

ORDINANCE NO. 3805

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTIONS 10, 11 AND 12 OF THE MUNICIPAL CODE, RELATING TO THE CONNECTION AND DISCONNECTION OF UTILITY SERVICES AND CERTAIN CHARGES FOR THE SAME; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 4, Chapter 4, Section 10 of the Municipal Code is hereby amended to read as follows:

4-4-10: **UTILITY RECONNECTION POLICY:** Any municipal utility service disconnected by reason of nonpayment of the regular and customary charges therefor by the consumer will not be turned on, restored or reconnected:

(A) Until the customer shall have paid the sum of fifty dollars (\$50.00) for a turn on or restoration fee, which said charge shall be made in addition to all other charges permitted or required by applicable ordinances of this city.

(B) Such disconnected utility service or services shall not be turned on, restored or reconnected on Saturday, Sundays, holidays, or after normal working hours on any weekday.

Section 2. Title 4, Chapter 4, Section 11 of the Municipal Code is hereby amended to read as follows:

4-4-11: **CONNECTION OR DISCONNECTION OF UTILITY SERVICES:** Utility services will ordinarily be connected or disconnected during regular city working hours on weekdays. If connection, disconnection or the temporary connection provided for in Title 4, Section 4, Section 12, is requested on Saturday, Sunday, a city holiday or after regular weekday working hours, a charge of fifty dollars (\$50.00) shall be made for such connection or disconnection, and this charge shall be in addition to all other charges permitted or required by applicable ordinances of this city.

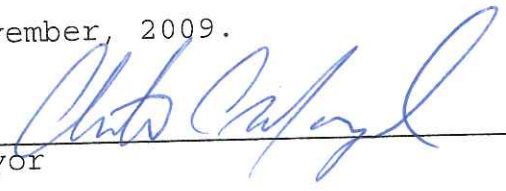
Section 3. Title 4, Chapter 4, Section 12 of the Municipal Code is hereby amended to read as follows:

4-4-12: **TEMPORARY CONNECTION AND DISCONNECTION OF UTILITY SERVICES FOR TESTING:** Any municipal utility service or services shall be turned on for temporary use, not to exceed seventy-two hours, for the purpose of testing the piping, wiring or equipment attached thereto at a particular site of service for a fee of \$25.00, which shall include the commodity charge for such utility product consumed for or during such testing procedure.

Section 4. Title 6, Chapter 4, Sections 10, 11 and 12 of the Municipal Code, 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 one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 24<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

*Deputy*

ORDINANCE NO. 3806

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 28 OF THE MUNICIPAL CODE, GENERALLY PROHIBITING LIQUOR OR CEREAL MALT BEVERAGE IN CERTAIN LOCATIONS WITHIN THE CITY; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 1, Section 28 of the Municipal Code is hereby amended to read as follows:

6-1-28: POSSESSION OF ALCOHOLIC BEVERAGE:

(A) It shall be unlawful for any person to consume or to have and possess any alcoholic beverage, except in the original and unopened container:

1. Upon any public street, road, alley, or other right of way or upon the public square;

2. While operating any vehicle upon any public street, road, or alley;

3. In any motor vehicle parking lot whether publicly or privately owned which is accessible to the public, irrespective of whether or not any fee is charged to gain entry or access thereto;

4. In, upon, or within 100 feet of any public baseball or softball playing field or the Garnett sports complex; or,


5. In or upon the Garnett Municipal Swimming Pool, the Garnett Municipal Stadium and the grounds surrounding both such facilities, described as follows, to-wit:

Commencing at the center of the intersection of North Lake Road and Park Road, thence running Westerly along the center line of Park Road to the point said roadway intersects the Prairie Spirit Rail Trail (formerly the right of way of the AT&SF Railway), thence Northwesterly along the center line of said trail to a point 300 feet due north of the north wall of Municipal Stadium, thence Easterly to the center line of North Lake Road, thence Southerly along the center line of said North Lake Road to the point of beginning.

Section 2. Title 6, Chapter 1, Section 28 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 24<sup>th</sup> day of November, 2009

  
\_\_\_\_\_  
Mayor

ATTEST:

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



**ORDINANCE NO. 3810**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GARNETT STATE SAVINGS BANK, AS LESSOR, WITH RESPECT TO A 1996 QUINT FIRE TRUCK.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 1996 Quint Fire Truck for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of Garnett State Savings Bank for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable municipal lease purchase agreement (the "Lease"), with Garnett State Savings Bank (the "Bank"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Bank with an option to purchase.

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

**Section 1. Authorization and Approval of a Lease.** The City's entering into of the Lease is hereby approved and authorized, such documents to be in such form and have such provisions as shall be approved, the Mayor's execution of the Lease to be conclusive evidence of such approval.

The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.


The Mayor is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The City Clerk is hereby authorized, if necessary, to affix the City's seal thereto and attest said seal.

**Section 2. Further Authority.** The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the

intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

**Section 3. 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 in the official city newspaper.

**PASSED** by the governing body of the City of Garnett, Kansas this 29<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
Christian C. Maynard, Mayor

Attest:

  
\_\_\_\_\_  
Kristina L. Kinney, City Clerk

Case No. Ordinance # 3810

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

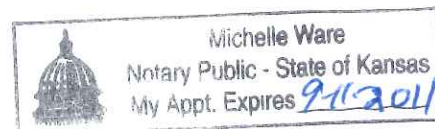
1st publication May 21, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 8th day of June, 20 10

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3819

=====

AN ORDINANCE REPEALING TITLE 10, CHAPTER 2, SECTION 2(J) OF THE  
MUNICIPAL CODE OF THE CITY OF GARNETT, RELATING TO TWO CERTAIN  
TIME-LIMITED ANGLE PARKING STALLS ON OAK STREET.

=====

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

SECTION 1: Title 10, Chapter 2, Section 2 (J) of the  
Municipal Code of the City of Garnett is hereby repealed.

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

PASSED this 11th day of May, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3820

=====

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTIONS 8 AND 11 OF  
THE MUNICIPAL CODE INCREASING CERTAIN CEMETERY SERVICE CHARGES;  
REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.**

=====

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

Section 1. Title 9, Chapter 7, Section 8 of the Municipal  
Code is hereby amended to read as follows:

9-7-8: CEMETERY LOTS, PURCHASE PRICE: The purchase price  
for lots and plots in the Municipal Cemetery shall be as follows:

Single Grave Prices:

	<u>Garnett Resident</u>	<u>Non-Resident</u>
10' Grave	\$ 75.00/grave	\$ 85.00/grave
12' Grave	150.00/grave	165.00/grave
4' x 5' Grave (cinerary)	75.00/grave	85.00/grave

Section 2. Title 9, Chapter 7, Section 11 of the Municipal  
Code is hereby amended to read as follows:

9-7-11: CEMETERY SERVICE CHARGES: The charges for opening  
and closing graves and related cemetery services shall be as  
follows:

<u>Grave Openings</u>	<u>Garnett Resident</u>	<u>Nonresident</u>
Standard interment	\$250.00	\$275.00
Baby (under 18 months)	125.00	150.00
Ashes	90.00	100.00
Charges for funerals held on Saturday or funerals entering cemetery 3:00 p.m. or later:		
Standard interment	350.00	375.00
Baby (under 18 months)	225.00	250.00
Ashes	150.00	175.00

Charges for funerals  
held on holidays or  
Sundays:

Standard Interment	450.00	475.00
Baby (under 18 months)	325.00	350.00
Ashes	250.00	275.00

Disinterment charge                      \$350.00 minimum

Section 3. Title 9, Chapter 7, Sections 8 and 11 are hereby repealed in the form as the same presently exist.

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

PASSED this 11th day of May, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



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**AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PERMIT SINGLE AND TWO FAMILY RESIDENTIAL USES ON SECOND AND HIGHER STORIES OF STRUCTURES IN ZONE B-2 (BUSINESS CENTRAL DISTRICT).**

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WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to permit single and two family residential uses on second and higher stories of structures in Zone B-2 (Business Central District); and,

WHEREAS, said report having been examined and considered, the same is approved.

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

SECTION 1: Single and Two Family Residential Uses (GRP 100/SIC #1001 and #1002, respectively) shall be allowed on second and higher stories of structures in Zone B-2 (Business Central District); and Ordinance No. 3059 is hereby so amended.


SECTION 2: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional copies of said ordinance and the Exhibit A thereto are re-printed.

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 this 25th day of May, 2010.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. \_\_\_\_\_

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for \_\_\_\_\_ consecutive weeks, to-wit:

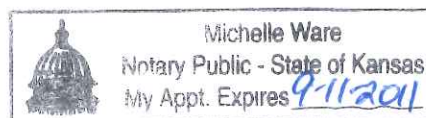
1st publication May 28, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 8<sup>th</sup> day of June, 20 10

Michelle Ware  
Notary Public

My appt. expires 9-11-2011





ORDINANCE NO. 3823

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AN ORDINANCE RE-DEFINING THE TERM "MANUFACTURED HOME" AS THE SAME IS USED IN ORDINANCE 3059 OF THE CITY OF GARNETT, KANSAS, AS AMENDED BY ORDINANCE 3378; AND AMENDING SECTION 3 OF ORDINANCE 3417; BOTH ADDRESSING THE AGE OF MOBILE HOMES ALLOWED WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING PROVISIONS OF ANY ORDINANCE IN CONFLICT HEREWITH.

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

**Section 1:** (a) The term "Manufactured Home" as the same is now set forth in Article 3, Section 3 of Ordinance 3059, as amended by Ordinance 3378, shall mean the following, to-wit:

A manufactured structure, transportable in one or more sections, designed to be used as a dwelling, with or without permanent foundation, and is subject to and which complies with the U.S. Department of Housing and Urban Development Federal Manufactured Home Construction and Safety Standards Act of 1976 (Title 24 C.F.R. §3280, et seq.) and all changes approved and adopted HUD through 1994, and which is constructed on or after July 13, 1994.

**Section 2:** Section 3, Ordinance #3417, is hereby amended to read as follows:

Section 3. Manufactured housing units shall comply with the following provisions, which are deemed to be supplementary to all other code provisions of the City applicable to structures occupied as residences:

A. All electrical systems shall be equal to or better than the original systems and appear to be in good working order.

B. Plumbing systems shall be sufficient to provide a sanitary environment.

C. All heating systems and water-heaters shall be equal to or better than the original systems and appear to be in good working order.

D. Siding shall not be deteriorated, rotted, damaged, or unsightly.

E. The roof shall be leak free.

F. Doors and windows, when closed, shall be

capable of being locked and preventing storm water from entering the unit.

G. Floors shall not be deteriorated or damaged to the point of creating a safety concern.

H. The general appearance of the manufactured housing unit must be structurally sound. No unit will be approved that was manufactured before July 13, 1994.

**Section 3:** All provisions of any ordinance, including but not limited to Ordinance 3059, Ordinance 3378 and Ordinance 3417, and any amendments thereto, and parts of any other ordinance in conflict herewith are hereby repealed.

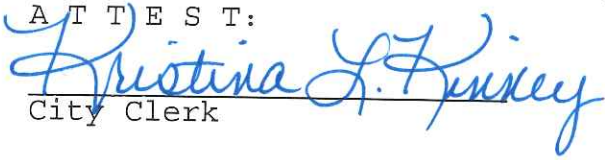
**Section 4:** This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the city of Garnett.

**PASSED** this 25th day of May, 2010.



Michael L. Norman, Mayor

A T T E S T:

  
City Clerk

Case No. Ordinance # 3823

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

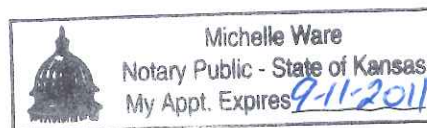
1st publication May 28, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 8th day of June, 20 10

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



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**AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 7, REGULATING DOGS IN THE CITY PARKS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.**

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

**Section 1:** Title 9, Chapter 5, Section 7 of the Municipal Code is hereby amended to read as follows, to-wit:

9-5-7: DOGS IN PARK:

- (A) Except for dogs trained to assist, and actually then assisting a handicapped person, no dog shall be permitted in, at or upon:
1. Garnett Municipal Stadium and any ball field, including the adjacent spectator areas, and all parking lots adjacent thereto; or,
  2. Any tennis court, volleyball court, basketball court or other playground, including the area commonly called the "tot lot" adjacent to the municipal swimming pool,
- within any municipal park.
- (B) Dogs elsewhere within any municipal park shall at all times be either (1) controlled on a leash or restrained by chain or other suitable cable or restraint or (2) under voice command of an adult person who is capable of controlling the dog and to whose command the dog is obedient. No dog shall be left unattended.
- (C) Any person having any dog in any city park shall at once pick up and properly dispose of all feces or vomitus from such dog.

**Section 2:** Title 9, Chapter 5, Section 7, 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.

**PASSED** this 22nd day of June, 2010.

  
\_\_\_\_\_  
Michael L. Norman, Mayor

A T T E S T:

  
\_\_\_\_\_  
City Clerk-Deputy

ORDINANCE NO. 3830

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AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 16(A),  
REGULATING SPEEDBOATS AND WATERSKIING ON CITY LAKES; REPEALING  
EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

Section 1: Title 9, Chapter 5, Section 16(A) of the  
Municipal Code is hereby amended to read as follows, to-wit:

9-5-16: SPEEDBOATS; WATERSKIING:

(A) Speedboating and waterskiing shall be permitted on  
any day on Cedar Valley reservoir and only on each  
Wednesday, Thursday, and Sunday and on the first  
and third Saturdays of each month, from 8:30 a.m.  
to sunset each permitted day, beginning May 1 and  
ending on November 15 of each year. In addition,  
speedboating and waterskiing shall be permitted on  
Lake Garnett between 8:30 a.m. and sunset on  
Memorial Day, Independence Day (July 4th) and  
Labor Day of each year. Speedboating and  
waterskiing on any lake shall not commence before  
sunrise on any permitted day and shall end at  
sunset of each such day. Speedboating and  
waterskiing on Crystal Lake is prohibited at any  
time and speedboating and waterskiing on any other  
lake, other than at the times expressly permitted  
by this section, are prohibited.

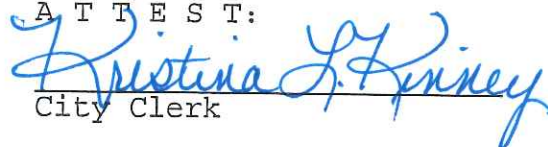
Section 2: Title 9, Chapter 5, Section 16(A), as the same  
presently exists, is hereby repealed.

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.

PASSED this 10th day of August, 2010.

  
Michael L. Norman, Mayor

A T T E S T:

  
City Clerk



Case No. Ordinance  
No. 3830

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

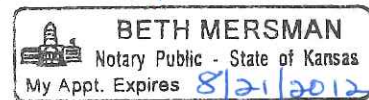
1st publication August 18, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 24th day of August, 20 10

Beth Mersman  
Notary Public

My appt. expires 8/21/2012



ORDINANCE NO. 3832

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", 2010 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.

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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", 2010 Edition, 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. Not fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3832" 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, Edition of 2010, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to



Title 10, Chapter 7 of the Municipal Code. The penalty provisions of Section 4 thereof shall be fully applicable hereto.

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 14th day of September, 2010.

Michael J. Norman  
Mayor

A T T E S T:

Kristina L. Kinney  
City Clerk

ORDINANCE NO. 3833

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", 2010 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.

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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", 2010 Edition, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3833" 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, Sections 14 and 16; and Article 11, Section 11 of the Uniform Public Offense Code, Edition of 2010, 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 14th day of September, 2010.

Michael L. Norman  
Mayor

A T T E S T:

Christina L. Kixey  
City Clerk

Case No. 3835

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication October 1, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5th day of October, 2010

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3836

=====

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE OF THE CITY OF  
GARNETT, KANSAS, TO PLACE AND MAINTAIN TRAFFIC CONTROL DEVICES.

=====

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

**Section 1:** The chief of police of the City of Garnett, Kansas, shall place and maintain such traffic control devices, conforming to the manual and specifications adopted for the State of Kansas, pursuant to K.S.A. 8-2003, and amendments thereto, upon all streets, avenues and other rights of way within the city as he or she shall deem necessary to indicate and to carry out the provisions of Kansas law and of the ordinances of this city or to regulate, warn or guide traffic.

**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, Kansas.

PASSED this 28th day of September, 2010.



Michael L. Norman, Mayor

A T T E S T:

  
City Clerk

Case No. 3836

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

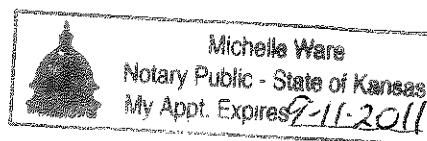
1st publication October 1, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5th day of October, 2010

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3837

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, SECTION 16 OF THE MUNICIPAL CODE TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR THE OWNING AND KEEPING OF WHAT ARE COMMONLY KNOWN AS POTBELLIED PIGS WITHIN THE CITY; ESTABLISHING PROCEDURES FOR ISSUANCE OF SUCH PERMITS AND FURTHER ESTABLISHING RULES GOVERNING AND REGULATING THE KEEPING OF SUCH PIGS; AND REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 3, Section 16 of the Municipal Code is hereby amended to read as follows:

6-3-16: MAINTAINING SWINE; CERTAIN EXCEPTIONS:

It shall be unlawful for any person or persons to keep and maintain within the city any pigs, hogs, or swine; provided, however, this section shall not apply to:

(A) the transportation in appropriate vehicles of such through said city;

(B) zoos, circuses or carnivals;

(C) the community sales barn located in the northwest corner of the Northwest Quarter (NW¼) of Section 30, Township 20, Range 20; or

(D) the keeping of any potbelly pig if a permit is issued and if kept in accordance with these rules, to-wit:

(i) Application. Any person desiring to keep and possess a potbellied pig shall apply to the city clerk for a permit on a form provided by the City. The application shall identify the owner and applicant by name, address and telephone number and the pig by call name, breed, age, sex and be accompanied by at least one clear and distinct photograph of the pig. Documentary evidence to establish that the pig on the application is in fact a potbellied pig as defined in a later sub-section hereof shall also accompany the application. In addition, the owner and applicant must describe the location and shelter facilities for the pig.

Only one pig may be licensed to any one premises or household, and such animal must be spayed or neutered and be inoculated against, and/or test negative with respect to pseudorabies and swine brucellosis. The owner applicant shall furnish evidence of liability insurance covering the keeping of such animal in an amount established from time to time by the city manager. An application fee as established by the city manager sufficient to reimburse the city for the costs of issuance, including the investigation and inspection shall accompany said application. Such fee shall not exceed \$150.00.

(ii) Letters. The city clerk shall send letters to all neighbors of the owner and applicant whose property is within 500 feet of the owner or applicant, notifying them of the permit application. Information collected in response to the letters will be used during the permitting process.

(iv) Inspection. Upon application for all new permits, a city animal control officer shall inspect the premises to determine that the manner of keeping said pig does not violate any of the provisions hereof and the premises and owner's and applicant's proposed procedures for its care will keep the animal restrained to the licensed premises, except as herein provided. Such restraint provisions must include a sturdy, physical (not just electronic) fence designed to keep the pig confined to the licensed premises and may include one or more additional features.

(v) Issuance. A permit for the pig shall be issued by the city clerk providing the owner and applicant meets the following requirements:

a. The animal control officer reports that the property has passed inspection; and,

b. The application has three (3) or fewer points assigned, with one (1) point assigned for each of the following:

1. Complaints found to have a



factual basis which are submitted to the city clerk or the police department by a neighbor documenting a animal-related nuisance within twelve (12) months preceding the date of the permit application;

2. Animal control violations within twenty-four (24) months preceding the date of the permit application for which the owner and applicant has been found guilty.

c. After review of the permit application, the city clerk may approve permit for a pig that does not meet the qualifications described above, provided the city clerk or his or her designee, in his or her sole discretion, finds and determines that there is insufficient information or evidence upon which a reasonable person could conclude the proposed application, if a permit was to be granted, would create either a public nuisance or situation in which the pig was likely to be improperly kept as regulated by this section and general animal welfare laws of the city of state.

d. The permit shall be valid from the date of issuance through December 31st of each year. The permit shall be exclusive to the identified pig and the particular premises set out in the application and may not be transferred to another animal or premises, nor may the permittee transfer the permit to another owner.

(vi) Revocation. The permit may be revoked upon a showing of one or more violations of this section or any other provisions of the city code regulating the keeping of animals. Such permit shall be revoked upon a showing of a false material statement in the application for the permit or upon a showing of chronic, repeated violations which would constitute a point scored against the application in the initial permitting process.

(vii) Renewal. The permit may be renewed

by the city clerk for the next calendar year ending December 31st, provided that all of the following condition are met:

- a. The pig listed on the permit and original application is the same specific pig listed on the renewal application;
- b. All dogs and cats owned or kept by the applicant within the city have current city licenses;
- c. Three (3) or fewer points have been assigned to the renewal application, with points being assigned in the same manner as provided above for original applications.
- d. An animal control officer has inspected the licensed premises and the property passes such inspection; provided that nothing shall prevent such an inspection of the premises for cause, including any of the following reasons:
  1. The permit holder has received a citation for violation of any provision of the municipal code regulating the keeping of animals;
  2. The city has received one or more complaints concerning the permitted pig the manner in which the pig is kept.
- e. The renewal application shall be made no later than January 31st following the expiration of the permit sought to be renewed. The renewal shall be accompanied by such information as requested by the city and by a renewal fee of \$15 or one-fourth the prevailing fee for a new permit, whichever is the greater.

(viii) A pig permitted to be kept by the above procedures shall:

1. Be kept in such a way as not to create any hazards or nuisances for adjacent landowners and neighbors, including but not limited to strange noises and odors;
2. Be cared for in a humane manner (provided with wholesome food, adequate water and shelter, adequate exercise); and,

3. Not to be at large or permitted to trespass on the property of another; and when off the licensed premises, controlled by a leash or other physical means by a competent and capable person. "Voice Command" is not permitted when the animal is off the licensed premises.

