Low-Interest Loan Program (the "Loan"); and

**WHEREAS**, the governing body of the City hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement such loan agreement.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF Garnett, KANSAS:**

**Section 1. Authorization of Loan Agreement.** The City is hereby authorized to accept the Loan and to enter into a Loan Agreement with the State of Kansas acting by and through the State Treasurer (the "Loan Agreement") to finance the extraordinary natural gas<sup>9</sup> costs incurred during the extreme winter weather event of February 2021 (the "Extraordinary Costs").

The Loan shall be in the amount of not to exceed \$2,900,000.00<sup>10</sup>.

The interest rate on the loan shall be 2% below the market rate as provided in K.S.A. 75-4237, and amendments thereto, and shall be recalculated on the first business day of January of each year using the market rate then in effect. The minimum interest rate shall be 0.25% if the market rate is below 2.25%.

<sup>8</sup> Insert companion resolution number.

<sup>9</sup> Describe whether loan will be used to pay for (a) electric, (b) natural gas, or (c) both electric and natural gas.

<sup>10</sup> Insert total amount of loan request.



The Loan shall be repaid over a term of not to exceed 10<sup>11</sup> years. The City has requested semi-annual<sup>12</sup> repayment dates.

The Mayor and Clerk are hereby authorized to execute the Loan Agreement, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

**Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan.** The City hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the City shall impose and collect such rates, fees and charges for the use and services furnished by or through its natural gas<sup>13</sup> utility (the "System"), including all improvements and additions thereto hereafter constructed or acquired by the City as will provide revenues which are sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due at any time under the Loan Agreement and (d) pay the principal of and interest on all other outstanding bonds or indebtedness of the System; provided, however, no lien or other security interest is granted by the City to the State on the System revenues pursuant to the Loan. If the City receives any federal monies related to the extreme winter weather event of February 2021, the first priority for expenditure of such amounts (or any similar amounts received by the State of Kansas for the benefit of the City) will be the payment of any outstanding balance of the loan made to the City under the City Utility Low-Interest Loan Program as provided in Section 4(b) of the legislation creating the loan program. If the City receives any recoveries as a result of settlement or litigation or other refunds of Extraordinary Costs paid by the City that relate to the extreme winter weather event of February 2021, such amounts (or any similar amounts received by the State of Kansas for the benefit of the City) will be used to pay any outstanding balance of the loan made to the City under the City Utility Low-Interest Loan Program.

In accordance with the Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the City.

**Section 3. Further Authority.** The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 4. Governing Law.** The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

[Remainder this page intentionally left blank.]

<sup>11</sup> Term may not exceed 10 years.

<sup>12</sup> City may request monthly, quarterly or semi-annual payments.

<sup>13</sup> Describe whether loan will be used to pay for (a) electric, (b) natural gas, or (c) both electric and natural gas.

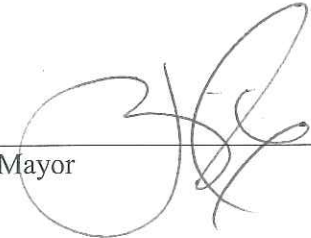
**Section 5. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication (or publication of a summary thereof) in the official City newspaper.

PASSED by the governing body of the City on March 9, 2021 and [signed][and APPROVED] by the Mayor

(SEAL)

ATTEST:



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 4221

=====

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4A OF THE MUNICIPAL CODE, PROVIDING FOR THE MODIFICATION OF THE FUEL COST RATE ADJUSTMENT AT CERTAIN TIMES; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1. Title 4, Chapter 4, Section 4A of the Municipal Code is hereby amended to read as follows:


4-4-4A: ELECTRIC SERVICE; FUEL COST RATE ADJUSTMENT:

Effective for all billings issued and payable on or after April 1, 2021, the energy charge for Garnett's municipal electric utility, as otherwise fixed by Section 4-4-4 of this Chapter, shall be increased or decreased by the average cost of fuel which either exceeds or falls below five cents (\$0.05) per kilowatt hour delivered to the system at the net generation level. The terms "average cost of fuel" as used herein 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 in said month; PROVIDED, HOWEVER, the Governing Body may by simple resolution permit adjustment for additional fuel costs to be spread over no more than the next succeeding four months in order to moderate the financial impact on the system's customers when adjustments are unusually great due to extraordinary fluctuations created by emergency situations impacting the rate(s) paid by the utility for such fuel or energy component.

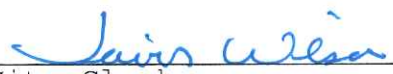
SECTION 2. Title 4, Chapter 4, Section 4A of the Municipal Code as the same presently exists is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 13 day of April, 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



ORDINANCE NO. 4222

=====  
AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 1(E), SECTION 2  
AND SECTION 2A OF THE MUNICIPAL CODE, FIXING NEW RATES FOR SALE  
AND DELIVERY OF NATURAL GAS FROM THE CITY INCLUDING AUTHORITY TO  
MODIFY THE GAS CHARGE RATE ADJUSTMENT AT CERTAIN TIMES; REPEALING  
EXISTING TITLE, CHAPTER AND SECTIONS.  
=====

WHEREAS, extreme cold during February, 2021, together with  
other forces, spiked the price of natural gas which prevailed for  
several days at extraordinary and unanticipated highs; and,

WHEREAS, in order to pay the prices charged by the City's  
suppliers for natural gas purchased in that period, the City  
obtained an emergency loan facilitated by the State of Kansas and  
payable over the next ten years; and

WHEREAS, in order to service that loan, it is necessary to  
increase the revenue generated by the City's gas utility by  
enacting a rate increase.