(ix) The term "potbellied pig" as used in this section shall mean a purebred animal conforming to the North American Potbellied Pig Breed Standard, or other similar organization's breed standard of equivalent pig to assure a reasonable weight limit and a tractable and non-aggressive disposition. It shall specifically NOT include any pig or other swine of a generally recognized commercial variety.

Section 2. Violation of any provisions of this ordinance shall be punished as provided in the general penalty provisions of the Garnett Municipal Code, of which this ordinance is deemed amendatory. Nothing shall prevent both the imposition of a penalty thereunder by the municipal court and also licensing sanctions, including revocation, for any violation or violations, in those instances in which both might apply.

Section 3. Title 6, Chapter 3, Section 16 of the Municipal Code, as the same presently exists, is hereby repealed.

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

PASSED this 28th day of September, 2010.

  
Mayor

ATTEST:  
  
City Clerk

Case No. 3837

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

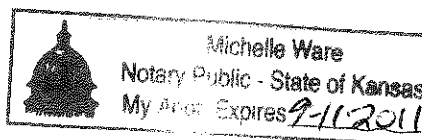
1st publication October 1, 2010  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5th day of October, 20 10

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3840

=====

**AN ORDINANCE REGULATING FLOW OF VEHICULAR TRAFFIC ON A CERTAIN ALLEY AND ON A PART OF PINE STREET; SUPPLEMENTING TITLE 10, CHAPTER 5, SECTION 1.**

=====

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


**Section 1:** When properly posted, traffic shall move only in one direction, as follow, to-wit: on the alley between Fifth and Sixth Avenues, from Main Street on the west to Pine Street on the east, vehicular traffic shall move only from west to east thereon.

**Section 2:** When properly posted, traffic shall move only in one direction, as follow, to-wit: on that part of Pine Street from its intersection with the railroad right of way of the Union Pacific Railroad on the south to the street's intersection on the north with Fifth Avenue, vehicular traffic shall move only from south to north thereon.

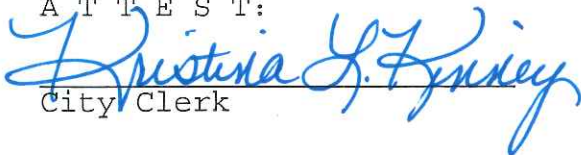
**Section 3:** The above two sections shall be deemed supplementary to Title 10, Chapter 5, Section 1, of the Municipal Code. The city codifier is directed to add said two sections as subparagraphs (E) and (F) respectively.

**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.

PASSED this 26th day of October, 2010.

  
Michael L. Norman, Mayor

A T T E S T:

  
City Clerk

Ord. # 3840  
Adopted on 26 Oct 2010  
and rescinded on  
09 Nov 2010.





=====

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 3, SECTION 3(A),  
RESTRICTING CERTAIN VEHICLES FROM OPERATION UPON A PART OF MAIN  
STREET; REPEALING EXISTING PROVISIONS OF SAID SECTION.**

=====

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

**Section 1:** Title 10, Chapter 3, Section 3 (A) is hereby  
amended to read as follows, to-wit:


**10-3-3: RESTRICTIONS ON MAIN STREET:**

- (A) No semitrailer, pole trailer or any other  
combination of vehicles which includes a tractor  
and trailer shall be operated upon Main Street  
from said street's intersection with Sixth Avenue  
on the north and running thence south to said  
street's intersection with the proposed railroad  
spur right of way, being 1242 feet more or less  
north of the intersection of Main Street and  
Thirteenth Avenue.

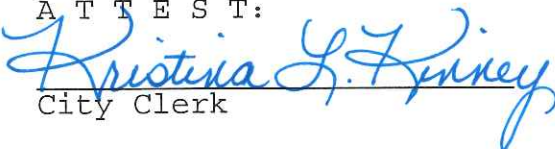
**Section 2:** The provisions of Title 10, Chapter 3, Section  
3(A), as the same presently exists, is hereby repealed.

**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.

**PASSED** this 14th day of December, 2010.

  
\_\_\_\_\_  
Michael L. Norman, Mayor

A T T E S T:

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

**ORDINANCE NO. 3848**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 15 AND SECTION 18 OF THE MUNICIPAL CODE, INCREASING THE SERVICE CHARGE FOR REFUSE SERVICES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING FOR EFFECTIVE DATE.**

**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 is hereby amended to read as follows:

**7-2-15: SERVICE FEES:**

(A) (1) A refuse service charge of \$15.00 per calendar month 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 \$20.00 per calendar month shall be levied against any residential dwelling unit outside the corporate limits of the City for the collection and disposition of the 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) A refuse charge of \$15.00 per calendar month shall be levied against each commercial and industrial 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 \$3.00 per cubic yard.

(C) 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 eight dollars (\$8.00) per month.

2. Two (2) additional pick ups per week, an additional sixteen dollars (\$16.00) per month.
3. Three (3) additional pick ups per week, an additional twenty-four dollars (\$24.00) per month.
4. Four (4) additional pick ups per week, an additional thirty-two dollars (\$32.00) per month.

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

1. For each one cubic yard container eight dollars fifty cents (\$8.50).
2. For each one and one-half (1 ½) cubic yard container nine dollars (\$9.00).
3. For each two (2) cubic yard container ten dollars (\$10.00).
4. For each three (3) cubic yard container sixteen dollars twenty-five cents (\$16.25).
5. For each four (4) cubic yard container eighteen dollars seventy-five cents (\$18.75).
6. For each six (6) cubic yard container twenty-five dollars (\$25.00).

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

7-2-18: PARTIAL SERVICES; EXCEPTIONS:

(A) Any person, at the time of beginning or terminating service, who receives service for a period of fewer than fifteen (15) consecutive days shall be billed at one-half (1/2) the rate for such



service; for service of fifteen (15) or more consecutive days, the charge shall be at the full monthly rate.

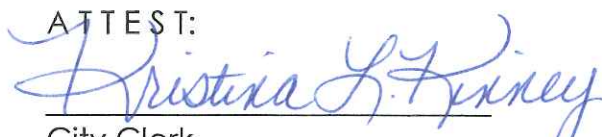
(B) Where collections are to be made, households of a single occupancy, regardless of age, such household shall be entitled to a special rate of \$13.50 per month, which shall entitle said household to regular residential refuse collection and disposal services. It shall be the duty of any householder 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, as the same presently exists, 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 newspaper of the City of Garnett, Kansas, and shall be applicable for all bills for refuse service after February 1, 2011.

PASSED and APPROVED this 11<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 3850

=====

AN ORDINANCE AMENDING TITLE IV, CHAPTER 2, SECTIONS 1 AND 3 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE INTERNATIONAL BUILDING CODE, ED. 2006; THE INTERNATIONAL RESIDENTIAL CODE, ED. 2006; AND THE INTERNATIONAL EXISTING BUILDING CODE, ED. 2006; PROVIDING FOR ENFORCEMENT THEREOF; AND REPEALING TITLE IV, CHAPTER 2, SECTIONS 1 AND 3 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AS THE SAME PRESENTLY EXIST; SAVING CLAUSE.

=====

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

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

**4-2-1: ADOPTION OF INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE AND INTERNATIONAL EXISTING BUILDING CODE:**

- (A) There is hereby adopted by the City of Garnett, Kansas, for the purpose of establishing rules and regulations to prohibit any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure (except one and two family residential buildings or structures) without first obtaining a separate building permit for each building or structure from the City of Garnett, Kansas, that certain code known as the International Building Code, 2006 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5794, of which not fewer than three copies have been marked "Official Copy as adopted by Ordinance No. 3850" and to which a copy of this ordinance shall be attached and now are filed in the Office of the City Clerk.
- (B) There is hereby adopted by the City of Garnett, Kansas, for the purpose of establishing rules and regulations to prohibit any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any one or two family residential building or structure, including any auxiliary building or structure, without first obtaining a separate building permit for each building or structure from the City of Garnett, Kansas, that certain code known as the International Residential Code, 2006 Edition, published by the International Code Council, 4051 West Flossmoor

Road, Country Club Hills, Illinois 60478-5794, of which not fewer than three copies have been marked "Official Copy as adopted by Ordinance No. 3850" and to which a copy of this ordinance shall be attached and now are filed in the Office of the City Clerk.

- (C) There is hereby adopted by the City of Garnett, Kansas, for the purpose of regulating and governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings, including historic buildings, that certain code known as the International Existing Building Code, 2006 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5794, of which not fewer than three copies have been marked "Official Copy as adopted by Ordinance No. 3850" and to which a copy of this ordinance shall be attached and now are filed in the Office of the City Clerk.

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

4-2-3: **DUTY TO ENFORCE:** It shall be the duty of the Building Official or any deputy or assistant to enforce the International Building Code, International Residential Code and the International Existing Building Code throughout the City of Garnett, Kansas. In the absence of such officials, enforcement of all such codes shall be by any other appropriate city official as designated by the city manager.

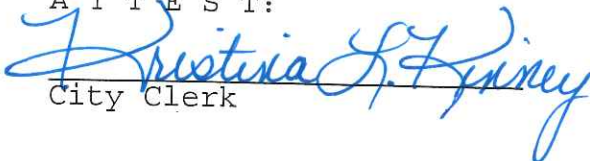
SECTION 3: Title IV, Chapter 2, Sections 1 and 3 of the Municipal Code of the City of Garnett, Kansas, as the same presently exist, are hereby repealed.

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

PASSED this 25th day of January, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance

# 3850

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication February 4, 2011

2nd publication \_\_\_\_\_

3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5<sup>th</sup> day of FEBRUARY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011





**ORDINANCE NO. 3851**

**AN ORDINANCE AMENDING TITLE VII, CHAPTER 1, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE INTERNATIONAL FIRE CODE, ED. 2006; REPEALING TITLE VII, CHAPTER 1, SECTION 1 AS THE SAME PRESENTLY EXISTS; SAVING CLAUSE.**

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

**Section 1.** Title VII, Chapter 1, Section 1 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

4-2-1: **ADOPTION OF INTERNATIONAL FIRE CODE:** There is hereby adopted by the City of Garnett, Kansas for the purpose of safeguarding life and limb, health property, and public welfare, that certain code known as the "International Fire Code", 2006 Edition thereof, published by the International Code Council, 4051 West Flossmoor Road; Country Club Hills, Illinois 60478-5795, of which not fewer than three (3) copies have been marked "Official Copy as adopted by Ordinance No. 3851", and to which a copy of ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

**Section 2. REPEALER:** Title VII, Chapter 1, Section 1 of the Municipal Code of the City of Garnett, as the same presently exists, is hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original code sections had not been repealed.

**Section 3. EFFECTIVE DATE:** 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.

PASSED this 25<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Mayor

Attest:

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

Case No. Ordinance  
# 3851

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

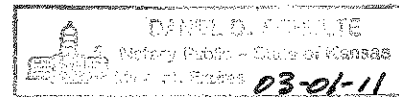
1st publication February 4, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5<sup>TH</sup> day of FEBRUARY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011



**ORDINANCE NO. 3852**

**AN ORDINANCE AMENDING TITLE IV, CHAPTER 13, SECTIONS 1 AND 3 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE INTERNATIONAL MECHANICAL CODE, ED. 2006, AND AMENDING THE FEES APPLICABLE TO PERMITS REQUIRED FOR MECHANICAL WORK; REPEALING TITLE IV, CHAPTER 2, SECTIONS 1 AND 3.**

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

**Section 1.** Title IV, Chapter 13, Section 1 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

**4-13-1: ADOPTION OF INTERNATIONAL MECHANICAL CODE:** The is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations for the design, construction, installation and maintenance of heating, ventilating, cooling and refrigeration systems; incinerators and other heat-producing appliances that certain code known as the "International Mechanical Code", 2006 Edition thereof, published by the International Code Council, 4051 West Flossmoor Road; Country Club Hills, Illinois 60478-5795, of which not fewer than three (3) copies have been marked "Official Copy as adopted by Ordinance No. 3852", and to which a copy of ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

**Section 2.** Title IV, Chapter 13, Section 3 of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

**4-13-3: DUTY TO ENFORCE:** It shall be the duty of the Building Official or any deputy or assistant to enforce the International Mechanical Code, Ed. 2006 throughout the City of Garnett, Kansas. In the absence of such officials, enforcement shall be by any other appropriate city official as designated by the city manager.

**Section 3. REPEALER:** Title IV, Chapter 2, Sections 1 and 3 of the Municipal Code of the City of Garnett, Kansas as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original code sections had not be repealed.

**Section 5. EFFECTIVE DATE:** 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.



Ordinance No. 3852  
Page Two

PASSED this 25th day of January, 2011.

Michael L. Noma  
Mayor

Attest:  
Christina L. Finney  
City Clerk

Case No. Ordinance  
# 3852

# AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication February 4, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5<sup>th</sup> day of FEBRUARY, 2011

David D. Shultz  
Notary Public

My appt. expires 03-01-2011



ORDINANCE NO. 3853

=====

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, SECTIONS 1-2, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE INTERNATIONAL ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE, ED. 2006; AND ADOPTING THE NATIONAL ELECTRICAL CODE, ED. 2005, AND ADDING ADDITIONAL PROVISIONS TO SAID CODE; REPEALING TITLE IV, CHAPTER 1, SECTIONS 1-2, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXIST; SAVING CLAUSE.

=====

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

Section 1. Title IV, Chapter 1, Section 1 of the Municipal Code, City of Garnett, Kansas, is hereby amended to read as follows:

4-1-1: ADOPTION OF INTERNATIONAL ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE (Ed. 2006): The International Administrative Code Provisions for the National Electrical Code (Ed. of 2006), as published by the International Conference of Building Officials, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is hereby adopted and incorporated by reference for the City of Garnett, Kansas. Not fewer than three (3) copies shall be marked "Official Copy, as adopted by Ordinance No. 3853", and to which a copy of this ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

Section 2. Title IV, Chapter 1, Section 2 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

4-1-2: ADOPTION OF THE NATIONAL ELECTRICAL CODE: The National Electrical Code, 2005 Edition, as prepared and published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02269, is hereby adopted and incorporated by reference as the electrical wiring code for the City of Garnett, Kansas. Not fewer than three (3) copies of the said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3853" and to which a copy of ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

Section 3. ADDITIONAL PROVISIONS: (a) All structures with

the exception of one and two family residential dwellings, shall be served by no less than a 200 amp service. In addition, all structures shall have installed an electrical service disconnect which is not more than ten feet from the point such electrical service enters the structure. Notwithstanding the provisions of Article 338 of said code, Type SE cable shall not be used when such cable is exposed to sunlight. This section shall be deemed to be supplemental to the general electrical code in force at any time within the City of Garnett, Kansas.

(b) The city's official codifier is hereby instructed to add this section to the city code as Title IV, Chapter 1, Section 4.

**Section 4. REPEALER:** Title IV, Chapter 1, Sections 1-2, inclusive, of the Municipal Code of the City of Garnett, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original code sections had not been repealed.

**Section 5. EFFECTIVE DATE:** 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.

PASSED this 25th day of January, 2011.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Case No. Ordinance  
# 3853

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication February 18, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22<sup>ND</sup> day of FEBRUARY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2015



**ORDINANCE NO. 3855**

**AN ORDINANCE ADOPTING THE INTERNATIONAL FUEL GAS CODE, ED. 2006.**

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

**Section 1. ADOPTION OF INTERNATIONAL FUEL GAS CODE:** There is hereby adopted by the City of Garnett, Kansas for the purpose of regulating and governing fuel gas systems and gas-fired appliances that a certain code known as the "International Fuel Gas Code", 2006 Edition thereof, published by the International Code Council, 4051 West Flossmoor Road; Country Club Hills, Illinois 60478-5795, of which not fewer than three (3) copies have been marked "Official Copy as adopted by Ordinance No. 3855", and to which a copy of said ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

**Section 2. CODE SECTION SPECIFIED:** The City codifier is hereby instructed to codify this ordinance as Title IV, Chapter 17.

**Section 3. EFFECTIVE DATE:** 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.

PASSED this 8th day of February, 2011.



Mayor

Attest:

  
City Clerk

Case No. Ordinance  
# 3855

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

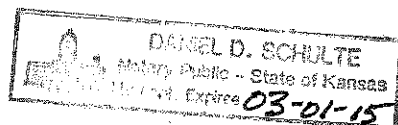
1st publication February 18, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22<sup>ND</sup> day of FEBRUARY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2015





**ORDINANCE NO. 3856**

**AN ORDINANCE ADOPTING THE INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, ED. 2006.**

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

**Section 1. ADOPTION OF INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE:** There is hereby adopted by the City of Garnett, Kansas for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of individual sewage disposal systems that certain code known as the "International Private Sewage Disposal Code:, 2006 Edition thereof, published by the International Code Council, 4051 West Flossmoor Road; Country Club Hills, Illinois 60478-5795, of which not fewer than three (3) copies have been marked "Official Copy as adopted by Ordinance No. 3856" and to which a copy of said ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

**Section 2. CODE SECTION SPECIFIED:** The City codifier is hereby instructed to codify this ordinance as Title IV, Chapter 18.

**Section 3. EFFECTIVE DATE:** 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.

PASSED this 8th day of February, 2011.



Mayor

Attest:

  
City Clerk

Case No. Ordinance  
# 3856

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

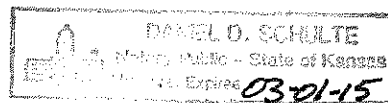
1st publication February 18, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22<sup>ND</sup> day of FEBRUARY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2015



ORDINANCE NO. 3858

=====

AN ORDINANCE AMENDING TITLE IV, CHAPTER 3, SECTIONS 1 THROUGH 4, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE INTERNATIONAL PLUMBING CODE, ED. 2006; AND ADDING ADDITIONAL PROVISIONS SUPPLEMENTING AND MODIFYING SAID CODE; REPEALING TITLE IV, CHAPTER 1, SECTIONS 1 THROUGH 4, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXIST; SAVING CLAUSE.

=====

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

**Section 1.** Title IV, Chapter 3, Section 1 of the Municipal Code, City of Garnett, Kansas, is hereby amended to read as follows:

**4-3-1: ADOPTION OF THE INTERNATIONAL PLUMBING CODE:**

The International Plumbing Code (Ed. of 2006), as published by the International Conference of Building Officials, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is hereby adopted and incorporated by reference for the City of Garnett, Kansas. Not fewer than three (3) copies shall be marked "Official Copy, as adopted by Ordinance No. 3858", and to which a copy of this ordinance shall be attached and now are on file in the Office of the City Clerk, City Hall, Garnett, Kansas.

**Section 2.** Title IV, Chapter 3, Section 2 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**4-3-2: OFFICE OF INSPECTION; PLUMBING PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the International Plumbing Code.
- (B) When a permit is required, the following fees for plumbing installations shall apply:
  - 1. Commercial/Industrial/Multi-Family fee:
    - All new construction: \$50.00
    - All other cases: \$15.00
  - 2. One- and Two-Family Dwelling Unit fee:
    - All new construction: \$25.00
    - All other cases: \$10.00

3. Garages and Outbuildings fee: When a permit is required, fees in all cases for garages and outbuildings shall be:  
Commercial/Industrial/Multi-Family: \$15.00  
One- and Two-Family Dwelling Unit: \$10.00
4. Prevailing Fee Schedule: Any fee schedule set out in the International Plumbing Code, as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said plumbing code to fees for code administration shall be deemed to refer to this section.

**Section 3.** Title IV, Chapter 3, Section 3 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**4-3-3: ADDITIONAL REGULATIONS FOR WATER SUPPLY AND DISTRIBUTION:**

- (A) Customer Owned Service Lines: As used in this chapter, the term "Customer Owned Service Line" shall mean the buried water piping running from the city's easement to the foundation wall of the customer structure served by the water utility and which piping is owned and maintained by the property owner.
- (B) A tracer wire of solid copper, insulated wire suitable for direct burial and of a minimum size of 12 AWG shall be required for all new installations of non-conductive (plastic) water service lines.
- (C) Water meters are not permitted to be located inside or within any building or structure, unless approved for such location by the administrative authority.
- (D) Galvanized pipe is prohibited for use in any new installations.
- (E) Threaded plastic pipe and fittings are prohibited in any underground service line installations and at connections to any water meter installation.

**Section 4.** Title IV, Chapter 3, Section 4 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**4-3-4: ADDITIONAL REGULATIONS FOR SANITARY DRAINAGE:**

- (A) A vented trap is required on all residential and commercial buildings, unless its omission is approved by the building official or superintendent.
- (B) A tracer wire of solid copper, insulated wire suitable for direct burial and of a minimum size of 12 AWG shall be required for all new installations of non-conductive (plastic) sewer lines.
- (C) The equivalent of SDR 35 PVC pipe or better must be used for the installation of all sewer lines. However, if the line is laid under a driveway, Schedule 40 PVC pipe or better must be used.

**Section 5. REPEALER:** Title IV, Chapter 1, Sections 1-4, inclusive, of the Municipal Code of the City of Garnett, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original code sections had not been repealed.

**Section 6. EFFECTIVE DATE:** 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.

PASSED this 8th day of March, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance # 3858

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

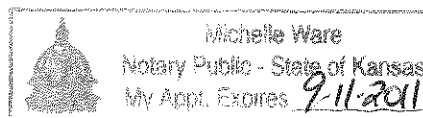
1st publication March 11, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 1st day of April, 2011

Michelle Ware  
Notary Public

My appt. expires 9-11-11



ORDINANCE NO. 3859

=====

AN ORDINANCE ADOPTING THE INTERNATIONAL FUEL GAS CODE, ED. 2006;  
AND ADDING ADDITIONAL PROVISIONS SUPPLEMENTING AND MODIFYING SAID  
CODE; PROVIDING FOR ENFORCEMENT THEREOF; REPEALING ORDINANCE NO.  
3855.

=====

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

**SECTION 1: ADOPTION OF INTERNATIONAL FUEL GAS CODE:** There is hereby adopted by the City of Garnett, Kansas, for the purpose of regulating and governing fuel gas systems and gas-fired appliances that certain code known as the International Fuel Gas Code, 2006 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5794, of which not fewer than three copies have been marked "Official Copy as adopted by Ordinance No. 3859" and to which a copy of this ordinance shall be attached and now are filed in the Office of the City Clerk.

**SECTION 2: OFFICE OF INSPECTION; GAS PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the International Fuel Gas Code.
- (B) When a permit is required, the following for gas installations shall apply:
1. Commercial/Industrial/Multi-Family fee:  
All new construction: \$50.00  
All other cases: \$15.00
  2. One- and Two-Family Dwelling Unit fee:  
All new construction: \$25.00  
All other cases: \$10.00
  3. Garages and Outbuildings fee: When a permit is required, fees in all cases for garages and outbuildings shall be:  
Commercial/Industrial/Multi-Family: \$15.00  
One- and Two-Family Dwelling Unit: \$10.00
  4. Prevailing Fee Schedule: Any fee schedule set out in the International Fuel Gas Code, as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said gas code to fees for code administration shall be deemed to refer to this section.



**SECTION 3: ADDITIONAL REGULATIONS FOR GAS SUPPLY AND DISTRIBUTION:**

(A) Customer Owned Service Lines:

1. As used in this chapter, the term "Customer Owned Service Line" shall mean the buried gas piping running from the city's easement to the foundation wall of the customer structure served by the gas utility and which piping is owned and maintained by the property owner.
2. Customer Owned Service Lines for the transportation and delivery of natural gas are under the jurisdiction of and subject to regulations of both the Kansas Pipeline Safety Code and of Part 192 of the federal pipeline safety code. Such rules and regulations are in addition to the provisions of the International Fuel Gas Code and any additional regulations imposed by the City of Garnett, Kansas in this chapter.
3. No major renovation, alteration, extension or repair of any bare steel customer owned service line for the transportation and delivery of natural gas shall be permitted. Instead, that line shall in any such instance be replaced with approved piping as determined by the administrative authority.
4. If a customer owned service line is found to be in such poor condition as to be unsafe or is found to be installed in an unsafe location, such line if bare steel shall be replaced with approved piping. Other types of lines may need to be relocated as determined by the administrative authority.
5. If a customer owned service line is bare steel and either title to the property changes through sale or other transfer or the gas utility service has been dormant or inactive for more than six (6) months, such line shall be replaced with approved piping.
6. The minimum size of a customer owned service line is 1" diameter unless a smaller size is approved by the administrative authority.
7. All new and replaced customer owned service lines are to enter the structure above ground unless some other means of entry is approved by the administrative authority.

8. A customer owned service line may be required to be inspected or pressure tested or both if such line and the gas utility service has been dormant or inactive for more than six (6) months.
- (B) A tracer wire of solid copper, insulated wire suitable for direct burial and of a minimum size of 12 AWG shall be required for all new installations of non-conductive (plastic) gas service lines.
- (C) Gas piping is not permitted to be lying on the ground underneath any building or structure. Piping is to be properly supported to a minimum of 3½" above the ground.
- (D) Rigid copper and copper tubing is not permitted for any gas line use.
- (E) Gas meters are not permitted to be located inside or within any building or structure, unless approved by the administrative authority.
- (F) Pressure Testing:
  1. (a) New installations of customer owned service lines are to be tested at a minimum of 50 lbs. for 15 minutes.  
(b) Existing customer owner service lines which are pressure tested for any reason are to be tested at a minimum of 10 lbs. for 15 minutes.
  2. Gas pressure testing of inside, above-ground gas lines are to be tested at a minimum of 10 lbs for 15 minutes.
- (G) Manufactured Homes:
  1. A mobile home not on a solid foundation shall be connected to a customer owned service line located outside the perimeter of said home by means of an approved mobile-home connector and which shall enter the mobile home above ground level. Both ends of the connector shall be outside the perimeter of the mobile home.
  2. Mobile homes that have been moved from one location to another will require a gas piping inspection and pressure test at a minimum 10 lbs. for 15 minutes.

**SECTION 4: CODE LOCATION SPECIFIED:** The city codifier is hereby instructed to codify this ordinance as Title IV, Chapter 17.

**SECTION 5: REPEALER:** Ordinance No. 3855 is hereby repealed.

**SECTION 6: EFFECTIVE DATE:** 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 8th day of March, 2011.

Michael L. Mamon  
Mayor

A T T E S T:

Kristina L. Finney  
City Clerk

Case No. Ordinance # 3859

# AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

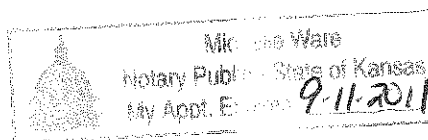
1st publication March 11, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 1st day of April, 20 11

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



=====

AN ORDINANCE ADOPTING A POLICY TO MANAGE STORM WATER; PROVIDING  
PENALTIES FOR VIOLATION THEREOF; REPEALING ANY ORDINANCE IN  
CONFLICT THEREWITH.

=====

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

**SECTION 1: PURPOSE DECLARED:**

(A) The storm water management criteria contained in this policy sets forth the minimum technical criteria for the analysis and design of storm water detention facilities in Garnett, Kansas. The purpose and intent of these criteria are to provide for the proper design of storm water appurtenances and to enhance the harmonious development and redevelopment of the City of Garnett.

(B) These criteria are applicable to all residential, commercial, institutional and industrial development or redevelopment undertaken in the City of Garnett. Storm water detention facilities shall be required where hydraulic calculations indicate an increase in storm water runoff rate leaving the site due to proposed development or redevelopment.

**SECTION 2: ENGINEERING STUDY REQUIRED TO DETERMINE NEED FOR DETENTION:** An engineering study as outlined in Section 6 of this ordinance is hereby required for all locations to determine the impact of the proposed development on the existing drainage system and to determine the need for detention. The study shall be submitted to the City of Garnett with the preliminary plat or site plan for proposed development. The timing of the submittal will be determined by the City of Garnett depending upon the scope and nature of the project. The study shall be prepared under the direct supervision of a professionally licensed engineer.

(A) Detention will not be required when the engineering study indicates:

(1) Construction of a detention facility will increase the downstream system's peak discharge by delaying the peak from the proposed development so it coincides with the peak discharge from upstream area.

(2) Where site discharge occurs within the limits of the Special Flood Hazard Area inundated by the one percent annual change (100-year) flood as defined by the Federal Insurance Study current at the time the

development is proposed.

(3) When the drainage study, provided by the developer and prepared by a registered professional engineer, quantifies the problems and adequately demonstrates to the City Engineer that a waiver of a specific requirement is appropriate.

(B) Detention will not be required in any event, and therefore no engineering study is required:

(1) For additions to, improvement and repair of existing single family and duplex dwellings.

(2) For developments of less than one-half acre in area.

(3) For construction of any one, new single family or duplex dwelling unit.

**SECTION 3: HYDROLOGICAL CRITERIA AND METHODS:** The hydrological method and general parameters to be used for computations of storm water runoff and peak rates for storm water detention shall be as follows:

(A) Hydrograph Method - The application of a hydrograph method is required for all detention facilities. Computer models or manual methods are permissible as approved by the City Engineer. The following is a list of acceptable computer models:

(1) NRCS Technical Release No. 55 (TR-55) - "Urban Hydrology for Small Watersheds".

(2) NRCS Technical Release No. 20 - "Project formulation - Hydrology".

(3) US Army Corps of Engineers, Hydrologic Engineering Center - "Hec-1 Flood Hydrograph Package".

(4) US environmental protection Agency "Storm Water Management Model" (SWMM).

(5) Calculations generated in accredited engineering software programs utilizing one or a combination of the above methods will be accepted.

(B) Design Storm - The rainfall intensities used shall be from the current Kansas Department of Transportation rainfall intensity tables for Anderson County. The following is a general guide to be used to determine the appropriate design storm for a given watershed:

<u>Tc (minutes)</u>	<u>Time Step (minutes)</u>	<u>Storm Duration (hours)</u>
1 to 12	1	3
12 to 18	2	6
18 to 24	3	12
24 to 30	4	12
>30	5	24 Type II

(C) Runoff Co-efficients - Storm water runoff coefficients or curve numbers shall be determined fro proposed land use in modeling. Standard coefficients from an accredited engineering publication will be accepted for use in analysis. Existing runoff coefficients shall be determined but in no case shall existing unpaved areas be analyzed with a curve number exceeding 69, 79 and 84 for Hydrologic Soil Groups B, C and D, respectively.

(D) 3.4 Time of Concentration - The time of concentration shall be calculated as the sum of overland flow time, the shallow concentrated flow time and the concentrated system flow time. Accredited engineering guides utilized shall be provided for support of analysis.

**SECTION 4: EASEMENTS:** In all new developments, developers shall dedicate to the public easements for all public drainage system components. In all existing developments, easements shall be acquired from the property owners at no cost to the City of Garnett before drainage system improvements are made.

**SECTION 5: MAINTENANCE RESPONSIBILITY; INSPECTIONS:**

(A) The City of Garnett will only be responsible for maintenance of enclosed drainage system components located within public street rights-of-way. Maintenance of all improved or natural channels, all overflow channels, detention facilities and enclosed drainage system components within public easements and all easements associated with drainage system components shall be the responsibility of the individual property owner or development association.

(B) The City of Garnett will conduct periodic inspections of the above systems. In the event maintenance concerns are identified but left unresolved by the responsible property owner or association, the City of Garnett shall resolve those concerns and seek compensation from the responsible property owner or association.

**SECTION 6: STORM WATER DETENTION FACILITY REQUIREMENTS:**



(A) Detention facilities shall be sized to provide for no increase in runoff rate for the proposed development conditions. Proposed detention shall provide control of increased runoff rates for the 2, 10 and 100-year frequency storms

(B) Public and private detention may be accomplished with either wet or dry bottom basin facilities. Public safety shall be addressed in the study if joint uses, such as parking or recreation, are proposed.

(C) Wet bottom basins shall require additional storage volume to accommodate 5 years of sediment and storage volume necessary to maintain a minimum water depth of 3 feet.

(D) Erosion control for flows into and out of the proposed detention facilities shall be addressed in the study and provided as necessary.

**SECTION 7: DRAINAGE STUDY REQUIREMENTS:** Storm water drainage studies shall contain the following general information, supporting calculations and drainage area map. The report shall contain:

(A) Names and addresses of the development team including but not limited to the landowner, developer, architect and engineer.

(B) Date of submittal.

(C) A list of all permits required by local, state and federal agencies.

(D) General summary discussion regarding the proposed development or redevelopment land use and facilities proposed for storm water management.

(E) General discussion regarding the impact of proposed storm water flow to adjacent properties and the downstream system.

(F) Any special consideration items addressed in the study.

(G) Supporting calculations and design guides utilized in analysis including but not limited to:

(1) A contour map indicating on and off site drainage areas to the development used in analysis along with a summary of area, curve number and flow rates.

(2) Proposed location and type of detention facility to be provided along with stage-storage and stage-discharge curves.

(3) Proposed size and type of control structure along with discharge velocity calculations and erosion control proposed.

(4) Existing and proposed 2, 10 and 100 year hydrographs for each sub-watershed along with discharge flow rates.

(5) A summary table tabulating the total discharge for the site, existing and proposed, for the 2, 10 and 100 year storms.

**SECTION 8: STORM WATER POLLUTION PREVENTION PLAN:** A complete Notice of Intent (NOI) to request coverage under the requirements and conditions of the Kansas Storm Water Runoff from Construction Activities General Permit shall be submitted to Kansas Department of Health and Environment prior to construction. The Storm Water Pollution Prevention Plan (SWPPP) shall meet the known requirements of the National and Kansas General Permit. A copy of the sign and dated copy of the authorized NOI shall be provided to the City of Garnett prior to any disturbance of soil on the construction site. The Kansas Department of Health and Environment does not review or approve the SWPPP. The Owner and Operator of the site should satisfy themselves that the requirements of the National and Kansas General Permit and the NOI are being met by the erosion and sediment controls that are being placed on the site. The developer shall be responsible for maintenance of storm water pollution prevention/control measures according to standards current at the time of development.

**SECTION 9: PENALTY:** It shall be a violation of this ordinance and the policy herein stated:

(A) To proceed with any development or redevelopment without having completed an engineering study, unless specifically excepted herein;

(B) To fail to obtain and dedicate to the public use appropriate easements for all public drainage system components;

(C) To fail to make the project available for inspection or to call for such an inspection by the City of Garnett when directed or requested by the City of Garnett at such time as any specified stage of completion is reached; or,

(D) to fail to address and resolve to the satisfaction of the City of Garnett within a reasonable time any maintenance concern; provided, however, nothing in this subsection shall abridge the City of Garnett's right to resolve such concerns and then seek compensation as provided in Section 5(B)

hereof.

Any person convicted of violation this chapter shall be punished as provided in the general penalty provisions of the Municipal Code.

**SECTION 10: COORDINATION WITH STORM WATER PROVISIONS OF THE INTERNATIONAL PLUMBING CODE:** The provisions of this ordinance are intended to supplement installation and maintenance requirements, or other general provisions, of the International Plumbing Code, as from time to time adopted and in force in the City of Garnett, insofar as such code addresses storm water drainage matters.

**SECTION 11: CODE LOCATION SPECIFIED:** The city codifier is hereby instructed to codify this ordinance as Title IV, Chapter 15 of the Municipal Code of the City of Garnett, Kansas.

**SECTION 12: REPEALER:** The provisions of any other ordinance in conflict herewith is hereby repealed.

**SECTION 13: EFFECTIVE DATE:** 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 8th day of March, 2011.

Michael L. Norman  
Mayor

A T T E S T:

Christina L. Lynsey  
City Clerk

Case No. Ordinance # 3861

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

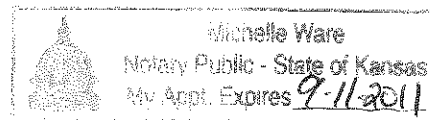
1st publication March 11, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 13<sup>th</sup> day of April, 2011

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3862

=====

AN ORDINANCE AMENDING TITLE 9, CHAPTER 6, SECTIONS 1 THROUGH 3, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING A NEW STREET LIGHTING INSTALLATION POLICY FOR THE CITY OF GARNETT, KANSAS; REPEALING TITLE 9, CHAPTER 6, SECTIONS 1 THROUGH 3, INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXIST.

=====

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

**Section 1.** Title 9, Chapter 6, Section 1 of the Municipal Code, City of Garnett, Kansas, is hereby amended to read as follows:

**9-6-1: PURPOSE:**

- (A) The City of Garnett installs and operates street lights to enhance public safety as it relates to vehicular traffic safety and pedestrian safety along City streets. The major objective is to reduce motor vehicle and pedestrian accidents by illuminating potential points of conflict. Street lights may also be used to illuminate city-owned property and rights-of-way for security and public safety purposes.
- (B) The policy set forth in this chapter will establish a process for considering the installation of street lights by the City of Garnett. This policy also establishes criteria for acceptance of street lights installed by an entity other than the City of Garnett.

**Section 2.** Title 9, Chapter 6, Section 2 of the Municipal Code, City of Garnett, Kansas, is hereby amended to read as follows:

**9-6-2: PROCEDURE FOR STREET LIGHT INSTALLATION:** Any citizen of the City of Garnett may request the installation of a street light. The request for a street light installation shall include the following information:

- (A) A letter from the citizen requesting the installation of a street light.
- (B) An identification of the City Street and general location where the requested street light would be installed.

- (C) A description of the situation creating the need for a street light.
- (D) Statement of notification of property owners within a 200 foot radius of the location of the proposed street light.
- (E) Upon receipt of the application, the City Staff will determine the installation cost of the street light and the annual operating cost of the street light.
- (F) The City Staff will review the submitted information to evaluate conformance to the purpose and criteria of this policy.
- (G) The City Staff will make the decision for or against the installation of the street light or lights.

**Section 3.** Title 9, Chapter 6, Section 3 of the Municipal Code, City of Garnett, Kansas, is hereby amended to read as follows:

**9-6-3: INSTALLATION AND ASSUMPTION OF FINANCIAL RESPONSIBILITY:** The City of Garnett, Kansas, may choose to install and assume financial responsibility for street lights in the following instances:

- (A) Lighting the intersection of City streets.
- (B) Lighting potential road hazards where increased illumination may ease the potential traffic hazard.
- (C) Lighting areas where substantial numbers of pedestrians walk in the dark.
- (D) Street lights installed on public right-of-way.
- (E) Street lights installed will be rated 9,500 lumens at the source in residential areas and rated 25,000 lumens at the source in commercial areas.
- (F) Street lights will be installed at a spacing of not less than 250 feet in residential areas and not less than 180 feet in commercial areas.

However, the City of Garnett will not install, or assume financial responsibility for street lights installed either at an entrance to a private drive onto

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a city street or on private traveled easements or driveways.

**Section 4. REPEALER:** Title 9, Chapter 6, Sections 1-3, inclusive, of the Municipal Code of the City of Garnett, as the same presently exist, are hereby repealed.

**Section 5. EFFECTIVE DATE:** 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.

PASSED this 8th day of March, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



Case No. Ordinance # 3862

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

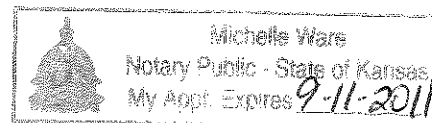
1st publication March 11, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 15<sup>th</sup> day of April, 2011

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3863

=====

AN ORDINANCE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ED. 2006; PROVIDING FOR ENFORCEMENT THEREOF; COORDINATION WITH OTHER MUNICIPAL CODE PROVISIONS.

=====

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

**SECTION 1: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE:** There is hereby adopted by the City of Garnett, Kansas, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; providing standards for utilities supplied thereto and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such, that certain code known as the International Property Maintenance Code, 2006 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5794, of which not fewer than three copies have been marked "Official Copy as adopted by Ordinance No. 3863" and to which a copy of this ordinance shall be attached and now are filed in the Office of the City Clerk.

**SECTION 2: OFFICE OF INSPECTION AND ENFORCEMENT; PENALTY FOR VIOLATION:**

- (A) It shall be the duty and the responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the International Property Maintenance Code.
- (B) Any person who shall violate any provision of the International Property Maintenance Code, as from time to time adopted by the City of Garnett, Kansas, and in force shall be punished in accordance with the general penalty provisions of the Municipal Code, of which the said International Property Maintenance Code is deemed to be a part.

**SECTION 3: COORDINATION WITH EXISTING CODE PROVISIONS:** The provisions of the said International Property Maintenance Code, or any amendments thereto, to the extent there is an overlap with the provisions of Title 8, Chapter 5 of the Municipal Code, shall be deemed to be an alternative method for dealing with the condemnation and repair or demolition of unsafe, non-compliant structures.

**SECTION 4: CODE LOCATION SPECIFIED:** The city codifier is

hereby instructed to codify this ordinance as Title IV, Chapter 21.

**SECTION 5: EFFECTIVE DATE:** 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 8th day of March, 2011.

Michael L. Naman  
Mayor

A T T E S T:

Kristina G. Finney  
City Clerk

Case No. Ordinance # 3863

# AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

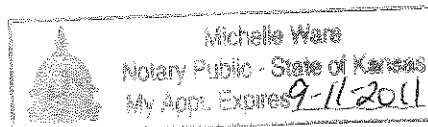
1st publication March 11, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 1st day of April, 20 11

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3865

=====

AN ORDINANCE ADOPTING A REQUIREMENT FOR THE LICENSING PERSONS DOING CONCRETE CONSTRUCTION WORK FOR HIRE OR REMUNERATION; AMENDING TITLE 5, CHAPTER 13, SECTION 2 OF THE MUNICIPAL CODE RELATING TO CLASSES OF BUSINESS LICENSES; DECLARING THIS ORDINANCE TO BE SUPPLEMENTAL TO TITLE 5, CHAPTER 13 OF SAID CODE; REPEALING TITLE 5, CHAPTER 13, SECTION 2 AS IT PRESENTLY EXISTS AND ANY ORDINANCE IN CONFLICT THEREWITH.

=====

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

**SECTION 1:** (a) It shall be unlawful for any person for hire or for remuneration in money or money's worth, to perform general concrete work, to include the placing and erecting of steel or bars for the reinforcing of mass, pavement, flat and other concrete work until such person shall have taken out a license issued by the City of Garnett; provided, however, a property owner may do any such work himself in or upon property he or she then and there owns without obtaining such a license; but nothing in this exception shall be deemed to allow any such work to be done contrary to all applicable building code provisions and sound trade practices.

(b) To the same extent and in the same manner as the City of Garnett would grant reciprocal rights to the holder of a gas, water, electrical or sanitary sewer business license under Title 5, Chapter 13, Section 1(B) of the Municipal Code, any person possessing a valid license issued by a city of the first or second class in Kansas shall not be required to obtain an additional concrete license from the City of Garnett.

**SECTION 2: CODE LOCATION SPECIFIED:** The city codifier is hereby instructed to codify Section 1 of this ordinance as Title V, Chapter 13, Section 1(A)4 of the Municipal Code of the City of Garnett, Kansas, and such shall be deemed to be supplemental to said Title and Chapter.

**SECTION 3:** Title 5, Chapter 13, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

**5-13-2: CLASS OF LICENSE:** Licenses issued hereunder shall be of one or more of the following classes:

- (A) Gas;
- (B) Water;
- (C) Electrical;
- (D) Sanitary Sewer;
- (E) Concrete;

and such class shall be conspicuously endorsed upon the face of each license. A license issued for one class shall permit the licensee to perform for hire or remuneration, work of that class and no other.

**SECTION 4: REPEALER:** Title 5, Chapter 13, Section 2, as the same presently exists, together with any provisions of any other ordinance in conflict herewith are hereby repealed.

**SECTION 5: EFFECTIVE DATE:** 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 22nd day of March, 2011.

Michael L. Norman  
Mayor

A T T E S T:  
Christina L. Finney  
City Clerk

## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

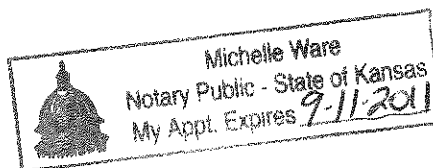
1st publication March 25, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 13<sup>th</sup> day of April, 2011

Michelle Ware  
Notary Public

My appt. expires 9-11-2011





**ORDINANCE NO. 3867**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE PATRIOTS BANK, AS LESSOR, WITH RESPECT TO A 2011 ALTEC AERIAL TRUCK.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 2011 Altec Aerial Truck for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of Patriots Bank for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable municipal lease purchase agreement (the "Lease"), with Patriots Bank (the "Bank"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Bank with an option to purchase.