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

SECTION 1: Title 4, Chapter 4, Section 1 (E) of the  
Municipal Code of Garnett, Kansas, is hereby amended to read as  
follows:

4-4-1 GAS UTILITY SERVICE; CLASSIFICATION OF USERS:  
Users of the gas utility of the city of Garnett are hereby  
classified and defined as follows:

\* \* \* \*

(E) Industrial service:

1. This classification of service shall be  
available to qualifying customers whether located  
within or without the corporate limits of the  
City.

2. It shall be applicable to any customer served  
within the corporate limits of the City who  
otherwise would be classified as general service  
user, but who is using natural gas for industrial  
purposes and who meets the qualifications for  
industrial classification as set by the City's  
natural gas supplier. The city manager is  
authorized to promulgate and establish an orderly  
process whereby any general service customer may  
apply for rating as an industrial service  
customer.

SECTION 2: Title 4, Chapter 4, Section 2 of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

4-4-2: **GAS SERVICE; PERIODIC RATES:** The following rates for the use of the gas utility are hereby established to users and consumers of the City:

(A) Residential service; standard: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at fifteen dollars (\$15.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(B) Residential service; outside city: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at twenty dollars (\$20.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(C) General service; standard: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at thirty dollars (\$30.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(D) General service; outside city: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at forty dollars (\$40.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(E) Industrial service: The net rate per month for gas purchased under this classification, whether the customer be located inside or outside the city, shall be the sum of the customer charge, which is hereby established at forty dollars (\$40.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

SECTION 3: Title 4, Chapter 4, Section 2A of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

4-4-2A: **RATES FOR GAS UTILITY SERVICE:** The following rates for the use of the gas utility are hereby established



to users and consumers of the City:

(A) Standard rate: All gas sold by the city to each standard classification of use above established shall be charged for at the rate of eight dollars (\$8.00) per thousand cubic feet sold.

(B) Outside city rate: All gas sold by the city to each outside the city classification of use above established shall be charged for at the rate of twelve dollars fifty cents (\$12.50) per thousand cubic feet sold.

(C) Industrial rate: All gas sold by the city to each customer in the industrial classification of use and located inside the city shall be charged for at the rate of eight dollars (\$8.00) per thousand cubic feet sold; and to each customer in the industrial classification of use located outside the city shall be charged for at the rate of twelve dollars fifty cents (\$12.50) per thousand cubic feet sold.


(D) Effective for all monthly billings issued and payable on or after June 1, 2021, the gas charge set out in subparagraphs A through C, inclusive, shall be increased or decreased by the average cost of gas to the City purchased for resale which exceeds or falls below three dollars (\$3.00) per MMBtu; PROVIDED, HOWEVER, the Governing Body may by simple resolution permit upward adjustment for additional fuel costs to be spread over no more than the next succeeding four months in order to moderate the financial impact on the system's customers when adjustments are unusually great due to extraordinary fluctuations created by emergency situations impacting the rate(s) paid by the utility for gas.

SECTION 4: Title 4, Chapter 4, Section 1(E), Section 2 and Section 2A as the same presently exist, are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas, for all billings issued and payable on and after June 1, 2021.

PASSED this 27th day of April, 2021.

ATTEST:

  
Travis Wilson  
City Clerk



  
Jody M. Cole, Mayor

=====
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF
CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE
AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.
=====

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

SECTION 1: Having received a recommendation from the
Planning Commission, following a hearing by said commission upon
proper notice, and this Governing Body having accepted the
recommendations of the Planning Commission set out in their
report that the zoning classification of the following described
land situate in Anderson County, Kansas, to-wit:

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Block 1 ECKAN
Estates Addition to the City of Garnett, Anderson County,
Kansas,

be changed as requested; the zoning classification thereof is
HEREBY CHANGED from R-2 Residential Medium Density District to
O-I Office-Institutional District.

SECTION 2: Upon the effective date of this ordinance, the
above zoning change shall be entered and shown on the "Official
Zoning Map" previously adopted, which said map shall be
reincorporated as hereby amended as a part of Ordinance 3059
under which authority this ordinance is adopted.

SECTION 3: This ordinance shall take effect and be in force
from and after its passage and its publication in an official
newspaper of the City of Garnett.

PASSED by the Commission, 3 members voting Aye; 0
members voting Nay; on this 11th day of May, 2021.

\_\_\_\_\_  
Mayor

A T T E S T:

Javis Wilson  
City Clerk



ORDINANCE NO. 4224

=====  
AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF  
GARNETT, KANSAS, AMENDING TITLE 6, CHAPTER 1, SECTIONS 1 and 2 OF  
THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE  
"UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 37TH EDITION  
PUBLISHED IN 2021, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING  
SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.  
=====

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

Section 1. Title 6, Chapter 1, Section 1 of the Municipal  
Code is hereby amended to read as follows:

6-1-1: INCORPORATION OF UNIFORM PUBLIC OFFENSE CODE:  
There is hereby incorporated by reference for the  
purpose of regulating public offenses within the  
corporate limits of the City of Garnett, Kansas, that  
certain code known as the "Uniform Public Offense  
Code", 37th Edition published in 2021, prepared and  
published in booklet form by the League of Kansas  
Municipalities, Topeka, Kansas, save and except such  
articles, sections, parts or portions as are herein  
omitted, deleted, modified or changed. One copy of the  
said Uniform Public Offense Code shall be marked or  
stamped "Official Copy as Adopted by Ordinance No.  
4224" with all sections or portions thereof  
intended to be omitted or changed clearly marked to  
show any such omission or change and to which shall be  
attached a copy of this ordinance, and filed with the  
City Clerk to be open to inspection and available to  
the public at all reasonable hours. The police  
department, 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 Uniform Public  
Offense Code, similarly marked, as may be deemed  
expedient.