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

**Section 1. Authorization and Approval of a Lease.** The City's entering into of the Lease is hereby approved and authorized, such documents to be in such form and have such provisions as shall be approved, the Mayor's execution of the Lease to be conclusive evidence of such approval.

The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

The Mayor is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The City Clerk is hereby authorized, if necessary, to affix the City's seal thereto and attest said seal.

**Section 2. Further Authority.** The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the

intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

**Section 3. 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 in the official city newspaper.

**PASSED** by the governing body of the City of Garnett, Kansas this 12<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Mayor

Attest:

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

Case No. Ordinance No. 3867

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

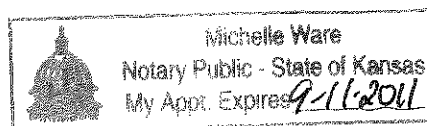
1st publication Friday, April 15, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 16th day of April, 20 11

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3868

=====

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT,  
KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519 ET  
SEQ.

=====

WHEREAS, the land hereinafter described is located in  
Anderson County, Kansas; and,

WHEREAS, the owner thereof has petitioned for and consented  
to the annexation of the same by the city of Garnett, Kansas, the  
land also being contiguous to an existing boundary of said city,  
and the provisions of K.S.A. 12-519 et seq. have been met; and,

WHEREAS, the city of Garnett, Kansas, finds it advisable and  
desirable to annex such land.

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

Section 1: The following described land, to-wit:

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$ ) of  
Section 19, Township 20 South, Range 20 East of the 6th  
P.M. in Anderson County, Kansas, more particularly  
described as follows:

Commencing at the northwest corner of said southwest  
quarter section, thence along the north line thereof on  
an assumed bearing of N87°19'53"E a distance of 140.10  
feet to a point on the east right of way of US 59  
Highway, as now established; thence along said right of  
way S03°07'24"E a distance of 24.28 feet to the TRUE  
POINT OF BEGINNING of the subject tract; thence  
departing said right of way, parallel to the north line  
of said Southwest Quarter (SW $\frac{1}{4}$ ) N87°19'53"E a distance  
of 1464.27 feet to a point on the west right of way of  
the Prairie Spirit Trail, formerly the Atchison, Topeka  
& Santa Fe Railroad, as now established; thence along  
said west trail right of way S17°08'55"E a distance of  
808.95 feet; thence continuing along said right of way  
S72°51'00"W a distance of 70.00 feet; thence continuing  
along said right of way S17°08'55"E a distance of  
194.81 feet; thence S87°05'28"W a distance of 1682.93  
feet to a point on said east highway right of way lying  
1020.33 feet southerly and 108.54 feet easterly of the  
northwest corner of said southwest quarter section,  
normal to the west line of said quarter section; thence  
along the east right of way of said highway N01°42'32"E  
a distance of 93.03 feet; thence on a curve to the  
left, continuing along said right of way, having a  
radius of 11,529.19 feet, and a chord bearing of

N00°42'20"W an arc length of 841.93 feet; thence continuing along said east right of way N03°07'24"W a distance of 62.43 feet to the TRUE POINT OF BEGINNING, containing 36.20 acres, more or less, subject to easements and restrictions of record.

is hereby annexed to and made a part of the city of Garnett, Kansas.

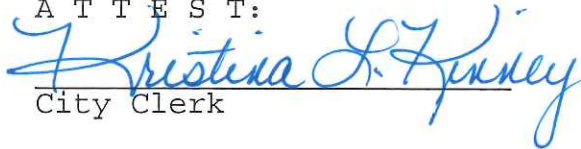
Section 2: This land shall become a part of the addition to the city shall be commonly called and known as "School Addition to the city of Garnett, Kansas."

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 12th day of April, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance No. 3868

# AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

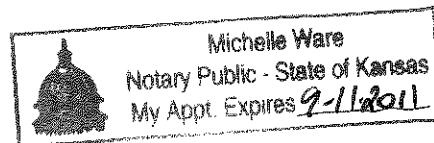
1st publication Friday, April 15, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 18<sup>th</sup> day of April, 2011

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



ORDINANCE NO. 3870

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 for 3½ years; 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 \$18,401.96 incurred through November 3, 2010 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED THIS 26th day of April, 2011.

  
Mayor

Attest:





<u>NAME</u>	<u>AMOUNT</u>
Jamie Adams (Collection Fee)	29.68
Dennis and Fannie Ainsworth (Collection Fee)	92.58
Victor M. Arriaga (Collection Fee)	87.04
Dan Bishop (Deceased)	380.21
Andrea Castor (Collection Fee)	28.69
Codey Cheek (Collection Fee)	5.58
Jared Clark (Collection Fee)	55.51
Elizabeth Cooper	898.50
Jonathan W. Culler (Collection Fee)	37.85
Douglas H. Doty	192.00
Sarah Evans	263.59
Josie Fishback	193.99
Allen Gaudreau	420.17
Pamela Goins	34.71
Dean Gulley dba Fat Boy's (Bankruptcy)	2,376.40
Dean Gulley dba Fat Boy's (Bankruptcy)	3,433.28
Maxwell Hanger (Collection Fee)	34.08
Neal Huggins	314.17
Richard S. Johnson (Collection Fee)	30.59
Elizabeth Jones	140.59
Haley Ladewig (Collection Fee)	20.11
Steve Lively and Candice Webb	293.25
Robbin Lomberg	129.48
Donald Maupin III	94.60
Bryan A. McCurdy (Collection Fee)	92.10
Jennifer Mersman (Collection Fee)	43.60
Scott and Stephanie Morgan (Out of State)	409.18
Michelle Moyer (Collection Fee)	128.31
Ronald and Donna Nash (Out of State)	391.46
Bridget Phillips	99.60
Ahmet Rika and Victor Garcia dba Bellinis	6,027.08
Aaron Robinson	152.22
Krystal Russell (Collection Fee)	7.26
Justin and Shawnda Shafer (Collection Fee)	53.51
Cindy Trout (Collection Fee)	41.98
Jake Watts and Ashley Croan	1,235.52
Lana Winterringer (Collection Fee)	73.14
Christen Workinger (Collection Fee)	60.35

\$ 18,401.96

Case No. Ordinance # 3870

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

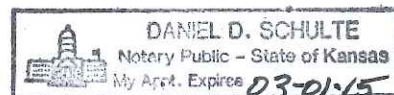
1st publication April 29, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 3<sup>RD</sup> day of MAY, 20 11

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2015



ORDINANCE NO. 3877

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", 2011 EDITION, 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", 2011 Edition, 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. Not fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3877" 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, Edition of 2011, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to

Title 10, Chapter 7 of the Municipal Code. The penalty provisions of Section 4 thereof shall be fully applicable hereto.

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 25th day of July, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3827

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

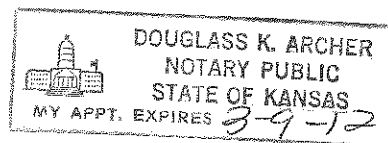
1st publication July 29, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 3 day of August, 2011

[Signature]  
Notary Public

My appt. expires 3-9-12



ORDINANCE NO. 3878

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", 2011 EDITION, 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", 2011 Edition, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3878" 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, Sections 14 and 16; and Article 11, Section 11 of the Uniform Public Offense Code, Edition of 2011, 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 25th day of July, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



Case No. 3878

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

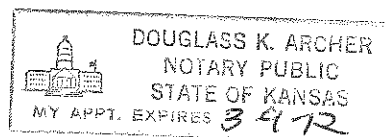
1st publication July 29, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 3 day of August, 20 11

[Signature]  
Notary Public

My appt. expires 3-9-12



ORDINANCE NO. 3881

=====

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3, ESTABLISHING  
UTILITY SECURITY DEPOSITS; REPEALING EXISTING SECTION OF SAID  
TITLE AND CHAPTER.

=====

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

**Section 1:** Title 4, Chapter 8, Section 3 of the Municipal  
Code is hereby amended to read as follows, to-wit:

4-8-3: AMOUNT OF DEPOSITS:

- (A) All residential utility customers receiving electric service, gas service or both such services together with water service shall post a utility security deposit of \$350.00.
- (B) All commercial utility customers receiving electric service, gas service or both such services together with water service shall post a utility security deposit of \$500.00.
- (C) All utility customers of whatever class receiving only water service shall post a utility security deposit of \$50.00.
- (D) Any utility customer, or any person applying to the city for any utility services shall have been suspended, terminated, or shut off by reason of nonpayment of the charges therefor, or who has failed to pay in full when due any final billing for such, within a period of five (5) years immediately last past, whether such suspension, termination, or shutoff was by the city of Garnett or other utility supplier to the customer at a prior location, or whether such failure to pay final billing as billed by the city of Garnett or other utility supplier, shall be liable to post and maintain a deposit as provided in this chapter, but equal in amount to twice the amount of the deposit set out and provided otherwise by this section.

**Section 2:** Title 4, Chapter 8, Section 3, 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.

**PASSED** this 23rd day of August, 2011.

Michael L. Naman  
Mayor

A T T E S T:  
Kristina L. Finney  
City Clerk

Case No. Ordinance # 3881

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication August 30, 2011

2nd publication \_\_\_\_\_

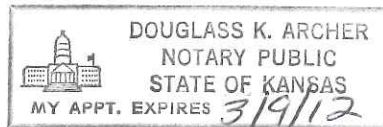
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 31 day of August, 2011

[Signature]  
Notary Public

My appt. expires 3/9/12



=====

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, SPECIFICALLY TO AMEND A PART OF THE GENERAL PROVISIONS OF DISTRICTS AND BOUNDARIES OF ARTICLE 4; SPECIFICALLY SECTION 4 THEREOF, SETTING FORTH THE EXEMPTIONS FROM THE PROVISIONS OF SAID ORDINANCE; REPEALING EXISTING PROVISIONS OF SAID ARTICLE AND SECTION AS PRESENTLY EXIST.

=====

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

SECTION 1. Article 4, Section 4 of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

4. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations:
- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.
  - B. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
  - C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall then become subject to the applicable provisions of these regulations.
  - D. Retaining walls.
  - E. Public signs.
  - F. Any structure or use within any park owned or operated and controlled by the city of Garnett, Kansas, whether directly or by contract or operating lease.

Section 2. The provisions of Article 4, Section 4 of the zoning regulations of the City of Garnett, Kansas, as adopted by

---

Ordinance 3059 and as the same presently exist are 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.

PASSED this 23rd day of August, 2011.

Michael L. Maman  
Mayor

A T T E S T:

Kristina L. Finney  
City Clerk

Case No. Ordinance # 3882

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication August 30, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 31 day of August, 2011

[Signature]  
Notary Public

My appt. expires 3/9/12





ORDINANCE NO. 3885

=====

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 10(A)(2),  
REGULATING AREAS OF OPERATION WITHIN THE MUNICIPAL PARK SYSTEM  
FOR THE OPERATION OF MOTORIZED, NONHIGHWAY VEHICLES; REPEALING  
EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

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

**Section 1:** Title 9, Chapter 5, Section 10(A)(2) of the  
Municipal Code is hereby amended to read as follows, to-wit:

9-5-10: MOTORIZED, NONHIGHWAY VEHICLE OPERATING  
REGULATIONS:

(A) \* \* \* \*

2. No motorized, nonhighway vehicle shall be  
ridden in any municipal park of the City of  
Garnett, Kansas, except Cedar Valley Reservoir  
Park; PROVIDED, HOWEVER, the governing body of the  
City of Garnett, Kansas, may allow such vehicles  
to be ridden in any park for any special event and  
upon specified conditions for such event. No  
motorized, nonhighway vehicle shall ever be ridden  
in any campground or playground areas of any park.

**Section 2:** Title 9, Chapter 5, Section 10(A)(2), 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.

**PASSED** this 27th day of September, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3885

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

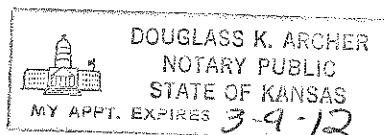
1st publication October 4, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 17 day of October, 2011

[Signature]  
Notary Public

My appt. expires 3-9-12



ORDINANCE NO. 3888

=====

**AN ORDINANCE REGULATING MAXIMUM SPEED LIMITS OF MOTOR VEHICLES ON  
SPECIFIED ROADWAY; DECLARING THE SAME TO BE AMENDATORY TO TITLE  
10, CHAPTER 4, SECTION 1(C) OF THE MUNICIPAL CODE.**

=====

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

Section 1. No person shall operate a vehicle at a speed in excess of 20 miles per hour on that public street known as Park Plaza North.

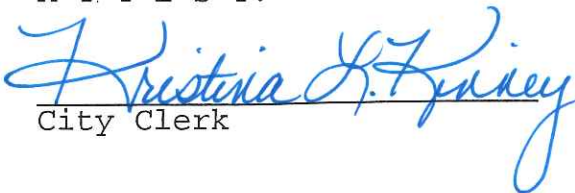
Section 2. The official codifier for the city of Garnett, Kansas, is hereby instructed to insert the provisions of Section 1 hereof into the city code as Title 10, Chapter 4, Section 1(C)(9). Said section is hereby declared amendatory to said Title 10, Chapter 4 and violation thereof shall be punished as provided in the penalty section of said Chapter.

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.

PASSED this 25th day of October, 2011.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3888

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication October 28, 2011

2nd publication \_\_\_\_\_

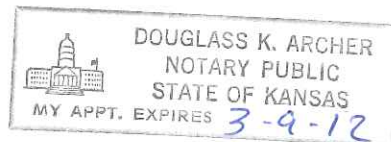
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 3 day of November, 20 11

[Signature]  
Notary Public

My appt. expires 3-9-12



## **ORDINANCE NO. 3890**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GSSB, AS LESSOR, WITH RESPECT TO A 2011 CASE SR200 SKID STEER LOADER.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 2011 Case SR200 Skid Steer Loader for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of GSSB for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable municipal lease purchase agreement (the "Lease"), with GSSB (the "Bank"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Bank with an option to purchase.

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

**Section 1. Authorization and Approval of a Lease.** The City's entering into of the Lease is hereby approved and authorized, such documents to be in such form and have such provisions as shall be approved, the Mayor's execution of the Lease to be conclusive evidence of such approval.

The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

The Mayor is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The City Clerk is hereby authorized, if necessary, to affix the City's seal thereto and attest said seal.

**Section 2. Further Authority.** The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the



intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

**Section 3. 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 in the official city newspaper.

**PASSED** by the governing body of the City of Garnett, Kansas this 8<sup>th</sup> day of November, 2011.

Michael L. Norman  
Mayor

Attest:

Christina L. Furley  
City Clerk

Case No. Ordinance # 3890

### AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication November 11, 2011

2nd publication \_\_\_\_\_

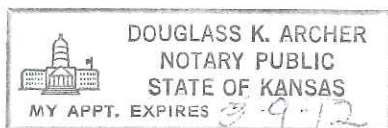
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22 day of November, 2011

[Signature]  
Notary Public

My appt. expires 3-9-12





ORDINANCE NO. 3891

=====

AN ORDINANCE AMENDING TITLE 8, CHAPTER 6, SECTIONS 1 THROUGH 10, INCLUSIVE; EXTENDING PROVISIONS THEREOF TO WINDSTORM LOSSES AND ESTABLISHING OR REVISING PROCEDURES GOVERNING THE PAYMENT OF INSURANCE LOSS CLAIMS ON COVERED BUILDINGS AND OTHER STRUCTURES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

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

**Section 1:** Title 8, Chapter 6, Sections 1 through 10 inclusive of the Municipal Code are hereby amended to read as follows, to-wit:

8-6-1: SCOPE AND APPLICATION OF THIS CHAPTER: The City is hereby authorized to establish and does by this Title and Chapter enact the procedures set forth in Kansas Statutes Annotated, 40-3901, et seq., whereby no insurance company shall pay a claim under any policy covering any building or other structure located within the City arising out of any fire, explosion, or windstorm and for which the amount recoverable for such loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set forth in this Title and Chapter.

8-6-2: LIEN CREATED; ENCUMBRANCES; PAYMENT ON PRO-RATA BASIS:

(A) There is hereby created and established a lien in favor of the City in and to the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City caused by or arising out of any fire, explosion, or windstorm for which the amount recoverable for all such loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy or policies covering such building or other insured structure. Such lien shall arise upon any unpaid tax, special ad valorem levy, or other other charge imposed upon real property by or on behalf of said City which is an encumbrance on real property, whether or not evidenced by written instrument, or such

tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(B) Prior to final settlement of any claim covered by this Section, the insurer or insurers shall contact the County Treasurer of Anderson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that amount owing under said encumbrances, a draft payable to the County Treasurer of Anderson County, Kansas.

(C) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

8-6-3: PROCEDURE:

(A) When final settlement on a covered claim has been agreed to between the named insured or insureds and the company or companies, and said final settlement exceeds seventy-five percent (75%) of the face value of the policy or policies covering a building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to fifteen percent (15%) of the covered claim payment, unless the City Manager has determined and the City's Building Official has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(B) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Proceeds under the policy or policies remaining after the transfer to the City shall be disbursed in accordance with policy terms.

(C) Upon transfer of the funds as required in Subsection (A) of this Section, every insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the

insurance company or companies and the insured or insureds, whereupon the City of Garnett shall contact the named insured or insureds by certified mail, return receipt requested, to notify them and each of them that said insurance proceeds have been received by the City, and apprise them of the procedures to be followed under this Title and Chapter.

8-6-4: FUND CREATED; DEPOSIT OF MONEYS: The City Treasurer of the City is hereby authorized and shall create a fund to be known as the, "Insurance Proceeds Fund". All moneys received by the City Treasurer, as provided for by this Title and Chapter, shall be deposited into this fund, in an interest bearing account.

8-6-5: DUTIES OF CITY UPON RECEIPT OF INSURANCE PROCEEDS:

(A) Upon receipt of said moneys, the City Treasurer shall immediately notify the City Manager and the City Building Official of said receipt and transmit to each of them all documentation received from the insurance company or companies.

(B) Within twenty (20) days of the receipt of said moneys, the City Building Official shall after prior investigation report his or her findings to the City Manager, who will then determine whether the City shall initiate proceedings under the provisions of Kansas Statutes Annotated 12-1750 et seq., as amended.

(C) Prior to the expiration of the aforesaid twenty (20) days, the City Manager shall notify the City Treasurer whether the City intends to initiate proceedings under Kansas Statutes Annotated 12-1750 et seq., as amended.

(D) If the City Manager, after receiving the report of the City Building Official, has determined that proceedings under Kansas Statutes Annotated 12-1750 et seq., as amended, shall be initiated, such procedures shall be initiated immediately, but in any event no later than thirty (30) days after receipt of said moneys by the City Treasurer.

(E) Upon notification to the City Treasurer by the City Manager that no proceedings shall be initiated under Kansas Statutes Annotated 12-1750 et seq., as amended, the City Treasurer shall refund said moneys, plus accrued interest, to the insured or insureds as identified in the

communication from the insurance company or companies. Such refund shall be accomplished within thirty (30) days of the receipt of said moneys from the insurance company or companies.

8-6-6: REMOVAL OF STRUCTURE; APPLICATION OF FUNDS TO COST OF REMOVAL; EXCESS MONEYS: If the City has proceeded to remove the building or other structure and related debris, under the provisions of Kansas Statutes Annotated 12-1750 et seq., as amended:

(A) Proceeds received from the insurance company or companies by the City Treasurer under authority of this Title and Chapter relating to that building or other structure shall be used to reimburse the City for any expenses thereby incurred by the City. Upon reimbursement therefrom, the City shall immediately release of any lien resulting therefrom.

(B) Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer, the City shall establish a new lien as authorized by Kansas Statutes Annotated 12-1756 in an amount equal to such expenses incurred in excess of such reimbursement.

(C) All moneys in excess of that which is ultimately necessary to comply with provisions for the removal of the building or structure and related debris, less salvage value if any, shall be paid to the insured or insureds.

8-6-6: HOW APPLIED; CITY MANAGER TO ADOPT REGULATIONS: This Title and Chapter shall apply to fire, explosion and windstorm claims arising on all buildings or structures situated within the City and which are covered by one or more policies of insurance covering such risks. The City Manager is hereby authorized to promulgate reasonable regulations to carry out the provisions hereof.

8-6-7: EFFECT UPON INSURANCE POLICIES: The provision of this Title and Chapter shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

8-6-8: IMMUNITY GRANTED INSURERS; WHEN: Insurers complying with the provisions of this Title and Chapter, or attempting in good faith to comply therewith, shall be immune from civil and criminal

liability, and such action shall not be deemed in violation of Kansas Statutes Annotated 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds, or releasing or disclosing any information, pursuant to this to this Title and Chapter.

8-6-9: CITY CLERK, DUTY TO NOTIFY: The City Clerk is hereby authorized and directed to notify the Commissioner of Insurance of Kansas of the adoption hereof, within fourteen (14) days of such adoption.

8-6-10 (RESERVED FOR FUTURE USE.)

**Section 2:** Title 8, Chapter 6, Sections 1 through 10, inclusive, as the same presently exist, are 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.

**PASSED** this 22nd day of November, 2011.

  
\_\_\_\_\_  
Mayor

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

Case No. ORDINANCE  
NO. 3891

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

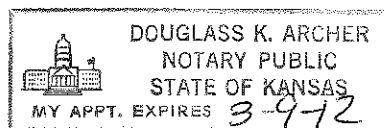
1st publication November 29, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 7 day of December, 2011

[Signature]  
Notary Public

My appt. expires 3-9-12



=====

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTIONS 2-6,  
INCLUSIVE, OF THE MUNICIPAL CODE, REGULATING THE REGISTRATION OF  
DOGS; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS.**

=====

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

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

**6-2-2: VACCINATION AND REGISTRATION REQUIRED:**

(A) It shall be unlawful for any person within the corporate limits of the city to own or keep any dog without having the dog inoculated against rabies according to current, recognized veterinary practices. The rabies inoculation shall be administered as directed by Kansas law and shall be attested by or under the signature of a Kansas licensed veterinarian, showing at least the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered and the manufacturer's stated life span or period of efficacy of such. Such inoculation shall be maintained in a current state at all times; and,

(B) It shall be unlawful for any person within the corporate limits of the city to own or keep any dog without registering such dog with the city clerk, as provided by this chapter of the Municipal Code, and no dog shall be allowed outside the owner's dwelling unless the dog shall wear a collar or harness with the registration tag issued by the city securely affixed thereto in such a manner that it may at all times be easily visible.

SECTION 2. Title 6, Chapter 2, Section 3 of the Municipal Code is hereby amended to read as follows:

**6-2-3: ANNUAL REGISTRATION:** All dog registrations issued by the city clerk hereunder shall be valid until December 31 of the year in which the same are issued; provided, however, such registration shall be subject to cancellation at the expiration of the rabies vaccination certificate as elsewhere provided in this chapter.

SECTION 3. Title 6, Chapter 2, Section 4 of the Municipal



Code is hereby amended to read as follows:

6-2-4:     **REGISTRATION FEES:** Between January 1st and before March 1st of each year, the dog owner shall register all dogs owned or kept by such owner with the city clerk and shall pay the following fees:

(A) Seven Dollars Fifty Cents (\$7.50) for each neutered or sexually altered dog.

(B) Twenty Dollars (\$20.00) for each dog which has not been neutered or sexually altered.

(C) It shall be presumed that any dog is in a natural state unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath. Such evidence may be permanently entered or filed in the city clerk's registration books.

SECTION 4. Title 6, Chapter 2, Section 5 of the Municipal Code is hereby amended to read as follows:

6-2-5:     **LATE REGISTRATION FEES; EXCEPTIONS:** On and after March 1 of each year, the city clerk shall collect a registration fee of twice the amount provided in Section 4 of this chapter; provided, however, that new residents of the city or persons acquiring a dog or owning a dog which attains the age of registration after January 1 of any year shall have ten (10) days from such date of residency, acquisition, or attainment of age to register such dog at the fee set forth in Section 4 of this chapter; otherwise the late registration fees in this section shall apply.

SECTION 5. Title 6, Chapter 2, Section 6 of the Municipal Code is hereby amended to read as follows:

6-2-6:     **REGISTRATION PROCEDURE:**

(A) No registration shall be accomplished unless the owner or keeper of the dog shall present a certificate or other satisfactory proof showing then current inoculation against rabies. Upon payment of the fees required by this chapter, the city clerk shall record the following information for each dog registered: the owner's name and address; the color, breed, sex, age, weight, names (if any), and date of vaccination of dog. After recording said information, the city clerk shall issue a license to said owner, and shall provide for each dog so registered a tag of metal or other

durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times when the dog is outside the owner's dwelling.

(B) In the event any such tag is lost or becomes illegible, replacement tags shall be issued upon the payment of the sum of Five Dollars (\$5.00) each.

(C) In the event the rabies vaccination certificate expires during any registration period, the city clerk shall thirty days prior to such expiration date notify the licensee of the forthcoming expiration and in such notice shall advise that the annual registration is subject to revocation if such vaccination is allowed to expire. If, at the said date of expiration, renewal certification of rabies vaccination shall not be provided, the city clerk shall notify the licensee that the registration on such dog is revoked and that the licensee is liable to citation and prosecution if such dog remains in the licensee's custody within the City of Garnett. All such notices shall be mailed by first class mail to licensee at the address on such license.

(D) The city clerk may between December 1 and December 31 of each year cause notice to be given of the upcoming registration period for dogs by publication or advertisement in an official city newspaper.

SECTION 6. Title 6, Chapter 2, Sections 2 through 6, inclusive, of the Municipal Code as the same presently exists are hereby repealed.

SECTION 7. 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 13th day of December, 2011.



Michael L. Norman, Mayor

ATTEST:

  
Kristina L. Kinney  
City Clerk

Case No. Ordinance  
No 3894

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication December 16, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 16 day of December, 20 11

[Signature]  
Notary Public

My appt. expires 3/9/12



=====

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 11, SECTIONS 2-6,  
INCLUSIVE, OF THE MUNICIPAL CODE, REGULATING THE REGISTRATION OF  
CATS; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS.**

=====

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

SECTION 1. Title 6, Chapter 11, Section 2 of the Municipal  
Code is hereby amended to read as follows:

**6-11-2: VACCINATION AND REGISTRATION REQUIRED:**

(A) It shall be unlawful for any person within the corporate limits of the city to own or keep any cat without having the cat inoculated against rabies according to current, recognized veterinary practices. The rabies inoculation shall be administered as directed by Kansas law and shall be attested by or under the signature of a Kansas licensed veterinarian, showing at least the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered and the manufacturer's stated life span or period of efficacy of such. Such inoculation shall be maintained in a current state at all times; and,

(B) It shall be unlawful for any person within the corporate limits of the city to own or keep any cat without registering such cat with the city clerk, as provided by this chapter of the Municipal Code, and no cat shall be allowed outside the owner's dwelling unless the cat shall wear a collar or harness with the registration tag issued by the city securely affixed thereto in such a manner that it may at all times be easily visible.

SECTION 2. Title 6, Chapter 11, Section 3 of the Municipal Code is hereby amended to read as follows:

**6-11-3: ANNUAL REGISTRATION:** All cat registrations issued by the city clerk hereunder shall be valid until December 31 of the year in which the same are issued; provided, however, such registration shall be subject to cancellation at the expiration of the rabies vaccination certificate as elsewhere provided in this chapter.

SECTION 3. Title 6, Chapter 11, Section 4 of the Municipal

Code is hereby amended to read as follows:

6-11-4: **REGISTRATION FEES:** Between January 1st and before March 1st of each year, the cat owner shall register all cats owned or kept by such owner with the city clerk and shall pay the following fees:

(A) Seven Dollars Fifty Cents (\$7.50) for each neutered or sexually altered cat.

(B) Twenty Dollars (\$20.00) for each cat which has not been neutered or sexually altered.

(C) It shall be presumed that any cat is in a natural state unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath. Such evidence may be permanently entered or filed in the city clerk's registration books.

SECTION 4. Title 6, Chapter 2, Section 5 of the Municipal Code is hereby amended to read as follows:

6-2-5: **LATE REGISTRATION FEES; EXCEPTIONS:** On and after March 1 of each year, the city clerk shall collect a registration fee of twice the amount provided in Section 4 of this chapter; provided, however, that new residents of the city or persons acquiring a cat or owning a cat which attains the age of registration after January 1 of any year shall have ten (10) days from such date of residency, acquisition, or attainment of age to register such cat at the fee set forth in Section 4 of this chapter; otherwise the late registration fees in this section shall apply.

SECTION 5. Title 6, Chapter 11, Section 6 of the Municipal Code is hereby amended to read as follows:

6-11-6: **REGISTRATION PROCEDURE:**

(A) No registration shall be accomplished unless the owner or keeper of the cat shall present a certificate or other satisfactory proof showing then current inoculation against rabies. Upon payment of the fees required by this chapter, the city clerk shall record the following information for each cat registered: the owner's name and address; the color, breed, sex, age, weight, names (if any), and date of vaccination of cat. After recording said information, the city clerk shall issue a license to said owner, and shall provide for each cat so registered a tag of metal or other

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durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the cat at all times when the cat is outside the owner's dwelling.

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(B) In the event any such tag is lost or becomes illegible, replacement tags shall be issued upon the payment of the sum of Five Dollars (\$5.00) each.

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(C) In the event the rabies vaccination certificate expires during any registration period, the city clerk shall thirty days prior to such expiration date notify the licensee of the forthcoming expiration and in such notice shall advise that the annual registration is subject to revocation if such vaccination is allowed to expire. If, at the said date of expiration, renewal certification of rabies vaccination shall not be provided, the city clerk shall notify the licensee that the registration on such cat is revoked and that the licensee is liable to citation and prosecution if such cat remains in the licensee's custody within the City of Garnett. All such notices shall be mailed by first class mail to licensee at the address on such license.

(D) The city clerk may between December 1 and December 31 of each year cause notice to be given of the upcoming registration period for cat by publication or advertisement in an official city newspaper.

SECTION 6. Title 6, Chapter 11, Sections 2 through 6, inclusive, of the Municipal Code as the same presently exists are hereby repealed.

SECTION 7. 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 13th day of December, 2011.

Michael L. Norman  
Michael L. Norman, Mayor

ATTEST:

Kristina L. Kinney  
Kristina L. Kinney  
City Clerk



Case No. Ordinance  
No. 3895

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

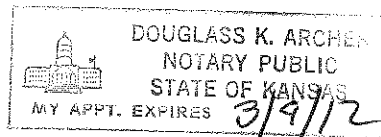
1st publication December 16, 2011  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 16 day of December, 2011

[Signature]  
Notary Public

My appt. expires 3/9/12





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AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 10 OF THE MUNICIPAL CODE, SETTING FORTH THE CITY OF GARNETT, KANSAS' UTILITY RESTORATION POLICY; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1. Title 4, Chapter 4, Section 10 of the Municipal Code is hereby amended to read as follows:

4-4-10: **UTILITY RESTORATION POLICY:** Any municipal utility service disconnected or shut-off by reason of nonpayment of the regular and customary charges therefor by the customer will not be reconnected or turned on, or otherwise restored:

(A) Until the customer shall have paid the sum of fifty dollars (\$50.00) for a restoration fee, which said charge shall be made in addition to all other charges permitted or required by applicable ordinances of this city.

(B) Such disconnected or shut-off utility service or services shall not be turned on or reconnected, or otherwise restored, on Saturdays, Sundays, holidays, or after normal working hours on any weekday.

(C) The terms "disconnected" and "shut-off" shall include any service on which the procedure for actual, physical disconnection or shut-off has been commenced administratively, but which may not yet actually have been completed, the disconnection or shut-off being deemed to have occurred at the first moment such action becomes legally permitted.

SECTION 2. Title 4, Chapter 4, Section 10 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 24th day of January, 2012.



Michael L. Norman, Mayor

ATTEST:



Kristina L. Kinney  
City Clerk

Case No. Ordinance No. 3899

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication January 27, 2012

2nd publication \_\_\_\_\_

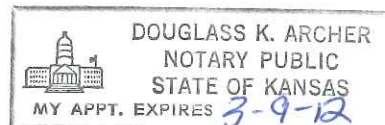
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 27 day of January, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-12



ORDINANCE NO. 3903

=====

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON CERTAIN PUBLIC STREETS IN GARNETT, KANSAS; ESTABLISHING RULES FOR THE SAME AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; AND, REPEALING SECTION 114.4 OF THE 2011 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 3877.

=====

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

SECTION 1: DEFINITION. The term "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

Section 2: OPERATION OF GOLF CARTS ON PUBLIC WAYS. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; PROVIDED, HOWEVER, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour; AND, PROVIDED, FURTHER, that the provisions of this subsection shall not prohibit a golf cart from crossing a street or highway with a posted speed limit greater than 30 miles per hour.

(b) No golf cart shall be operated on any interstate highway, federal highway or state highway; PROVIDED, HOWEVER, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway.

(c) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(d) No golf cart shall be operated on any public highway, street, road or alley unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle. For the purpose of this sub-section, the term "slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717, and amendments thereto. Such emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

(e) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle as are imposed by Kansas law or other ordinances of the City of Garnett, Kansas.

SECTION 3: SAME; VALID DRIVER'S LICENSE REQUIRED; SEPARATE PENALTY FOR VIOLATION. No person shall operate a golf cart on

any public highway, street, road or alley within the corporate limits of the city unless such person has a valid Class C (or higher) driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

SECTION 4: SAME; INSURANCE REQUIRED; SEPARATE PENALTY FOR VIOLATION. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such golf cart and its operation upon such public way shall be covered by liability insurance in accordance with Section 200 of the current Standard Traffic Ordinance as adopted by the City of Garnett, Kansas, and any amendments thereto, and with the Kansas Automobile Injury Reparations Act. K.S.A. 40-3101, et seq., and amendments thereto. All provisions of said Section 200, including penalty provisions, shall be applicable to all golf carts and to all owners and operators thereof on public ways.

SECTION 5: SAME; PENALTY. Unless otherwise specifically provided herein, a violation of the provisions hereof shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with penalty provisions applicable to the Standard Traffic Ordinance then in force within the City of Garnett, Kansas, or such other similar penalty provision as the city may then have in effect.

SECTION 6: REPEALER. Section 114.4 of the 2011 Standard Traffic Ordinance, as adopted by the City of Garnett, Kansas, in Ordinance No. 3877 is hereby repealed.

SECTION 7: EFFECTIVE DATE. 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 13th day of March, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance # 3903

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

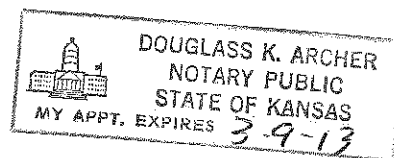
1st publication March 16, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

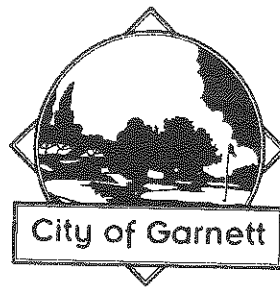
Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 19 day of March, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13





MEMO

TO: Commissioners and City Manager  
FROM: Terry J. Solander, City Attorney  
SUBJECT: Golf Carts

=====  
Cities now can allow operation of golf carts on certain streets. K.S.A. 8-15,108. This statute absolutely prohibits the operation of golf carts, anywhere in Kansas:

- (a) on any interstate, federal or state highway;
- (b) upon any street or highway with a posted speed limit greater than 30 miles per hour; or,
- (c) on any public highway or street between sunset and sunrise (in other words, at night).

The statute also prohibits the operation of golf carts on any public highway or street within the corporate limits of any city. This particular prohibition, however, may be lifted by the city.

The city's allowance of such operation may be without further restriction (except in "a", "b" and "c" above, which are not optional); or, may be conditioned on such further, optional restrictions such as requiring the operator to have a valid driver's license, requiring the operator to have automotive type liability insurance, requiring such cart to display a "slow moving vehicle triangle", local registration of the cart with the city's police department (may require a fee for such registration, display of tag, etc).

If operation of golf carts on streets is to be allowed in Garnett, then I think that some of these restrictions make imminent sense. Others, such as the registration of the vehicle and issuance of tags may prove to be an administrative burden or expense without much benefit to be gained. Furthermore, the liability insurance requirement may prove to be difficult for the operator to purchase. It is my understanding that some automobile insurance companies do not include such coverage in their basic automobile liability coverage and also do not offer such coverages separately.

Note that Kansas law defines golf carts as a motor vehicle having not less than 3 wheels and an empty weight of not more than 1,800 pounds and designed to be operated at not more than 25

Memo to Commission and City Manager  
RE: Golf Carts  
Page 2

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miles per hour and to carry not more than 4 persons, including the driver. No other type of vehicle can be included or "defined" as a golf cart.

Other vehicles similar to golf carts, including work-site utility vehicles, micro utility trucks, and all terrain vehicles, now can be permitted, too. However, the laws addressing these other vehicles are slightly different. And, motorized wheel-chairs are not considered in the same context as any of these specialized motor vehicles. Generally, motorized wheel chairs may not be restricted beyond state law and can travel upon most public ways. Thus, those other particular vehicles are not covered by this memo.

So, in conclusion, a city may allow operation of golf carts upon certain of its public streets.

Dated February 23, 2012.



ORDINANCE NO. 3905

=====

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 10 OF THE  
MUNICIPAL CODE RELATING TO BURNING OF REFUSE WITHIN THE CITY;  
REPEALING EXISTING TITLE, CHAPTER AND SECTION.**

=====

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

SECTION 1: Title 7, Chapter 2, Section 10 of the Municipal  
Code is hereby amended to read as follows:

**7-2-10: BURNING OF REFUSE:**

(A) No person shall burn any construction materials or  
refuse, especially refuse consisting of leather,  
rubber, plastic, organic material, or any other  
substance which produces odor within the city.

(B) Commercial or industrial producers of any of the  
types of materials described in sub-paragraph (A) above  
may obtain a permit for burning such materials in an  
approved type incinerator that is in compliance with  
all existing federal and state standards.

(C) Brush, leaves and similar yard waste may be burned  
on premises other than at a time when there is a "Fire  
Ban" imposed by city, county or state officials. All  
such burning shall be conducted in a reasonable manner  
and the following rules shall be observed:

1. Before starting to burn, the law enforcement  
dispatch center shall be notified by telephone.
2. No fire shall be left unattended. All fires  
shall be completely extinguished before leaving  
the site unattended.
3. No burning shall occur in any public right of  
way. The site of such fire shall be clear of  
overhead utility lines and clear of any exposure  
threat to any structure.
4. A source of water or other adequate means of  
extinguishing the burn pile shall be available at  
all times of burning.
5. Burning shall occur only during daylight  
hours.

No person shall burn commercial wastes, hazardous  
wastes or garbage or burn in any manner contrary to  
sub-paragraph (A) above.

(D) Nothing in this section shall be construed to

prohibit the burning of wood, coal or other fuel in a residential fireplace or stove, nor the burning of wood, coal or charcoal for the purpose of cooking, whether inside or outside a dwelling.

SECTION 2: Title 7, Chapter 2, Section 10 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists is hereby repealed.

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

PASSED this 27th day of March, 2012.

Michael L. Morris  
Mayor

ATTEST:

Christina L. Finney  
City Clerk

Case No. Ordinance # 3905

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

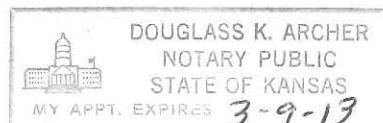
1st publication March 30, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 2 day of April, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



(PUBLISHED IN *THE ADVOCATE* ON APRIL \_\_\_\_, 2012)

**ORDINANCE NO. 3908**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

**WHEREAS**, the City of Garnett, Kansas (the "City") is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, pursuant to Article 12, § 5 of the Constitution of the State of Kansas (the "Home Rule Amendment") and the statutes and resolution referenced below (the "Authorizations") the governing body of the City has authorized the following internal improvements described as follows (the "Water System Improvements"):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority</u>	<u>Amount</u>
Water and Sewer System Improvements	4/10/12-1	Charter Ordinance 20, K.S.A. 12-101 <i>et seq.</i> , K.S.A. 65-163d <i>et seq.</i>	\$5,227,724.54

; and

**WHEREAS**, the City has arranged for financing of the Improvements by the execution of loan agreement described as follows (collectively, the "Loans"):

<u>Obligation</u>	<u>Loan No.</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>	<u>Redemption Date</u> <sup>2</sup>
KDHE	KPWSLF 2242	11-01-2001	02-01-2024	\$1,200,694.36	\$793,695.83	05-16-2012
KDHE	KWPCRF C20 1348 01	03-19-2001	09-01-2022	\$3,300,000.00	\$1,980,540.70	05-16-2012
KDHE	KWPCRF C20 1450 01	11-14-1996	09-01-2017	\$727,030.18	\$232,228.04	05-16-2012

<sup>2</sup> Or as soon thereafter as possible

; and

**WHEREAS**, in order to restructure debt payments and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants for the City to issue its general obligation bonds in order to permanently finance the costs of such Water System Improvements and to retire the Loans, and

**WHEREAS**, the Home Rule Amendment: (a) empowers cities to determine their local affairs and government; and (b) provides that such power and authority granted thereby to cities: (1) shall be liberally construed for the purpose of giving to cities the largest measure of self-government and (2) shall

be exercised by ordinance, subject only to: (i) enactments of the Kansas legislature of statewide concern applicable uniformly to all cities, (ii) other enactments of the legislature applicable uniformly to all cities, (iii) enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other action and (iv) enactments of the legislature prescribing limits of indebtedness; and

**WHEREAS**, the Kansas Supreme Court has considered the Home Rule Amendment and determined that: (a) home rule legislation should be permitted to stand unless an actual conflict exists between the home rule legislation and a state legislative enactment, or unless the legislature has clearly preempted the field so as to preclude municipal action; and (b) legislative intent to reserve to the state exclusive jurisdiction to regulate an area must be clearly manifested by statute before it can be held that the state has withdrawn from the cities the power to regulate in the field (*McCarthy v. City of Leawood*, 257 Kan. 566 (1995); *Junction City v. Lee*, 216 Kan. 495 (1975)); and

**WHEREAS**, the Authorizations authorize the City to issue general obligation bonds to finance the Water System Improvements, but neither authorize nor prohibits the issuance of general obligation bonds to prepay and retire the Loan incurred under such enactments; and

**WHEREAS**, the governing body of the City now further finds and determines that: (a) there are no enactments of the Kansas legislature of statewide concern applicable uniformly to all cities or applicable to the City relating to the issuance of general obligation bonds to prepay and retire loans incurred under the Authorizations; (b) no conflict would exist between a City ordinance authorizing the issuance of general obligation bonds to prepay and retire the Loans; and (c) the legislature has not clearly preempted, or clearly manifested its intent to preempt, the field of municipal finance so as to preclude a City ordinance authorizing the issuance of general obligation bonds to prepay and retire the Loans; and

**WHEREAS**, the City is a city within the meaning of the Home Rule Amendment; and

**WHEREAS**, the City proposes to issue its general obligation bonds to retire the Loans; and

**WHEREAS**, the City heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

**WHEREAS**, in order to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

**WHEREAS**, the City proposes to issue its General Obligation Refunding Bonds, Series 2012 to pay the costs of the Water System Improvements, retire the Loans and refund the Refunded Bonds.

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

**Section 1. Definitions of Words and Terms.** In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

**"Act"** means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.*, and K.S.A. 65-163u, Charter Ordinance No. 20 of

the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

**"Bond and Interest Fund"** means the Bond and Interest Fund of the City for its general obligation bonds.

**"Bond Resolution"** means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

**"Bonds"** means the City's General Obligation Refunding Bonds, Series 2012, dated May 15, 2012, authorized by this Ordinance.