Section 2. Title 6, Chapter 1, Section 2 of the Municipal  
Code is hereby amended to read as follows:

6-1-2: OMISSIONS: Article 6, Section 16; Article 20,  
Section 10.29; and Article 11, Section 11 of the  
Uniform Public Offense Code, 37th Edition published in  
2021, are hereby omitted.

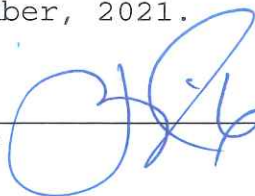


Section 3: Title 6, Chapter 1, Sections 1 and 2, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Section 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 9th day of November, 2021.

\_\_\_\_\_  
Mayor



A T T E S T:

\_\_\_\_\_  
City Clerk



ORDINANCE NO. 4225

=====  
AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT,  
KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1 and 3 OF THE  
MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE  
"STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 48TH EDITION  
PUBLISHED IN 2021, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING  
SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.  
=====

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

Section 1. Title 10, Chapter 7, Section 1 of the Municipal  
Code is hereby amended to read as follows:

10-7-1: 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", 48th Edition published in  
2021, prepared and published in booklet form by the  
League of Kansas Municipalities, Topeka, Kansas, save  
and except such articles, sections, parts or portions  
as are herein omitted, deleted, modified or changed.  
One copy of said Standard Traffic Ordinance shall be  
marked or stamped "Official Copy as Adopted by  
Ordinance No. 4225" with all sections or portions  
thereof intended to be omitted or changed clearly  
marked to show any such omission or change and to which  
shall be attached a copy of this ordinance, and filed  
with the City Clerk to be open to inspection and  
available to the public at all reasonable hours. The  
police department, 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, similarly marked, as  
may be deemed expedient.

Section 2. Title 10, Chapter 7, Section 3 of the Municipal  
Code is hereby amended to read as follows:

10-7-3: OMISSIONS: Article 7, Section 33; Article 14,  
Section 115; and Article 20, Section 201 (but not  
Section 201.1) of the Standard Traffic Ordinance for  
Kansas Cities, 48th Edition published in 2021, are



hereby omitted.

Section 3: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code. Nothing herein shall be deemed or construed to repeal or modify the penalty provisions of Section 4 of said Title and Chapter which said provisions shall remain and be fully applicable.

Section 4: Title 10, Chapter 7, Sections 1 and 3, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Section 5: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

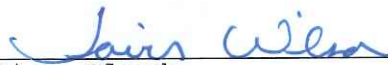
PASSED this 9th day of November, 2021.

\_\_\_\_\_  
Mayor



A T T E S T:

\_\_\_\_\_  
City Clerk



=====

AN ORDINANCE PROVIDING FOR ASSESSMENT OF A COLLECTION FEE ON ALL DEBTS AND OBLIGATIONS DUE THE CITY OF GARNETT, KANSAS, OTHER THAN THOSE ARISING FROM MUNICIPAL COURT OPERATIONS.

=====

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

SECTION 1: (A) Any person liable for the payment of any fee, penalty or charge or other debt of any type or description, except such as arise from the operation of the Municipal Court, which is due and owing the City of Garnett, Kansas, together with interest accrued thereon at the legal rate (unless a higher rate is determined to apply thereto), sometimes referred to as the "Debt", and who shall fail or refuse to pay the same after being given due notice thereof, shall be liable to pay in addition to such debt and interest all reasonable costs of collection related thereto.

(B) Costs of collection shall be deemed an administrative fee, in connection with such Debt, made necessary by the defendant's failure to pay the same. Costs of collection shall include, but are not limited to, court costs, surcharges, attorney fees and collection agency fees; provided, however, costs of collection shall not include both attorney fees and collection agency fees.

(C) The city of Garnett is authorized to utilize the collection services of contracting agents pursuant hereto for the purpose of collection all such Debt. Contracts shall provide for the payment of any amounts collected to the City Clerk, after first deducting the collection fee. In accounting for amounts collection, the Clerk shall credit the person's amount owner for the amount of the net proceeds collected. The Clerk shall not reduce the amount owed by any person that portion of any payment which constitutes the cost of collection.

SECTION 2: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED this 25th day of January, 2022.

A T T E S T:

*Lairs Wilson*  
City Clerk



ORDINANCE NO. 4227

=====  
AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 15 AND SECTION  
18 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ESTABLISHING NEW  
PERIODIC CHARGES FOR REFUSE SERVICE; REPEALING EXISTING SECTION  
15 AND SECTION 18 OF SAID TITLE AND CHAPTER.  
=====

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

SECTION 1: Title 7, Chapter 2, Section 15 of the Municipal  
Code of the City of Garnett is hereby amended to read as follows:

7-2-15: SERVICE FEES: The following fees shall be  
applicable for all bills for refuse service  
after March 1, 2022:

(A) Residential Rates:

1. A refuse service charge of \$ 18.60 per  
calendar month shall be levied against each  
residential dwelling unit within the corporate  
limits of the city for the collection and  
disposition of solid waste, as required by this  
chapter.