**"City"** means the City of Garnett, Kansas.

**"Clerk"** means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk.

**"KDHE"** means the Kansas Department of Health and Environment.

**"Loans"** means, collectively: (a) the KDHE Loan KPWSLF 2242 between the City and KDHE, dated November 1, 2001, maturing February 1, 2024, in the aggregate outstanding principal amount of \$793,695.83; (b) the KDHE Loan KWPCRF C20 1348 01 between the City and KDHE dated March 19, 2001, maturing September 1, 2022, in the aggregate outstanding principal amount of \$1,980,540.70; and (c) the KDHE Loan KWPCRF C20 1450 01 between the City and KDHE dated November 14, 1996, maturing September 1, 2017, in the aggregate outstanding principal amount of \$232,228.04.

**"Mayor"** means the duly elected and acting Mayor of the City or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**"Ordinance"** means this Ordinance authorizing the issuance of the Bonds.

**"Refunded Bonds"** means a portion of the Series 2002-A Bonds maturing in the year 2012, in the aggregate principal amount of \$10,000.

**"Series 2002-A Bonds"** means the City's General Obligation Bonds, Series 2002-A, dated December 1, 2002.

**"State"** means the State of Kansas.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding Bonds, Series 2012, of the City in the principal amount of \$3,010,000, for the purpose of providing funds to: (a) pay a portion of the costs of Water System Improvement; (b) refund the Loans; (c) refund the Refunded Bonds; and (d) pay costs of issuance of the Bonds.

**Section 3. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.



**Section 4. Terms, Details and Conditions of the Bonds.** The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

**Section 5. Levy and Collection of Annual Tax.** The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

**Section 6. 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 7. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

**PASSED** by the governing body of the City on April 24, 2012 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



Case No. Ordinance No 3908

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

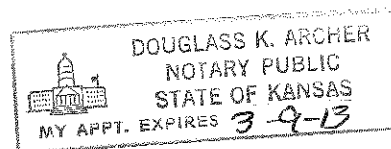
1st publication April 27, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 8 day of May, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



Ordinance No. 3909

**AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF GARNETT, KANSAS.**

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

**Section 1.** Pursuant to K.S.A. 41-2911(b)(1), the sale at retail of cereal malt beverages in the original package is allowed within the city on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 P.M.

**Section 2.** Pursuant to K.S.A. 41-2911(b)(1), the sale at retail of alcoholic liquor in the original package is allowed within the city on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 P.M., and on Memorial Day, Independence Day and Labor Day.

**Section 3.** This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

**Section 4.** This ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in K.S.A. 41-2911(b)(1), in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

**PASSED and APPROVED** this 24<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance No.  
3909

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

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The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 2 consecutive weeks, to-wit:

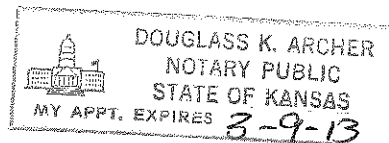
1st publication April 27, 2012  
2nd publication May 4, 2012  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 8 day of May, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



ORDINANCE NO. 3911

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 for 3½ years; 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 \$7,094.35 incurred through March 26, 2012 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED THIS 8th day of May, 2012.

Attest:

Christina R. Finney

Greg A. Jones  
Mayor

## Attachment to Ordinance No. 3911

Page Two

<u>NAME</u>	<u>AMOUNT</u>
Mischia Akers (Collection Fee)	43.35
Jennifer Billion (Out of State)	506.88
Tina Bishop	747.33
Tyrone Black (Collection Fee)	54.50
Warren Boseker	315.09
Trista Brown (Collection Fee)	37.26
Veronica Bystedt (Out of State)	299.50
Zenaida Chavez (Collection Fee)	21.04
Ashley Crenshaw (Out of State)	143.14
Corey Denny (Out of State)	160.61
Loretta Edwards (Deceased)	6.21
Levi Gingerich	337.77
Derek Hilliard	346.97
Doug Hutchcraft (Collection Fee)	35.57
Cheryl Johnston	19.65
Arthur Lundgren (Deceased)	74.53
Jerry McAfee Jr. (Collection Fee)	160.59
Scott Norris (Out of State)	158.76
Misty and Justin Parmely (Bankruptcy)	630.95
Theodore Pope (Deceased)	234.34
Jeremy Roberts (Bankruptcy)	398.24
Patricia Romig and Ashley May (Collection Fee)	29.62
Annette Sharp (Out of State)	179.71
Jenni Simpson	336.72
Timothy Starr (Collection Fee)	45.28
Brian D. Stoy Jr.	156.17
Jeff Tummons	418.40
Gwendolyn Vogt (Deceased)	199.99
Michael Vollmer	185.44
Danny Walton	411.26
Nancy Wheeler (Collection Fee)	71.73
Karen Whitcomb (Deceased)	291.89
David and Stella Williams (Collection Fee)	35.86

\$ 7,094.35

Case No. Ordinance  
# 3911

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 18 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22 day of May, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



**ORDINANCE NO. 3912**

**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: Proper notice having been given and public hearing held as provided by law, and having received a recommendation from the Planning Commission, the zoning classification or district of the following described land situate in Anderson County, Kansas, to-wit:

Application No. 01-12: Lot 14, Block 11 in the City of Garnett is hereby changed from R-2 Residential Medium Density District to B-1 General Business District.

Application No.02-12: Lot 3, Block 11 in the City of Garnett is hereby changed from B-1 General Business District to R-2 Residential Medium Density District.

Application No. 03-12: Lot 4, Block 10 in the City of Garnett is hereby changed from B-1 General Business District to R-2 Residential Medium Density 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 No. 3059 under which authority this ordinance is adopted.

Section 3: This ordinance shall be effective 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 voting Aye, 0 voting Nay, this 18th day of May, 2012

  
\_\_\_\_\_  
Mayor

Attest:

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



Case No. Ordinance  
# 3912

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for \_\_\_\_\_ consecutive weeks, to-wit:

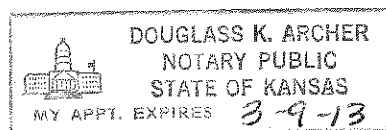
1st publication May 18, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22 day of May, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



=====

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21 OF THE  
MUNICIPAL CODE, ESTABLISHING PROCEDURES AND RULES GOVERNING  
CAMPING IN CITY PARKS; 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 9, Chapter 5, Section 21 of the Municipal  
Code is hereby amended to read as follows:

9-5-21: **CAMPING IN CITY PARKS:**

- (A) Camping shall be permitted only in designated areas, and camping in any other area is declared to be a misdemeanor. The City Commission may, upon written request, permit camping in other locations upon such terms and conditions as shall be specified by the Commission, either in a written resolution approving the same or in a written contract. Anyone camping under the authority of such a resolution or contract shall have a copy of that document in their possession at all times and shall display such copy to any City police officer or park ranger.
- (B) Payment of Fees: Payment of the fees required for each camping unit by the following sub-section shall be made to the City in any manner established by the City Manager and may include a system of self-pay at the area of the camping sites. The receipt provided by the City for such fee shall be displayed at the campsite, either in the camping unit or in any space provided by the City at the site. In any event, such receipt shall be displayed in such a way as to be readily visible.
- (C) The following fees shall be paid for each camping unit as hereinafter defined:

Overnight camping (per unit/per night)  
without services (Wilderness)

Garnett resident	\$ 5.00
Anderson County resident	7.00
All others	9.00

Overnight camping (per unit/per night)  
with electric hookup

Garnett resident	10.00
Anderson County resident	12.00
All others	14.00

Overnight camping (per unit/per night)  
with electric hookup and water

Garnett resident	12.00
Anderson County resident	14.00
All others	16.00

(D) All vehicles, camper registrants and the general public alike, shall observe a 10 MPH speed limit on all access roads leading to or running from any camp sites or within any campgrounds.

(E) All persons camping shall observe the following rules:

1. No camping permit shall be issued to any person under eighteen (18) years of age, nor shall any camping unit be permitted to remain at a campsite unless some person eighteen (18) years of age or older is available and responsible for it.

2. No camping unit shall stay at one campsite for more than seven (7) consecutive days, and upon completion of any camping period in excess of five (5) days, the camping unit shall not be re-admitted to that park until five (5) additional days shall have elapsed following its departure.

3. No camping unit nor any camping equipment shall be left unattended for a period exceeding twenty four (24) hours.

4. Pets are allowed but must be on a leash, not longer than 6 feet. Pets shall never be left unattended and shall be kept inside the camping unit after 11:00 p.m. All dogs and cats must have current rabies vaccination and display current collar tags. Campers are required to clean up after his or her pet. Feces must be removed for park cleanliness and health concerns. Any pet creating a nuisance, and in the case of a dog which is noisy and/or barks continuously, will be asked to leave.

5. Radios, TVs and music players/systems; power tools and equipment, including generators; and general conversation, etc. must be kept at a level

that is not offensive to camping neighbors. Quiet time shall be observed from 11:00 p.m. to 7:30 a.m. the following day.

6. All generally applicable park rules and regulations shall be observed by all campers.

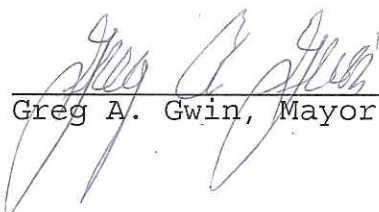
(F) For purposes of this section, the term "camping unit" may include more than one vehicle, tent, device, or other structure, provided such do not together occupy more than one campsite space; and, provided further, that such multiple components shall be occupied by a group of people who live together in the same residence and have the same residential address.

(G) Any camper or member of the camper's party or their guest failing to observe any provision of this section shall, upon conviction thereof, be punished as provided in the general penalty provisions of the Municipal Code. In addition or as an alternative to prosecution in municipal court, he or she shall be subject to eviction from the camping area. Any camping registrant who is asked to leave for a violation hereof and who fails to do so shall commit a violation of this section and each day he or she remains at the site in defiance thereof and shall be a separate violation.

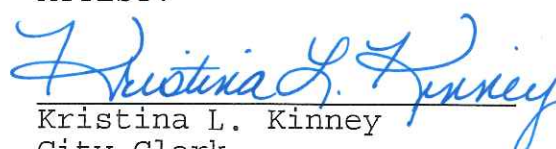
SECTION 2. Title 9, Chapter 5, Section 21 of the Municipal Code as the same presently exists is hereby repealed.

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 12th day of June, 2012.

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristina L. Kinney  
City Clerk

Case No. Ordinance No 3914

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication June 15, 2012

2nd publication \_\_\_\_\_

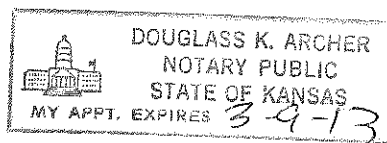
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 20 day of June, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



ORDINANCE NO. 3918

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AN ORDINANCE AMENDING TITLE 2, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE RELATING TO MEMBERSHIP ON THE PARKS AND RECREATION ADVISORY BOARD; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

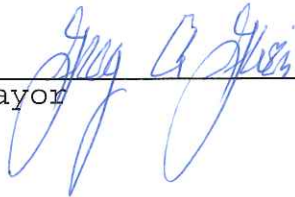
SECTION 1: Title 2, Chapter 1, Section 3 of the Municipal Code is hereby amended to read as follows:

2-1-3: **PARKS AND RECREATION ADVISORY BOARD:** There is hereby created a parks and recreation advisory board. The board shall consist of seven (7) members to be appointed by the governing body. No more than two (2) members thereof shall reside outside of the City; the remaining members shall reside within the corporate limits of Garnett.


SECTION 2: Title 2, Chapter 1, Section 3 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists is hereby repealed.

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

PASSED this 10th day of July, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
#3918

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

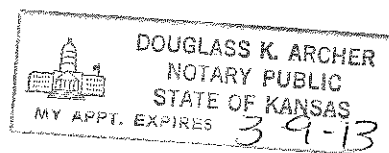
1st publication July 13, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 19 day of July, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13





AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE DEFINING CERTAIN TERMS IN CONNECTION WITH CODE PROVISIONS REGULATING THE OWNERSHIP AND REGISTRATION OF DOGS; AMENDING TITLE 6, CHAPTER 2, SECTIONS 2 AND 6 DEALING WITH THE REGISTRATION, VACCINATION REQUIREMENTS, AND REGISTRATION PROCEDURES; AND AMENDING TITLE 6, CHAPTER 2, SECTION 14 DECLARING CRUELTY TO DOGS TO BE UNLAWFUL; REPEALING EXISTING SECTIONS THUS AMENDED.

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

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

6-2-1: DEFINITION: For the purposes herein, the following words and phrases shall have the meanings set opposite them:

- (A) "Dog" shall mean all members of the canis familiaris, male or female, six (6) months of age or older.
- (B) "Own" shall mean and include own, or keep, or harbor, or shelter, or manage, or possess, or to have a part interest in any dog. If a minor owns a dog subject to the provisions of this Ordinance, the head of the household of which such minor owner is a member shall be deemed the owner of such dog for the purpose of this Ordinance and under this Ordinance shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this Ordinance.
- (C) "Owner" shall mean one who owns, his employee or agent, or other competent person into whose charge the actual owner has committed his dog's care or control, whether for a fee or otherwise.
- (D) "Household" shall mean those members of a family living in the same dwelling unit.
- (E) "At Large". Any dog shall be deemed to be at large when it is off the premises occupied by the owner's household as their abode and when not accompanied by its owner.
- (F) "Vicious Dog" shall mean any dog which is fierce, dangerous, mean or uncontrollable; or one which has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.
- (G) "Person" shall mean any individual, firm, association, partnership or corporation.
- (H) "City Manager" shall include his deputy, delegate, alternate or appointee.
- (I) "Competent Person" shall mean any human being who is capable of controlling the dog in question and to whose command the dog is obedient.

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

6-2-2: REGISTRATION AND VACCINATION REQUIREMENTS:

It shall be unlawful for any person within the corporate limits of the City to own any dog without first having had the dog inoculated against rabies according to current veterinarian practices and paying the annual registration fee to the City Clerk. The rabies inoculation, if administered by or under the supervision and direction of a licensed veterinarian, shall be attested upon a certificate, the form of which shall be approved by the City and signed by or at the direction of the said veterinarian. If administered by the owner or another person acting on behalf of the owner who is not a licensed veterinarian, then such shall be attested under oath on a form provided by the City, which shall include, at the minimum, the identity of the person administering the vaccination, the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered, and the manufacturer's stated life span or period of efficacy of such inoculation. No registration shall be accomplished unless the owner seeking such registration shall present such a certificate or affidavit properly completed to the City Clerk.

SECTION 3: Title 6, Chapter 2, Section 6 of the Municipal Code is hereby amended to read as follows:

6-2-6: REGISTRATION PROCEDURE:

- (A) The City Clerk, upon presentation of a certificate or affidavit showing then current inoculation against rabies and upon payment of the fees, all as hereinbefore set out, shall record the following information for each dog registered: Owner's name; his address; color, breed, sex, age, weight, names (if any), and date of vaccination of dog. After recording said information, the City Clerk shall issue a license to said owner, and shall provide for each dog so registered a tag of metal or other durable substance, having stamped or marked thereon the registration number which corresponds to the number of the registration record. This tag shall be kept on the dog at all times when the dog is outside the dwelling of the owner.
- (B) The owner of any dog shall cause the same to wear a collar or harness while said dog is outside the dwelling of the owner. The tag herein required shall be securely affixed to the collar or harness of each dog registered. The tag shall be situated on the collar or harness in such a manner that it may at all times be easily visible. Replacement tags shall be issued upon the payment of the sum of one dollar (\$1.00) each.
- (C) The City Clerk may between December 1 and December 31 of each year cause notice to be given of the upcoming registration period for dogs by publication once in the official City newspaper.

SECTION 4: Title 6, Chapter 2, Section 14 of the Municipal Code is hereby amended to read as follows:

6-2-14: CRUELTY TO DOGS UNLAWFUL:

- (A) It shall be unlawful for any person:
  - 1. Intentionally to kill, injure, maim, torture, or mutilate any dog;

2. Abandon or leave any dog in any place without making provisions for its proper care; or
3. Having physical custody of any dog and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of dog.

(B) The provisions of this Section shall not apply to:

1. Normal or accepted veterinary practices;
2. *Bona fide* experiments carried on by commonly recognized research facilities; or
3. The humane killing of any dog which is diseased or disabled beyond recovery for any useful purpose.


SECTION 5: Title 6, Chapter 2, Sections 1, 2, 6, and 14 as the same presently exists are hereby repealed.

SECTION 6: 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 and APPROVED This 28th day of December, 1989.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

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AN ORDINANCE AMENDING THE ENTIRETY OF TITLE 6, CHAPTER 2A OF THE MUNICIPAL CODE, REGULATING THE KEEPING OF CERTAIN DOGS AND ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS THEREOF; ALSO REPEALING TITLE 6, CHAPTER 2, SECTION 10.

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

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

**6-2A-1: DEFINITIONS:** The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or where such is defined otherwise in Chapter 2 hereof:

(A) "Animal shelter" means any premises designated by the City of Garnett administrative authority for the purpose of impounding and caring for animals held under authority of this title.

(B) "Dangerous dog" shall mean any of the following:

(1) Any dog with a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property other than on the property of the owner; or

(3) Any dog which, unprovoked, attacks or bites, or has attacked or bitten a human being or domestic animal; or

(4) Any dog which was previously determined to be a vicious animal pursuant to the previous provision, Title 6, Chapter 2, Section 10, of the Garnett Municipal Code; or

(5) Any dog owned or harbored primarily for the purpose of dog fighting shall only be considered dangerous if the dog is evaluated and dangerousness is concluded by a licensed veterinarian or a dog trainer certified by the Certification Council for Professional

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Dog Trainers with experience in evaluating dogs seized in similar cruelty cases.

(6) Notwithstanding the definition of a "dangerous dog" above, no dog may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

(7) No dog may be declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared dangerous if the dog was protecting or defending a human being or if the dog was protecting or defending her litter of offspring or offspring on the owner's property, within the immediate vicinity of the dog, from an attack or assault.

(8) Nothing in this chapter shall be deemed to regulate or prohibit the lawful maintenance and use of dogs by law enforcement agencies or include actions by a law enforcement dog while on duty or while performing duties.

(C) "Owner" means any person owning, keeping, possessing or harboring any animal, or any person operating a kennel. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.

(D) "Secure enclosure" or "secure six-sided enclosure" shall mean a pen, kennel or structure with secure sides, a secure top attached to the sides and a secure bottom or floor attached to the sides of the pen or embedded in the ground no less than two feet. The secure enclosure must be at least six feet from any public sidewalk or street. The secure enclosure, other than a residence, must be locked with a key or combination lock when animals are within the enclosure. If the secured enclosure is a residence, then all doors, windows or other means of egress shall be secured in a manner to prevent an animal from escaping. All secure enclosures must comply with all zoning and building regulations of the city. All secure enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(E) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations

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requiring multiple sutures or cosmetic surgery to treat and correct.

(F) "Vicious" means a cross, ferocious or dangerous disposition or a habit, tendency or disposition to snap, attack or bite any person or domestic animal.

SECTION 2. Title 6, Chapter 2A, Section 4(D) of the Municipal Code is hereby amended to read as follows:

**6-2A-2: DANGEROUS DOGS:**

(A) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined in this Chapter, the animal control officer or law enforcement officer may seize and impound such animal in any animal shelter unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal. If an animal is impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such impoundment to review the propriety of such impoundment and whether a bond may be posted. Impoundment expenses shall be assessed as court costs against a convicted owner and any bond may be applied to such costs.

(B) Dogs seized in connection with dog fighting shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance with applicable Kansas statutes.

(C) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person who owns, harbors, keeps or possesses a dangerous dog when such officer has probable cause to believe an act or acts which are made unlawful by the provisions of this Chapter have occurred.

(D) It shall be unlawful for any person to keep or possess a dangerous dog except as provided in this Chapter, or to violate any of the provisions of this Chapter.

SECTION 3. Title 6, Chapter 2A, Section 3 of the Municipal

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Code is hereby amended to read as follows:

**6-2A-3: RESTRICTIONS ON KEEPING DANGEROUS DOGS:** If the municipal court judge determines that a dog is dangerous pursuant to this chapter, the owner of the dangerous dog shall be required to comply with the following:

(A) Registration. The owner shall annually register the dangerous dog with the city, in the same manner and same time as provided for any other dog, in Title 6, Chapter 2. The city may require one or more special or additional forms for the dangerous dog and the owner shall pay a \$50 annual registration fee for the year, or any part thereof, of first registration. Such registration shall be valid for the remainder of the year and thereafter shall be subject to renewal on a calendar year basis, at the rate of \$50 per annum, in the same manner and at the same time as provided in Title 6, Chapter 2.

(B) Microchipping. The owner shall, at his or her own expense, cause the dangerous dog to be microchipped by a veterinarian or other licensed animal care provided permitted by Kansas law to carry out the procedure. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. Such shall be done before the dangerous dog will be released to the owner.

(C) Sterilization. The owner shall, at his or her own expense, cause the dangerous dog to be sterilized by spaying or neutering. Such shall be done before the dangerous dog will be released to the owner.

(D) Confinement. All dangerous dogs shall be confined in a secure enclosure. It shall be unlawful for any owner to maintain a dangerous dog upon any premises that does not have a secure enclosure. It shall be unlawful for any owner to allow a dangerous dog to be outside of the dwelling of the owner or outside the secured enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required. In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or



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respiration, but shall prevent it from biting any human or animal.

(F) Insurance. The owner of a dangerous dog shall at time of registration as a dangerous dog and continuously thereafter provide proof to the City Clerk of liability insurance in force in a single incident amount of not less than \$100,000 for bodily injury to or death of any person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall be written so as to provide that no cancellation of the policy will be made unless 10 days' written notice is first given to the City Clerk of the City of Garnett.

(G) Time for Compliance. Upon conviction of keeping dangerous dog, the owner shall comply with the provisions of this section within 15 days. The owner shall file proof of sterilization and microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the legal department and if in satisfactory form, the dog may then be released. If the owner fails to comply with the provisions of this section within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within 14 days of the finding to the Anderson County District Court, pursuant to law.

(H) Information to be Kept Current. The owner of a dangerous dog shall keep all information on the licensing and registration papers current. To that end, the owner shall notify the City Clerk within seven days:

1. Any change in address for the owner and the dangerous dog; or,
2. Any sale or disposition of a dangerous dog, including identifying the new owner or recipient of said dog, including such person's name and address.

SECTION 4. Title 6, Chapter 2A, Section 4 of the Municipal Code is hereby amended to read as follows:

**6-2A-4: DANGEROUS DOG -- RUNNING AT LARGE:** Any dog that has been found to be a dangerous dog, or previously found to be a vicious dog under the previous provisions of the Garnett Municipal Code, Title 6, Chapter 2, Section 10, that is not confined or registered as required pursuant to this chapter shall

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be impounded by an animal control officer or a law enforcement officer. Upon conviction, in addition to all costs for impoundment, the owner or keeper shall pay a fine of not less than \$250 nor more than \$499.00. For a second such offense occurring within 24 months, in which the dog is not confined or registered as required pursuant to this Chapter, in addition to all costs for impoundment, the owner or keeper shall pay a fine of not less than \$500 nor more than \$1,000 and the court may order the dog destroyed. For a third such offense occurring within 24 months, in which the dog is not confined or registered as required pursuant to this Chapter, the owner or keeper shall pay a fine of not less than \$500 nor more than \$1,000 and the court may order the dog destroyed.

SECTION 5. Title 6, Chapter 2A, Section 5 of the Municipal Code is hereby amended to read as follows:

**6-2A-5: DANGEROUS DOG -- ATTACK ON HUMAN OR OTHER ANIMAL:** Any dog that has been found to be a dangerous dog, or previously found to be a vicious dog under the previous provisions of the Garnett Municipal Code, Title 6, Chapter 2, Section 10,

(A) which shall severely injure or kill, or assist in such injury or killing, a human being, upon conviction the owner shall pay a fine of at least \$500 and not more than \$1,000 and the court shall order the dog destroyed; or,

(B) which shall

1. attack, assault, wound, bite or otherwise injure (but not in a severe manner) a human being or assist in such injury; or,
2. kill or wound, or assist in killing or wounding, any domestic animal,

upon conviction the owner shall pay a fine of not less than \$250 nor more than \$500, and the court may order the dog destroyed. The court shall, in making a determination to destroy the dog, take into consideration the severity of the attack and such other relevant information.

(C) In addition to the fines provided in this section, the municipal judge shall have the authority to sentence the person adjudicated guilty of any violation of this section to serve up to a maximum of six months in jail.

(D) Any order to destroy a dangerous dog pursuant to sub-sections (A) or (B) hereof, or Section 4, shall be stayed, pending the determination of the complaint,

including any appeal.

(E) It shall be an affirmative defense to any prosecution for violation of sub-sections (A) or (B) of this section that the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being.

(F) If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner.

SECTION 6. Title 6, Chapter 2A of the Municipal Code is hereby supplemented by the addition of the following section, to-wit:

**6-2A-6: DANGEROUS DOG -- COURT'S GENERAL AUTHORITY:**

(A) No person shall harbor, own, or possess a dog that is an immediate threat to public health and safety.

(B) The municipal judge shall have the authority to sentence the person adjudicated guilty of violating this section to serve up to a maximum of six months in jail and to pay a fine not to exceed \$1,000, or both such jail sentence and fine.

(C) Notwithstanding any other provision of this chapter to the contrary, and irrespective of whether the dog has been declared dangerous pursuant to this chapter, the municipal judge may order any dog destroyed if the municipal judge determines that the dog is an immediate threat to public health and safety and that confinement and registration of the dog by the owner or keeper of the dog as provided in this chapter will not adequately protect public health and safety. In making such determination the municipal judge may consider the severity of the attack and such other relevant information.

SECTION 7. Title 6, Chapter 2A of the Municipal Code is hereby supplemented by the addition of the following section, to-wit:

**6-2A-7: GENERAL PENALTY PROVISIONS:**

(A) Any person found guilty of violating the provisions of this chapter for which there is no other penalty stated shall pay a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

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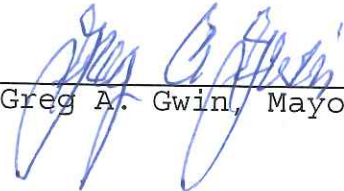
(B) If a person is convicted of a violation of any section or sub-section of this chapter and the animal was transported by the city police department or animal control officer to an animal shelter, then the judge of the municipal court may impose and collect \$50.00 for handling and transportation of the animal, in addition to all other fines and costs.

SECTION 8. (A) All sections of Title 6, Chapter 2A of the Municipal Code as the same presently exist are hereby repealed.

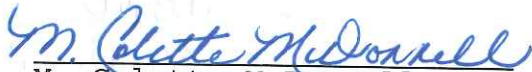
(B) The provisions of Title 6, Chapter 2, Section 10 as the same presently exist are hereby repealed.

SECTION 9. 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 28<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

ATTEST:

  
\_\_\_\_\_  
M. Colette McDonnell  
Deputy City Clerk

Case No. Ordinance  
No. 3921

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

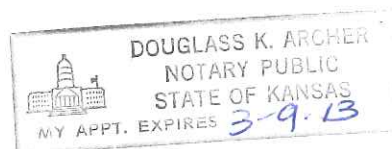
1st publication August 31, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21 day of Sept, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



ORDINANCE NO. 3923

=====

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", 2012 EDITION, 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", 2012 Edition, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3923" 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; and the entirety of Article 11 of the Uniform Public Offense Code, Edition of 2012, 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 28<sup>th</sup> day of August, 2012.

A T T E S T:

Mayor

M. Celeste McDonnell  
City Clerk *Deputy*



Case No. Ordinance  
no 3923

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

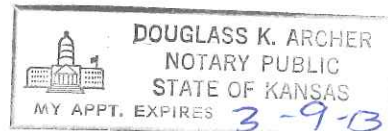
1st publication August 31, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21 day of Sept, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



ORDINANCE NO. 3924

=====

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", 2012 EDITION, 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", 2012 Edition, 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. Not fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3924" 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 14.4 and Section 115; and Article 20, Section 201 (but not Section 201.1) of the Standard Traffic Ordinance for Kansas Cities, Edition of 2012, are

hereby omitted.

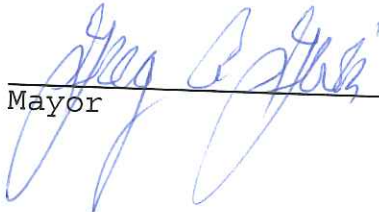
Section 3: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code. The penalty provisions of Section 4 thereof shall be fully applicable hereto.

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 28<sup>th</sup> day of August, 2012.

A T T E S T:

  
\_\_\_\_\_  
Mayor

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

*Deputy*

Case No. Ordinance  
no. 3924

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

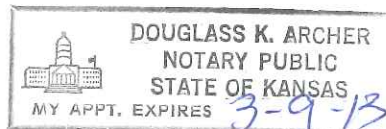
1st publication August 31, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21 day of Sept, 2012

[Signature]  
Notary Public

My appt. expires 3-9-13



=====

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES ON CERTAIN PUBLIC STREETS IN GARNETT, KANSAS; ESTABLISHING RULES FOR THE SAME AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; AND, REPEALING SECTION 114.5 OF THE 2012 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE NO. 3924.

=====

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

SECTION 1: DEFINITION. The term "Work-site Utility Vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site Utility Vehicle" does not include a micro utility truck.

Section 2: OPERATION OF WORK-SITE UTILITY VEHICLES ON PUBLIC WAYS. (a) Work-site Utility Vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city, as provided in this ordinance.

(b) No Work-site Utility Vehicle shall be operated on any interstate highway, federal highway or state highway; PROVIDED, HOWEVER, that the provisions of this subsection shall not prohibit a Work-site Utility Vehicle from crossing a federal or state highway.

(c) No Work-site Utility Vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(d) Every person operating a Work-site Utility Vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle as are imposed by Kansas law or other ordinances of the City of Garnett, Kansas.

SECTION 3: SAME; VALID DRIVER'S LICENSE REQUIRED; SEPARATE PENALTY FOR VIOLATION. No person shall operate a Work-site Utility Vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid Class C (or higher) driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.



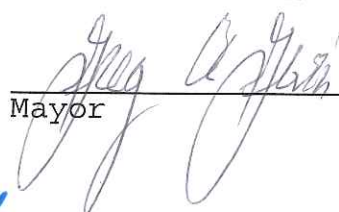
SECTION 4: SAME; INSURANCE REQUIRED; SEPARATE PENALTY FOR VIOLATION. No person shall operate a Work-site Utility Vehicle on any public highway, street, road or alley within the corporate limits of the city unless such Work-site Utility Vehicle and its operation upon such public way shall be covered by liability insurance in accordance with Section 200 of the current Standard Traffic Ordinance as adopted by the City of Garnett, Kansas, and any amendments thereto, and with the Kansas Automobile Injury Reparations Act. K.S.A. 40-3101, et seq., and amendments thereto. All provisions of said Section 200, including penalty provisions, shall be applicable to all Work-site Utility Vehicles and to all owners and operators thereof on public ways.

SECTION 5: SAME; PENALTY. Unless otherwise specifically provided herein, a violation of the provisions hereof shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with penalty provisions applicable to the Standard Traffic Ordinance then in force within the City of Garnett, Kansas, or such other similar penalty provision as the city may then have in effect.


SECTION 6: REPEALER. Section 114.5 of the 2012 Standard Traffic Ordinance, as adopted by the City of Garnett, Kansas, in Ordinance No. 3924 is hereby repealed.

SECTION 7: EFFECTIVE DATE. 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 11th day of September, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
no 3926

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

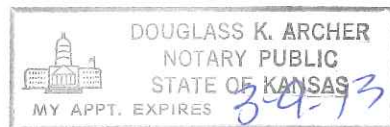
1st publication September 14, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21 day of Sept, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13





=====

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 22 OF THE MUNICIPAL CODE, PROVIDING A PENALTY FOR VIOLATION OF PROVISIONS OF SAID CHAPTER, REGULATING THE KEEPING AND REGISTRATION OF DOGS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1. Title 6, Chapter 2, Section 22 of the Municipal Code is hereby amended to read as follows:

**6-2-22: PENALTY:**

(A) Any person found guilty of violating the provisions of this chapter for which there is no other penalty stated shall, for a first offense, pay a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 30 days, or by both such fine and imprisonment; upon a second conviction thereof within two (2) years immediately preceding shall pay a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and upon a third or subsequent conviction thereof within two (2) years immediately preceding shall pay a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

(B) In addition to any other penalty set out above, the court may, upon finding that any dog or other pet animal is likely to be subject to mistreatment or likely again to be allowed to violate the provisions of this Title and Chapter, or other applicable provisions of the Municipal Code, may order that the defendant not own, keep or possess any dog or other pet animal for a period of up to two years.

(C) If a person is convicted of a violation of any section or sub-section of this chapter and the animal was transported by the city police department or animal control officer to an animal shelter, then the judge of the municipal court may impose and collect not less than an additional \$50.00 for handling and transportation of the animal, in addition to all other fines and costs.

(D) In all cases charging a violation of Sections 8-13, inclusive, of this Title and Chapter, the court may impose a fine twice that set out in sub-section (A) above (but not to exceed the sum of \$1,000.00), if the

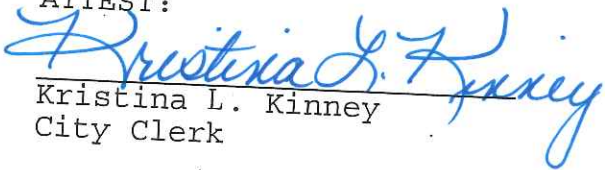
court also finds that the dog involved in the said violation was, at the time of the violation, an unregistered dog.

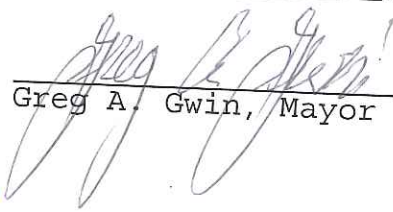
SECTION 2. Title 6, Chapter 2, Section 22 of the Municipal Code as the same presently exists is hereby repealed.

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 11th day of September, 2012.

ATTEST:

  
Kristina L. Kinney  
City Clerk

  
Greg A. Gwin, Mayor

Case No. Ordinance  
No 3927

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

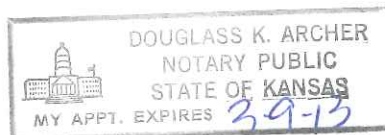
1st publication September 14, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21 day of Sept, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



=====

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 17 OF THE MUNICIPAL CODE, PROVIDING FOR IMPOUNDMENT OR CONFINEMENT OF RABIES SUSPECTS OR DOGS WHICH HAVE BITTEN A PERSON OR OTHER ANIMAL; ESTABLISHING A PENALTY FOR VIOLATION OF PROVISIONS OF SAID SECTION; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1. Title 6, Chapter 2, Section 17 of the Municipal Code is hereby amended to read as follows:

**6-2-22: IMPOUNDMENT OR CONFINEMENT OF DOGS SUSPECTED OF RABIES OR WHICH HAVE BITTEN:**

(A) Any dog which is suspected of having rabies, or any dog which has bitten a human being and has thereby caused a laceration of skin of such human being, shall be seized and confined in a veterinary hospital for a period of fourteen (14) days; provided, however, the period of confinement may be shortened at the discretion of the veterinarian in charge of said hospital.

(B) Any dog bitten by a known rabid animal shall be seized and confined in a veterinary hospital, as provided in sub-section (A) of this section.

(C) The owner or person keeping or possessing any dog subject to impoundment and confinement under either sub-sections (A) or (B) hereof shall not take any measure to kill or otherwise dispose of such dog before the impoundment and confinement process can be accomplished in accordance with sub-section (A), but shall cooperate fully in delivering such dog or producing it for such purpose or for observation or examination.

(D) The owner or person keeping or possessing any dog subject to impoundment and confinement under either sub-sections (A) or (B) hereof shall, if such documentation be available and not previously furnished to the City of Garnett, promptly produce evidence of vaccination of said dog for rabies on request of any law enforcement officer or the City Manager.

(E) Any person found guilty of violating the provisions of this section, or any part thereof, shall pay a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 6 months, or by

both such fine and imprisonment.

(F) All expenses incurred during the period of confinement in a veterinary hospital for the purposes of this section shall be borne by the owner, keeper or possessor of the dog. If any dog so impounded is not claimed by the owner (or agent) or keeper or possessor at the conclusion of such period, then the veterinarian shall transfer the said dog to the impounding facility of the city where such dog shall be disposed of according to the provisions of Section 16 of this Title and Chapter.

SECTION 2. Title 6, Chapter 2, Section 17 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 11th day of September, 2012.

ATTEST:

  
Kristina L. Kinney  
City Clerk

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

Case No. Ordinance  
No. 3928

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

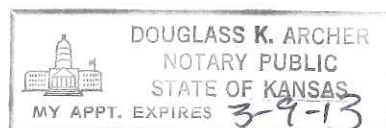
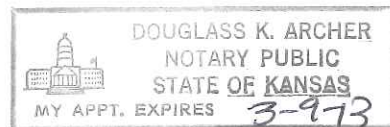
1st publication September 14, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 26 day of Sept, 2013

[Signature]  
Notary Public

My appt. expires 3-9-13





ORDINANCE NO. 3933

=====

**AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT,  
KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519 ET  
SEQ.**

=====

**WHEREAS**, the land hereinafter described is located in  
Anderson County, Kansas; and,

**WHEREAS**, the owner thereof has petitioned for and consented  
to the annexation of the same by the city of Garnett, Kansas, the  
land also being contiguous to an existing boundary of said city,  
and the provisions of K.S.A. 12-519 et seq. have been met; and,

**WHEREAS**, the city of Garnett, Kansas, finds it advisable and  
desirable to annex such land.

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

Section 1: The following described land, to-wit:

Beginning at the southeast corner of the Southeast  
Quarter (SE¼) of Section 29, Township 20 South, Range  
20 East of the 6th P.M., thence North 15 rods, thence  
West 53½ rods, thence South 15 rods, thence East 53½  
rods to the place of beginning, all in Anderson County,  
Kansas,

is hereby annexed to and made a part of the city of Garnett,  
Kansas.

Section 2: This land shall become a part of the addition to  
the city shall be commonly called and known as "Airport 2012  
Addition to the city of Garnett, Kansas."

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 13th day of November, 2012.

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

A T T E S T:

  
\_\_\_\_\_  
Kristina L. Kinney  
City Clerk



PETITION FOR ANNEXATION

TO THE CITY OF GARNETT, KANSAS:

COMES NOW the City of Garnett, Kansas, as legal owners of the following described real estate situated in Anderson County, Kansas, to-wit:

Beginning at the southeast corner of the Southeast Quarter (SE¼) of Section 29, Township 20 South, Range 20 East of the 6th P.M., thence North 15 rods, thence West 53½ rods, thence South 15 rods, thence East 53½ rods to the place of beginning;

and do hereby PETITION the City of Garnett, Kansas, for an ordinance annexing the above described land to be known as Airport 2012 Addition to the City of Garnett and in support thereof states that the above described land is adjacent to an existing boundary of the City of Garnett, Kansas, and as such meets one of the legal requirements for annexation pursuant to request by the owners or proprietors thereof.

THE CITY OF GARNETT, KANSAS

by

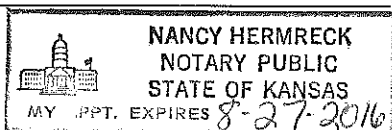
Joyce E. Martin  
Joyce E. Martin, City Manager

STATE OF KANSAS     )  
                              ) SS:  
ANDERSON COUNTY    )

SIGNED and ACKNOWLEDGED before me on this 5 day of November, 2012, by Joyce E. Martin, as City Manager of the City of Garnett, Kansas, for and on behalf of said city.

Nancy Hermreck  
Notary Public

My appointment expires



Ordinance  
Case No. 3933

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

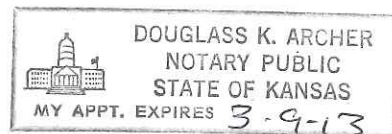
1st publication December 4, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12 day of December, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



ORDINANCE NO. 3935

=====

AN ORDINANCE REGULATING PARKING ON FIFTH AVENUE, AMENDING TITLE 10, CHAPTER 2, SECTION 2(D) OF THE MUNICIPAL CODE, REGARDING TIME LIMITS FOR TWO SPECIFIED ANGLE PARKING STALLS AND REPEALING EXISTING TITLE, CHAPTER AND SECTION; FURTHER, AMENDING TITLE 10, CHAPTER 2, SECTION 4, BY ADDING AN ADDITIONAL SUB-SECTION THERETO, CREATING A VAN-ACCESSIBLE HANDICAP PARKING STALL.

=====

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

SECTION 1. Title 10, Chapter 2, Section 2(D) of the Municipal Code is hereby amended to read as follows:

10-2-2: **TIME LIMIT:**

\* \* \*

- (D) No person shall stand or park any vehicle in either of the two angle parking stalls on the north side of Fifth Avenue, adjacent and in front of city hall, which are particularly described as follows: The 2 stalls, each approximately 16 feet in width, lying between 160 feet and 192 feet east of the curb of Walnut Street, between the hours of eight o'clock a.m. and five o'clock p.m. Monday through Friday, inclusive, for a period of longer than 15 minutes.

SECTION 2. Title 10, Chapter 2, Section 2(D) of the Municipal Code as the same presently exists is hereby repealed.

SECTION 3. Title 10, Chapter 2, Section 4 of the Municipal Code is hereby amended by the addition of the following subsection, to-wit:

10-2-4: **HANDICAPPED PARKING STALLS DESIGNATED:**

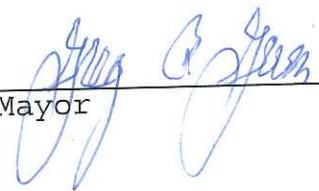
\* \* \*

- (H) One angle parking stall, the north end of the east boundary marking line being 168 feet east of the city fire hydrant at the intersection of Fifth Avenue and Walnut Street, and additional access space to the west thereof, aggregating to 30 feet in width, east to west.

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 27<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Ordinance  
Case No. 3935

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

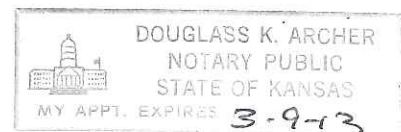
1st publication November 30, 2012  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12 day of December, 20 12

[Signature]  
Notary Public

My appt. expires 3-9-13



=====

AN ORDINANCE AMENDING TITLE 10, CHAPTER 8, SECTIONS 1 AND 2,  
REDEFINING THE SCHOOL SPEED ZONES WITHIN THE CITY OF GARNETT AND  
ESTABLISHING APPLICABLE TIMES FOR THOSE LIMITS; REPEALING  
EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

=====

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

Section 1. Title 10, Chapter 8, Section 1 of the Municipal Code is hereby amended to read as follows:

10-8-1: SCHOOL ZONES DESIGNATED: The following streets and highways are hereby designated as school zones:

- (A) Pine Street between the intersection of Second Street and Third Street;  
Third Street Between the intersection of Pine Street and Cedar Street;  
Cedar Street between the intersection of Third Street and Second Street;  
Second Street between the intersection of Cedar Street and Pine street.
- (B) Fourth Avenue between the intersection of Spruce Street and Olive Street;  
Olive Street between the intersection of Fourth Avenue and Fifth Street;  
Fifth Street Between the intersection of Olive Street and Spruce Street;  
Spruce Street between the intersection of fourth Avenue and Fifth Street.
- (C) North Walnut Street between the intersection of Kaw Avenue and Park Road.
- (D) Cleveland Street between its intersection with First Avenue and its intersection with K-31 Highway.