2. A refuse service charge of \$ 24.80 per  
calendar month shall be levied against any  
residential dwelling unit outside the corporate  
limits of the city for the collection and  
disposition of solid waste generated by such  
dwelling unit in any area where such collection  
service shall from time to time be offered. The  
existence of a rate schedule for service outside  
the corporate limits shall not be construed as a  
general offering of solid waste collection to  
areas outside the corporate limits, nor any  
guarantee to its continuation in areas where  
offered.

(B) Commercial and Industrial Rates: A refuse charge  
of \$ 18.60 per calendar month shall be levied  
against each commercial and solid waste customer  
for the collection and distribution of not more  
than one cubic yard per month of solid waste, as  
required by this chapter. For each additional  
cubic yard of solid waste collected and disposed  
of per month, over and above one cubic yard for  
each such customer, the customer shall be charged

an additional \$ 3.75 per cubic yard.

(C) Additional Pick Ups: Any solid waste customer requiring more than one pick up of solid waste per week shall be charged as follows:

1. The first additional pick up per week, an additional \$ 10.00 per month.
2. Two additional pick ups per week, an additional \$ 20.00 per month.
3. Three additional pick ups per week, an additional \$ 30.00 per month.
4. Four additional pick ups per week, an additional \$ 40.00 per month.

(D) Rental Charges: Each commercial or industrial customer requiring a trash bin shall be furnished one by the city, and there shall be added to each such customer's account a monthly rental charge for such bin as follows:

1. For each one cubic yard container, \$ 8.50.
2. For each one and one-half cubic yard container, \$ 9.00.
3. For each two cubic yard container, \$ 10.00.
4. For each three cubic yard container, \$ 16.25.
5. For each four cubic yard container, \$ 18.75.
6. For each six cubic yard container, \$ 25.00.

SECTION 2: Title 7, Chapter 2, Section 18 of the Municipal Code of the City of Garnett is hereby amended to read as follows:

7-2-18: **PARTIAL SERVICE; EXCEPTIONS:** The following fees shall be applicable for all bills for refuse service after March 1, 2022:

- (A) Any person, at the time of beginning or terminating service, who receives service for a period of fewer than 15 consecutive days shall be billed at one-half the rate for such service; for service of 15 or more consecutive days, the charge shall be at the full monthly rate.
- (B) Where collections are to be made to households of a single occupancy, such householder, regardless of age, shall be entitled to a special rate of \$ 16.74 per month, which shall entitle said household to regular residential refuse collection



and disposal 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 or she is entitled to such exception.

SECTION 3: Title 7, Chapter 2, Section 15 and Section 18 of the Municipal Code of the City of Garnett, as the same presently exist, are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper.

PASSED this 25th day of January, 2022.

\_\_\_\_\_  
Mayor

*Greg Johnson*

ATTEST:

*Luis Ullia*  
\_\_\_\_\_  
City Clerk





ORDINANCE NO. 4228

=====

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE 3059 OF SAID CITY.

=====

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

SECTION 1: Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission set out in their report that the zoning classification of the following described land situated in Anderson County, Kansas, to-wit:

Lots 17 and 18, Block 59, City of Garnett, Anderson County, Kansas,

be changed as requested; the zoning classification thereof is HEREBY CHANGED from R-3 Flexible Residential Dwelling District to B-1 General Business District.

SECTION 2: Upon the effective date of this ordinance, the above zoning change shall be adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.


PASSED by the Commission, 3 members voting Aye; 0 members voting Nay; on this 8th day of February, 2022.

\_\_\_\_\_  
Mayor



A T T E S T

\_\_\_\_\_  
City Clerk



=====

**AN ORDINANCE ADOPTING RULES AND PROCEDURES TO REGULATE AND MANAGE GROWTH AND DEVELOPMENT IN CERTAIN FLOODPLAIN ZONES, PURSUANT TO 44 CFR § 60.3 (c), K.S.A. 12-766, and K.A.R. 5-44-1 THROUGH 5-44-7; REPEALING TITLE 4, CHAPTER 11 OF THE MUNICIPAL CODE IN ITS ENTIRETY TOGETHER WITH ANY ORDINANCE OR OTHER ENACTMENT IN CONFLICT HEREWITH**

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**ARTICLE I            STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

**SECTION A. STATUTORY AUTHORIZATION**

1.     *Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption*

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on 12 January, 2022.

2.     *Kansas Statutory Authorization*

The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq.*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the Governing Body of the City of Garnett, Kansas, ordains as follows:

**SECTION B. FINDINGS OF FACT**

1.     *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of Garnett, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.

2.     *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

### 3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated March 8, 2022, as amended, and any future revisions thereto.
- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

## SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the public; to minimize those losses described in Article 1, Section B(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a)(3); and to meet the requirements of 44 CFR § 60.3(c) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## ARTICLE 2 GENERAL PROVISIONS

### SECTION A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the Garnett, Anderson County, Kansas identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) panels referenced on the associated FIRM Index dated March 8, 2022, as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Governing Body or its duly designated representative under such safeguards and restrictions as the Governing Body or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

## SECTION B. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

## SECTION C. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

## SECTION D. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

## SECTION E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Garnett, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance, or any administrative decision lawfully made there under.

## SECTION F. SEVERABILITY

If any section; clause; provision; or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

## ARTICLE 3 ADMINISTRATION

### SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured or mobile homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

## SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The City Manager or his/her delegate is hereby appointed to administer and implement the provisions of this ordinance.

## SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.



## SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;
6. Give such other information as reasonably may be required by the floodplain administrator;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

### SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured or mobile homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance or 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured or mobile homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Construction with materials resistant to flood damage;
  - c. Utilization of methods and practices that minimize flood damages;
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
    - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, Material, and Equipment*

- a. Storage of material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- a. If such structure, use, or utility service has been or is discontinued for twelve consecutive months, any future use of the building shall conform to this ordinance.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations, or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

## SECTION B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

- a. *Residential Construction*

New construction or substantial improvement of any residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

- b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Article 3, Section C(7)(8)(9).

- c. *Enclosures Below Lowest Floor*

Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

#### SECTION C. MANUFACTURED or MOBILE HOMES

1. All manufactured or mobile homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured or mobile homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured or mobile homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
  - a. Outside of a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to an existing manufactured home park or subdivision; or
  - d. In an existing manufactured home park or subdivision on which a manufactured or mobile home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.
3. Require that manufactured or mobile homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that:
  - a. The lowest floor of the manufactured or mobile home is a minimum of one (1) foot above the base flood level. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

#### SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to

three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones*

- a. All new construction and substantial improvements of residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. *AH Zones*

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4, Section B.
- b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

SECTION E. FLOODWAY (*as determined from data available from other sources*)

If a community determines there are areas of special flood hazard that may be defined as floodway, through the use of base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to Article 4, Section A (4)(f)(4), and determines this data is suitable as criteria for requiring that new construction, substantial improvements, or other development in Zone A, the community must meet the following standards:

- 1) Adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- 2) Prohibit encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.



## SECTION F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AE, AH, and AO Zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, *or*
2. Be fully licensed and ready for highway use\*; *or*
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

## ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

### SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Board of Zoning Appeals as established by the City of Garnett shall act as the Appeal Board and shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

### SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Article 5, Section A.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

### SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board, or any taxpayer may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

## SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

## SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, repair, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge or base flood elevation would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
7. A community shall maintain a record of all variance actions, including justification for their issuance.
8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE 6 VIOLATIONS**

1. The floodplain administrator may make reasonable entry upon any lands and waters in the City of Garnett for the purpose of making an investigation, inspection, or survey to verify compliance with these regulations. The floodplain administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered. If none of these persons can be found, the floodplain administrator shall affix a copy of the notice to one or more conspicuous places on the property a minimum of five (5) days prior to entry.
2. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.
3. The floodplain administrator shall provide written notice of a violation of this ordinance to the owner, the owner's agent, lessee, or lessee's agent by personal service or by certified mail, return receipt requested. The written notice shall include instructions and a deadline to request a hearing before the appeals board, and if no hearing is requested, a deadline by which the violation must be corrected.
4. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of

its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the City of Garnett or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5. Notwithstanding any criminal prosecutions or in lieu of any criminal prosecutions, if the owner, occupant, or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the period specified, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

6. If the public officer or an authorized assistant abates or removes the nuisance pursuant to this section, notice shall be provided to the owner, the owner's agent, lessee, or lessee's agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred. The notice shall also state that the payment is due within 30 days following receipt of the notice. The cost of providing notice, including any postage, required by this section may also be recovered.

7. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617f).

## **ARTICLE 7 AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Garnett. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

## ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

**"100-year Flood"** *see "base flood."*

**"Accessory Structure"** means the same as *"appurtenant structure."*

**"Actuarial Rates"** *see "risk premium rates."*

**"Administrator"** means the Federal Insurance Administrator.

**"Agency"** means the Federal Emergency Management Agency (FEMA).

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Shallow Flooding"** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Base Flood Elevation"** means the elevation of the surface of the water during a one percent annual chance flood event.

**"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.

**"Building"** *see "structure."*

**"Chief Engineer"** means the chief engineer of the division of water resources, Kansas Department Of Agriculture.

**"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.



**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation, and determination of flood hazards.

**"Flood Hazard Map"** means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National

Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does include mobile homes manufactured prior to 1976 but **does not include** a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just, and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Numbered A Zone"** means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

**"One percent annual chance flood"** *see "base flood."*

**"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

**"Permit"** means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state, or federal authorities.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Reasonably Safe From Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** *see "area of special flood hazard."*



**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

**"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

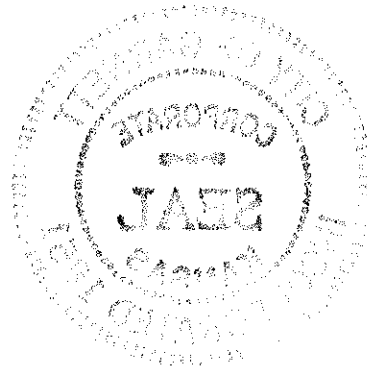
**"Substantial-Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures, which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

**"Unnumbered A Zone"** means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

**"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.



**ARTICLE 9 ADOPTION:**

This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed this 8th day of February, 2022, with 3 Commissioners voting "Yea" and 0 Commissioners voting "Nay".

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

This 12th day of January, 2022  
Steve Samuelson for Earl Lewis  
APPROVED  
Earl D. Lewis, Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



ORDINANCE NO. 4230

=====  
AN ORDINANCE VACATING THE PUBLIC STREET RIGHT-OF-WAY AND UTILITY EASEMENT CREATED BY STREET DEDICATION AND EASEMENT CONVEYANCE DATED AUGUST 19, 2008, RECORDED IN THE OFFICE OF REGISTER OF DEEDS, ANDERSON COUNTY, KANSAS, IN BOOK 86 OF MCL., AT PAGE 58-A, LYING IN BLOCK 7 OF BRONSTON HEIGHTS ADDITION TO THE CITY OF GARNETT, KANSAS; AND ALSO VACATING THE ALLEY RIGHT OF WAY THROUGH THE CENTER OF SAID BLOCK 7 OF BRONSTON HEIGHTS ADDITION TO THE CITY OF GARNETT, KANSAS, ESTABLISHED IN THE ORIGINAL PLAT OF SAID ADDITION; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR THE RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423.  
=====

WHEREAS, by that certain Street Dedication and Easement Conveyance dated August 19, 2008, recorded in the office of Register of Deeds, Anderson County, Kansas, in Book 86-MCL., at page 58-A, certain land in Block 7 of Bronston Heights Addition to the City of Garnett, Kansas, was conveyed to the City of Garnett, Kansas, for the purposes of a public street and utility easement; and,

WHEREAS, the original plat for Bronston Heights Addition to the City of Garnett, Kansas, appearing of record in the office of Register of Deeds of Anderson County, Kansas, sets out a public alley right of way running east and west through the center of Block 7 of said addition; and,

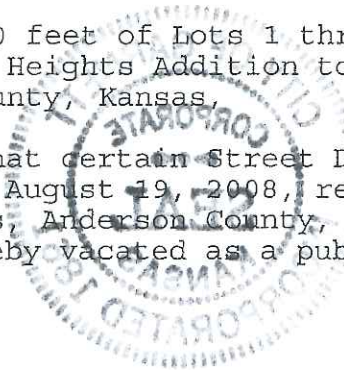
WHEREAS, said street right-of-way and utility easement and said platted alley right of way both bisect lands held in common ownership and the neither street right of way and utility easement nor alley right of way easement have been used and now are not needed, and the highest and best use of the land can be made if such are both vacated, per request of said landowners.

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

SECTION 1: The public street right-of-way and utility easement encumbering the following described real estate, to-wit:

The south 60 feet of Lots 1 through 12 inclusive of Block 7 of Bronston Heights Addition to the City of Garnett, Anderson County, Kansas,

established in that certain Street Dedication and Easement Conveyance dated August 19, 2008, recorded in the office of Register of Deeds, Anderson County, Kansas, in Book 86-MCL., at page 58-A is hereby vacated as a public street right of way and





utility easement.

SECTION 2: The alley right-of-way easement encumbering the following described real estate, to-wit:

A strip of land, 14 feet in width north and south, and running the entire east/west distance through approximately the center of Block 7 of Bronston Heights Addition to the City of Garnett, Anderson County, Kansas,

as shown on and established in the ratification and dedication of the original plat of said Bronston Heights Addition to the City of Garnett, Anderson County, Kansas, appearing of record in the office of Register of Deeds, Anderson County, Kansas, in the plat cabinet is hereby vacated as a public alley right of way.

SECTION 3: Within a period of 30 days after the publication of this ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to this vacation of the said street, easement and alley right-of-way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, this ordinance shall become effective.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 3 hereof.

SECTION 5: A certified copy of this ordinance, after the same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED this 12th of April, 2022.

  
\_\_\_\_\_  
Mayor

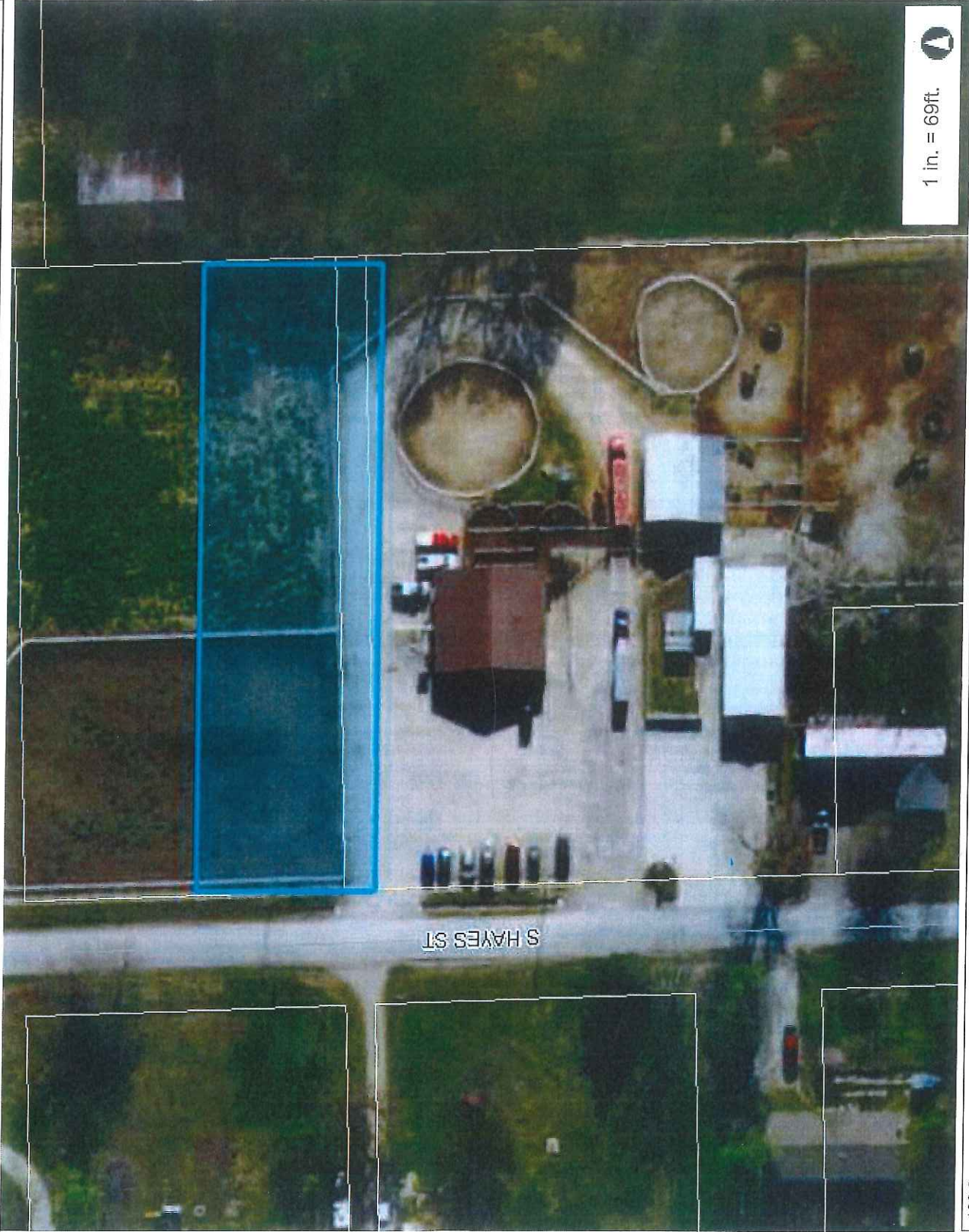
A T T E S T:

  
\_\_\_\_\_  
City Clerk





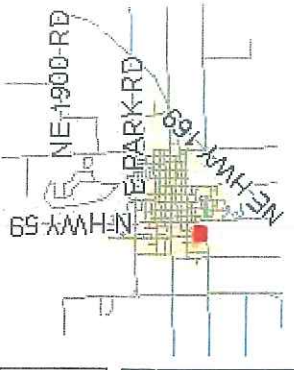
# Garnett, KS



1 in. = 69ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION



### Legend

- Roads
- Parcel

### Notes

Proposed easement vacation highlighted in blue. NOT TO SCALE

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\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #4230 \* \* \*

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On April 12, 2022, the City of Garnett Kansas, passed Ordinance #4230 which vacates: (a) a public street right of way and utility easement created by a street dedication and easement conveyance dated August 19, 2008, recorded in Book 86-Mcl., at page 58-A, office of Register of Deeds of Anderson County, Kansas, the real estate described therein as the south 60 feet of Lots 1 through 12, inclusive, Block 7, Bronston Heights Addition to the City of Garnett, Kansas; and, (b) the alley right of way shown on the recorded plat, hanging in the plat cabinet in the office of Register of Deeds of Anderson County, Kansas, and appearing on said plat and being generally described as 14 feet in width north and south, and running the entire east/west distance through approximately the center of Block 7, Bronston Heights Addition to the City of Garnett, Kansas.

Pursuant to K.S.A. 14-423, within a period of 30 days after this publication, one or more interested persons may file a written protest to this vacation of said public rights of way and easements in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, Ordinance #4230 will become effective.

A complete copy of this ordinance is available free of charge at [www.garnettks.net](http://www.garnettks.net) (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Took Summary  
to paper  
Thurs Am.  
Terry



ORDINANCE NO. 4231

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4, OF THE MUNICIPAL CODE ESTABLISHING NEW AND REVISED RATES FOR VARIOUS CLASSES OF ELECTRIC SERVICE; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER; PROVIDING FOR EFFECTIVE DATE.

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 is hereby amended to read as follows:

4-4-4: ELECTRIC SERVICE; 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:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$9.00 per month

Energy Charge:

First	80 kWh per month at	\$0.130 per kWh
Next	920 kWh per month at	\$0.127 per kWh
Over	1,000 kWh per month at	\$0.125 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. 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) Small General Service:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$10.00 per month

Energy Charge:

First	80 kWh per month at	\$0.130 per kWh
Next	920 kWh per month at	\$0.126 per kWh
Over	1,000 kWh per month at	\$0.124 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. 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) Large General Services:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$11.00 per month

Demand Charge: For each kW billing demand per month, \$2.00 per kW

Energy Charge:

First	1,000 kWh per month at	\$0.117 per kWh
Next	9,000 kWh per month at	\$0.115 per kWh
Next	50,000 kWh per month at	\$0.111 per kWh
Next	50,000 kWh per month at	\$0.106 per kWh
Next	50,000 kWh per month at	\$0.102 per kWh
Next	160,000 kWh per month at	\$0.097 per kWh

2. For the purposes of this classification, the term "billing demand" for any month shall be the maximum 30-minute integrated kilowatt demand in a month, but not less than eighty percent (80%) of the highest metered demand established during the preceding twelve (12) months; provided, however, when the power factor is less than eighty percent (80%) lagging during any month, the demand for that month shall be determined on the basis of eighty percent (80%) of the metered kilovolt ampere demand; provided, further, no demand charge shall be made if the monthly energy consumption is less than 5,000 kWh during said preceding twelve (12) month period.

3. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
4. 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.

(D) Temporary Construction Service:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$5.00 per month

Energy Charge:

Per kWh used \$0.125 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. 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.

(E) Public Highway and Street Lighting: 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:

LED Street Lights

CRTK2 Caretaker \$120.00 per fixture

(F) Private Area Lighting:

1. The charge per month for fixtures and appurtenances supplied under this classification shall be:

Luminaries

CRTK2 Caretaker \$7.50 per fixture



2. The above table shall be applicable to overhead wiring for such fixture. Underground wiring for lighting fixtures and appurtenances and lighting fixtures of a larger size may be available at additional cost, as determined by the City Manager and approved by the City Commission.

(G) Municipal Plumbing Service: The rate of energy supplied under this classification shall be computed according to the following table and accumulated for annual billing:

Water pumping, at	\$0.060 per kWh
Sewage disposal, at	\$0.060 per kWh

SECTION 2: Title 4, Chapter 4, Section 4 as the same presently exist is hereby repealed.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas; the rates provided in this Ordinance shall become applicable and applied to all billings for electric utility services issued by the City of Garnett, Kansas after May 1, 2022.

PASSED this 20<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



ORDINANCE NO. 4233

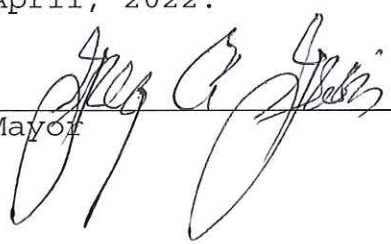
=====  
AN ORDINANCE EXEMPTING SPECIFIED PUBLIC PROPERTIES IN THE CITY OF  
GARNETT, KANSAS, FROM THE PROHIBITIONS OF K.S.A. 41-719(d)  
REGARDING CONSUMPTION OF ALCOHOLIC LIQUOR.  
=====


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

SECTION 1: Pursuant to the authority of K.S.A. 41-719(e) to determine which public properties owned by the City of Garnett should be exempt from the prohibition of K.S.A. 41-719(d) regarding the consumption of alcoholic liquor on public property, it is hereby determined and declared that within the City of Garnett, Kansas, K.S.A. 41-719(d) shall not apply to any property described in said section which is owned by, occupied by, or leased to, the City of Garnett, Kansas, including but not limited to any public sidewalk, street or alley rights-of-way; provided, however, such exemption shall only be operative to the extent that such otherwise prohibited activities are allowed by and through a license or permit issued under the provisions of the Kansas Liquor Control Act, including any amendment thereto, or any provisions of the Municipal Code of the City of Garnett; and provided, further, such event has, or such activities have, been approved by the governing body of the City of Garnett by resolution, by contract with the sponsor thereof, or in any other manner expressing such approval.

SECTION 2: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED this 26<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Mayor

A T T E S T:  
  
\_\_\_\_\_  
City Clerk



=====  
AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE  
MUNICIPAL CODE, FIXING INCREASED RATES FOR SALE AND DELIVERY OF  
NATURAL GAS FROM THE CITY INCLUDING AUTHORITY TO MODIFY THE GAS  
CHARGE RATE ADJUSTMENT AT CERTAIN TIMES; REPEALING EXISTING  
TITLE, CHAPTER AND SECTIONS.  
=====

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

SECTION 1: Title 4, Chapter 4, Section 2A of the Municipal  
Code of Garnett, Kansas, as set out in Section 3 of Ordinance  
4222, is hereby amended to read as follows:

4-4-2A: RATES FOR GAS UTILITY SERVICE: The following  
rates for the use of the gas utility are hereby established  
to users and consumers of the City:

(A) Standard rate: All gas sold by the city to each  
standard classification of use above established shall  
be charged for at the rate of ten dollars (\$10.00) per  
thousand cubic feet sold.

(B) Outside city rate: All gas sold by the city to  
each outside the city classification of use above  
established shall be charged for at the rate of fifteen  
dollars (\$15.00) per thousand cubic feet sold.

(C) Industrial rate: All gas sold by the city to each  
customer in the industrial classification of use and  
located inside the city shall be charged for at the rate  
of ten dollars (\$10.00) per thousand cubic feet sold;  
and to each such customer in the industrial  
classification of use located outside the city shall be  
charged for at the rate of fifteen dollars (\$15.00) per  
thousand cubic feet sold.

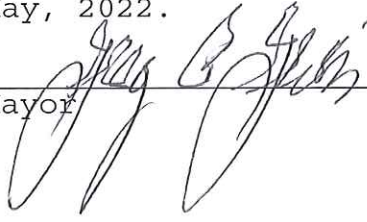
(D) Effective for all monthly billings issued and  
payable on or after July 1, 2022, the gas charge set out  
in subparagraphs A through C, inclusive, shall be  
increased or decreased by the average cost of gas to the  
City purchased for resale which exceeds or falls below  
six dollars (\$6.00) per MMBtu; PROVIDED, HOWEVER, the  
Governing Body may by simple resolution permit upward  
adjustment for additional fuel costs to be spread over  
no more than the next succeeding four months in order to  
moderate the financial impact on the system's customers  
when adjustments are unusually great due to  
extraordinary fluctuations created by emergency  
situations impacting the rate(s) paid by the utility for  
gas.

SECTION 2: Title 4, Chapter 4, Section 2A as the same presently exists, per provisions of Ordinance 4222, is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas, for all billings issued and payable on and after July 1, 2021.

PASSED this 10<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
Mayor



ATTEST:

\_\_\_\_\_  
City Clerk