Section 2. Title 10, Chapter 8, Section 2 of the Municipal Code is hereby amended to read as follows:

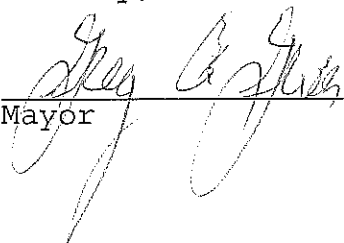
10-8-2: SPEED LIMIT FIXED; APPLICABLE TIMES: No person shall drive any vehicle on a street designated as a school zone at a speed in excess of twenty (20) miles per hour during the hours of seven thirty o'clock (7:30) A.M. to nine thirty o'clock (9:30) A.M. and two thirty o'clock (2:30) P.M. to four thirty o'clock (4:30) P.M., Monday through Friday of each week during

which time school is actually in session in the building or buildings located in and adjacent to each of the zones specified in Section 1 of this Title and Chapter.

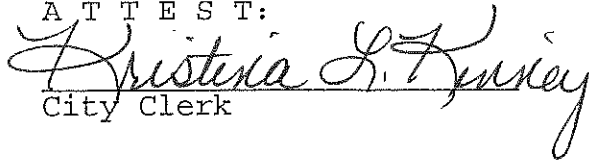
SECTION 3. Title 10, Chapter 8, Sections 1 and 2, as the same presently exist, are hereby repealed.

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

PASSED this 22nd day of January, 2013.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



Case No. Ordinance No 3939

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

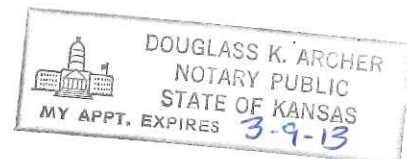
1st publication 1-29-13  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5 day of FEB, 2013

[Signature]  
Notary Public

My appt. expires 3-9-13



=====

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, SECTION 3; TITLE IV, CHAPTER 2, SECTION 2; TITLE IV, CHAPTER 3, SECTION 2; AND, TITLE IV, CHAPTER 13, SECTION 2, REVISING FEES FOR CERTAIN PERMITS AND PROVIDING FOR OUTSIDE PLAN REVIEW IN CONNECTION WITH CERTAIN PERMIT APPLICATIONS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTERS.

=====

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

SECTION 1. Title IV, Chapter 1, Section 3 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**4-1-3: OFFICE OF INSPECTION; ELECTRIC PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City of Garnett Building Official to supervise and enforce the provisions of this Chapter, including but not limited to the provisions of the National Electrical Code.
- (B) When an electric permit is required, the following fees shall apply:
  - 1. Commercial/Industrial/Multi-Family fee:
    - All new construction: included in building permit fee. There is no additional electric permit fee.
    - All other cases: \$15.00
  - 2. One- and Two-Family Dwelling Unit fee:
    - All new construction: included in building permit fee. There is no additional electric permit fee.
    - All other cases: \$10.00
  - 3. Garages and Outbuildings fee: When a permit is required, fees in all cases for garages and outbuildings shall be:
    - Commercial/Industrial/Multi-Family: \$15.00
    - One- and Two-Family Dwelling Unit: \$10.00
  - 4. Prevailing Fee Schedule: Any fee schedule set out in the National Electrical Code, as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said code to fees for code administration shall be deemed to refer to

this Section.

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

**4-2-2: OFFICE OF INSPECTION; BUILDING PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City of Garnett Building Official to supervise and enforce the provisions of this Chapter, including but not limited to the provisions of the International Building Code.
- (B) When a building permit is required, the following fees shall apply:
  - 1. All new construction, except solely for structures described in Sub-section (3) below: Fee calculated on basis of total square-footage of the building or buildings to be constructed, at the rate of \$0.20 per square foot. Fee shall not be less than \$200.00.
  - 2. Remodeling or re-working existing building(s) or structure(s), except solely for structures described in Sub-section (3) below:
    - Commercial/Industrial/Multi-Family: The fee shall be one-half the amount of the fee calculated for new construction (in paragraph 1 above). Fee shall not be less than \$100.00.
    - One- and Two-Family Dwelling Unit fee: \$100.00
  - 3. (a) Garages and Outbuildings: When a garage or other outbuilding is to be built independently of the principal building or structure, a permit is required, and the permit fee in all cases shall be \$50.00.
  - (b) Fences, Porches, Swimming Pools and Similar Structures: When a fence, porch, swimming pool or other similar auxiliary structure (except sidewalks or driveways) is to be built independently of the principal building or structure, a permit is required, and the permit fee in all cases shall be \$25.00.
  - (c) Sidewalks and Driveways: When a sidewalk or driveway is to be built independently of

any other building or structure, a permit is required, however there shall be no permit fee for the same.

4. Plan review Surcharge: When in the opinion of the Building Official the plans and other construction documents supporting any building permit application are of such complexity or of such volume as to require particular skills or extended staffing, or both, to complete a competent and expeditious review thereof, plan review may wholly or in part be referred to one or more qualified outside consultants. The expense for such outside review shall be the obligation of the permit applicant or the applicant's design professional. At such time as the Building Official determines that such outside plan review is needed, the permit applicant or the applicant's design professional shall be promptly notified in writing of such determination.
5. Prevailing Fee Schedule: Any fee schedule set out in the International Building Code, as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said code to fees for code administration shall be deemed to refer to this Section.

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

**4-3-2: OFFICE OF INSPECTION; PLUMBING PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City of Garnett Building Official to supervise and enforce the provisions of this Chapter, including but not limited to the provisions of the International Plumbing Code.
- (B) When an plumbing permit is required, the following fees shall apply:
  1. Commercial/Industrial/Multi-Family fee:
    - All new construction: included in building permit fee. There is no additional plumbing permit fee.
    - All other cases: \$15.00

2. One- and Two-Family Dwelling Unit fee:
  - All new construction: included in building permit fee. There is no additional plumbing permit fee.
  - All other cases: \$10.00
3. Garages and Outbuildings fee: When a permit is required, fees in all cases for garages and outbuildings shall be:
  - Commercial/Industrial/Multi-Family: \$15.00
  - One- and Two-Family Dwelling Unit: \$10.00
4. Prevailing Fee Schedule: Any fee schedule set out in the International Plumbing Code, as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said code to fees for code administration shall be deemed to refer to this Section.

SECTION 4. Title IV, Chapter 13, Section 2 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**4-13-2: OFFICE OF INSPECTION; MECHANICAL PERMIT FEE:**

- (A) It shall be the duty and the responsibility of the City of Garnett Building Official to supervise and enforce the provisions of this Chapter, including but not limited to the provisions of the International Plumbing Code.
- (B) When an mechanical permit is required, the following fees shall apply:
  1. Commercial/Industrial/Multi-Family fee:
    - All new construction: included in building permit fee. There is no additional mechanical permit fee.
    - All other cases: \$15.00
  2. One- and Two-Family Dwelling Unit fee:
    - All new construction: included in building permit fee. There is no additional mechanical permit fee.
    - All other cases: \$10.00
  3. Garages and Outbuildings fee: When a permit is required, fees in all cases for garages and outbuildings shall be:
    - Commercial/Industrial/Multi-Family: \$15.00
    - One- and Two-Family Dwelling Unit: \$10.00

4. Prevailing Fee Schedule: Any fee schedule set out in the International Mechanical Code as adopted from time to time by the City of Garnett, Kansas, is abrogated, and the fees stated in this section shall prevail. Any reference in the said code to fees for code administration shall be deemed to refer to this Section.

SECTION 5. Title IV, Chapter 1, Section 3; Title IV, Chapter 2, Section 2; Title IV, Chapter 3, Section 2; and Title IV, Chapter 13, Section 2 of the Municipal Code as the same presently exist are hereby repealed.

SECTION 6. 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 26th day of March, 2013.

ATTEST:

Kristina A. Kinney  
Kristina A. Kinney  
City Clerk

Greg A. Gwin  
Greg A. Gwin, Mayor

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3944 \* \* \* \*

=====

On March 26, 2013, the City of Garnett Kansas, adopted Ordinance #3944 which amended parts of Title IV of the Municipal Code:

- (1) changing the rates and rate structure for some electric, plumbing, mechanical and building permits issued by the City; and,
- (2) providing for referral of certain plans for outside review and establishing a plan review surcharge to be paid by the permit applicant.

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.



Case No. Summary

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication April 9, 2013  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 17 day of APRIL, 2017

[Signature]  
Notary Public

My appt. expires 3-9-17



ORDINANCE NO. 3948

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 and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

Lot Seven (7) of the Prairie Plaza Addition to the City of Garnett, Kansas.

is hereby changed from B-1 - General Business to I-1 Light Industrial District.

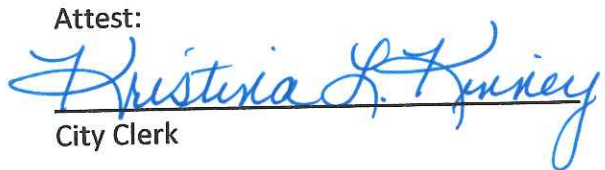
SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective 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 voting Aye, 0 voting Nay, this 14th day of May, 2013.

  
\_\_\_\_\_  
Mayor

Attest:

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

Ordinance  
Case No. # 39 48

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

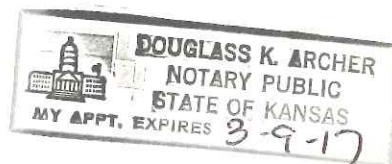
1st publication May 24, 2013  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5 day of 28, 20 13

[Signature]  
Notary Public

My appt. expires 3-9-17



ORDINANCE NO. 3949

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 for 3½ years; 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 \$8,878.19 incurred through December 31, 2012 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED THIS 14th day of May, 2013.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Kristina L. Kinney

<u>NAME</u>	<u>AMOUNT</u>
James Bagnall and Melody Killam	267.33
Arin and Shaleena Diestelkamp	110.26
Karysa Gabauer	98.81
Levi Goddard dba Bootsie's	2,655.59
Rosa Greene	51.17
Stephen Hyden	570.40
Brian Jones	652.34
Faye Jones	725.52
John Jones	493.66
Andrew Kenslow (Collection Fee)	53.46
Derrick Kratzberg (Collection Fee)	80.34
Becky Long (Collection Fee)	128.84
Corrie McSwane	444.86
Tisha Mills	261.42
Pritesh Mistry	137.08
Lacey Morrill (Collection Fee)	33.04
Patricia Myers (Collection Fee)	36.72
Jason Radford (Collection Fee)	73.63
Julie Riggs	427.40
Luis Sanchez dba Los Mezcaleros	941.66
Eric Spurgeon and Destinie Querry (Collection Fee)	47.00
Roger Stewart Jr. & Sr.	315.96
Carissa Swartz	115.50
Jerry W. Tate Jr. (Collection Fee)	38.19
Jamie Taylor	118.01
	\$ 8,878.19

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3949 \* \* \* \*

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On May 14, 2013, the City of Garnett Kansas, adopted Ordinance #3949 which deleted certain bills of account from the accounting records of said city.

The amount deleted, as set forth specifically by account in an exhibit attached to said ordinance, is \$8,878.19 and is for usages billed through December 31, 2012.

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.

Ordinance  
Case No. #3949

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

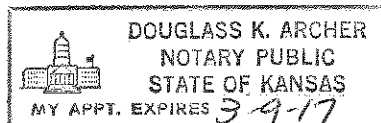
1st publication May 24 2013  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5 day of 28, 20 13

[Signature]  
Notary Public

My appt. expires 3-9-17





ORDINANCE NO. 3950

=====

AN ORDINANCE PROHIBITING THE KEEPING OR STORING OF CERTAIN ITEMS  
IN RESIDENTIAL YARDS, PORCHES, CARPORTS, SHEDS AND GARAGES  
WITHOUT DOORS; FIXING PENALTIES UPON CONVICTION OF VIOLATION  
THEREOF; DECLARING THE SAME TO BE SUPPLEMENTAL TO TITLE 6,  
CHAPTER 1 OF THE GARNETT MUNICIPAL CODE.

=====

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

SECTION 1. It shall be unlawful for any person to store,  
place, set upon or otherwise keep and possess:

(A) any furniture, other than that constructed and intended  
for use outside of a dwelling and commonly referred to as  
patio furniture, lawn furniture or picnic table and chairs  
or benches;

(B) any appliance, including but not limited to  
refrigerators, freezers, heating stoves, cooking stoves,  
kitchen ranges, ovens, furnaces, laundry equipment such as  
washers or dryers, trash compactors or dish washing  
machines; provided, however, nothing in this section shall  
be construed to prohibit the setting, installation and use  
of any outdoor grill, smoker or other similar cooking device  
designed for outdoor use;

(C) any air conditioning unit, humidifier or dehumidifier;  
provided, however, nothing in this section shall be  
construed to prohibit the setting and installation of a  
central air conditioning or heat pump system, or any  
component part thereof, which is being or which in season  
will be used in connection with the occupancy of the  
residence upon such property;

(D) any television receiver, radio, speaker, camera or video  
equipment including tripods, stands or similar devices for  
holding such equipment or gear; provided, however, nothing  
in this section shall be construed to prohibit the  
placement of any such equipment for actual use that day or  
within 72 hours;

(E) any plumbing fixture, including toilet bowls, water  
closets, sinks, lavatories, tubs or showers; or,

(F) any hot water heater or water softener

upon the front, side or rear yards of any residence; upon any  
open porch; or in any carport, whether attached to the principal  
residence or free-standing; or in any garage or shed, whether  
attached to the principal residence or free-standing, unless such

---

garage or shed has doors to conceal such articles.

SECTION 2. Each day a person shall store, place, set upon or otherwise keep and possess any of the items described in Section 1 hereof and in violation thereof shall constitute a separate offense.

SECTION 3. It shall be an affirmative defense to any charge brought under this Chapter that any item or items are temporarily placed upon the property in connection with a move into or move out of the property; are being accumulated or assembled for haul-away as junk or refuse; or for another similar, bona fide temporary purpose; provided, however, any such temporary purpose shall not extend beyond fifteen (15) days, unless a longer period is approved in writing in advance by the City Manager or the City Manager's delegate.

SECTION 4. This ordinance shall be codified as Title 6, Chapter 1, Section 34 and deemed supplemental to said Title and Chapter of the Garnett Municipal Code. Violations shall be punished as provided in the general penalty sections of the Municipal Code.

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 \_\_\_\_\_ day of May, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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

Not Approved

ORDINANCE NO. 3951

=====

AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, SECTION 1 OF THE MUNICIPAL CODE, CHANGING FROM ANNUAL TO BIENNIAL TAXATION OF RETAILERS OF ALCOHOLIC LIQUOR AND OPERATORS OF CLASS B CLUBS, AS NOW REQUIRED BY THE STATE OF KANSAS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1. Title 5, Chapter 10, Section 1 of the Municipal Code is hereby amended to read as follows:

5-10-1: OCCUPATION TAX:

(A) There is hereby levied a biennial occupation tax in the amount of \$600.00 on each retailer of alcoholic liquor (including beer containing more than 3.2 percent of alcohol by weight).

(B) There is hereby levied a biennial occupation tax in the amount of \$500.00 on each Class B club licensee, as the same is defined by Article 26 of Chapter 41 of Kansas Statutes Annotated, as the same presently exists or is from time to time hereafter amended, the owner or manager of which has been issued such license by the Kansas Director of Alcoholic Beverage Control.

(C) Such tax shall, in each case, be paid before business is begun under either original Kansas state license or within five days following renewal of any such license.

(D) The City Manager is hereby authorized to adopt rules to administer the provisions of this section in order to move from annual taxation heretofore imposed by the City to a biennial taxation program as now mandated by the State of Kansas, including a one-time collection of an annual tax equal in amount to one-half the amount biennial amount, in order to co-ordinate the City's occupation taxation period with the equivalent Kansas licensing period.

SECTION 2. Title 5, Chapter 10, Section 1 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 14<sup>th</sup> day of May, 2013.

ATTEST:

Christina L. Finney  
City Clerk

Mayor

Greg E. Gush

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3951 \* \* \* \*

=====

On May 14, 2013, the City of Garnett Kansas, adopted Ordinance #3951 which amended Title 5, Chapter 10, Section 1 of the Municipal Code, providing for the issuance of biennial occupation licenses for:

- each Kansas-licensed retailer of alcoholic liquor, including beer containing more than 3.2 percent of alcohol by weight, upon payment of a biennial tax of \$600; and,

- each Kansas-licensed Class B club licensee (as defined by Kansas law), upon payment of a biennial tax of \$500.

This amendment is to comply with Kansas law which issues biennial licenses, instead of annual licenses. The city manager is given rule making authority to facilitate the move from the existing annual taxation provisions of the Municipal Code to the biennial system hereby adopted.

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.

Ordinance  
Case No. # 3951

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

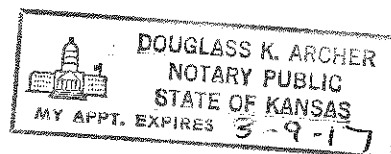
1st publication May 24 2013  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5 day of 28, 2013

[Signature]  
Notary Public

My appt. expires 3-9-17



=====

AN ORDINANCE AMENDING TITLE IX, CHAPTER 5, SECTION 21(B)  
PROVIDING FOR CAMPING FEE REFUNDS UNDER CERTAIN CIRCUMSTANCES;  
AND TITLE IX, CHAPTER 5, SECTION 21(E) (2), REVISING LENGTH OF  
STAY RULES FOR CAMPING; REPEALING EXISTING SECTIONS OF SAID TITLE  
AND CHAPTER.

=====

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

SECTION 1. Title IX, Chapter 5, Section 21(B) of the  
Municipal Code, City of Garnett, Kansas is hereby amended to read  
as follows:

9-5-21: CAMPING IN CITY PARKS:

\* \* \*

- (B) Payment of Fees: Payment of the fees required for  
each camping unit established in the following  
subsection shall be made to the city in any manner  
established by the city manager and may include a  
system of self-pay at the area of the camping  
sites. The receipt provided by the city for such  
fee shall be displayed at the campsite, either in  
the camping unit or in any space provided by the  
city at the site. In any event, such receipt  
shall be displayed in such a way as to be readily  
visible. In event of prepayment to reserve a  
site, the camping fee may be refunded in full if  
at least 15 days prior to the first reserved date  
the city is notified by the campsite registrant.  
If notice is received less than 15 days in  
advance, one night's camping fee shall be  
forfeited and the balance, if any, refunded.

SECTION 2. Title IX, Chapter 5, Section 21(E) (2) of the  
Municipal Code, City of Garnett, Kansas is hereby amended to read  
as follows:

9-5-21: CAMPING IN CITY PARKS:

\* \* \*

(E) \* \* \*

2. No camping unit shall stay at the same campsite in  
any of the City's parks for more than 7 consecutive  
nights. Upon departure from any site, after a period  
exceeding 5 consecutive nights, the camping unit shall  
not be readmitted to any other site in the same City  
park until 5 additional nights shall have elapsed. The  
unit may however relocate to another site in any other  
City park, unless the City Manager shall determine that



the occupant or occupants of the said camping unit are attempting to occupy City campsites as a permanent residence. It is the stated policy of the City of Garnett that City park campsites shall NOT be utilized as permanent residences.

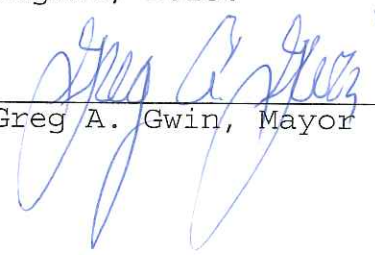
SECTION 3. Title IX, Chapter 5, Section 21(B) and Title IX, Chapter 5, Section 21(E) (2) of the Municipal Code as the same presently exist are hereby repealed.

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

PASSED this 27th day of August, 2013.

ATTEST:

  
\_\_\_\_\_  
Kristina L. Kinney  
City Clerk

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

Case No. Ordinance  
No. 3958

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

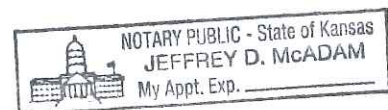
1st publication September 3/6, 2013  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12 day of Sept, 20 13

Jeff D. McAdam  
Notary Public

My appt. expires 4-4-2013



=====

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, SPECIFICALLY AMENDING PROVISIONS REGARDING NON-CONFORMING USES IN ARTICLE 9, SECTION 3(B), SECTION 4(C), SECTION 4(D) AND SECTION 4(G); REPEALING EXISTING PROVISIONS OF SAID ARTICLE AND SECTIONS AS PRESENTLY EXIST.

=====

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

SECTION 1. Article 9, Section 3(B) of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

3. Nonconforming Structures:

\* \* \* \*

B. **Enlargement, Repair, Alterations:** (1) Except as provided in sub-paragraph (2) below, any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, unless specifically allowed by the Board of Zoning Appeals as a "Change in Use" following the procedure in Paragraph 4(G) of this Article.

(2) Existing mobile home parks not meeting the requirements of this enactment shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this enactment.

SECTION 2. Article 9, Section 4(C) of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

4. Nonconforming Uses:

\* \* \* \*

C. **Extension:** A nonconforming use shall not be extended, expanded, enlarged or increased in intensity, except as may be allowed by the Board of Zoning Appeals as a "Change in Use" following the procedure in sub-paragraph (G) hereof; provided however such use may be extended without

action by such Board throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this enactment or the effective date of subsequent amendments to this enactment that cause such use to become nonconforming.

SECTION 3. Article 9, Section 4(D) of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

4. Nonconforming Uses:

\* \* \* \*

D. **Enlargement:** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner (1) unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located; or (2) as may be allowed by the Board of Zoning Appeals as a "Change in Use" following the procedure in sub-paragraph (G) hereof.

SECTION 4. Article 9, Section 4(G) of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

4. Nonconforming Uses:

\* \* \* \*

G. **Change in Use:** (1) A nonconforming use of any structure or premises may be changed to another nonconforming use and continued by the Board of Zoning Appeals, either by general rule or by making findings in the specific case and recommendations to the Governing Body.

(2) If a specific case determination is requested, an application in the same manner as provided for a special use in Article 10 of this enactment shall be submitted and a hearing before the Board of Zoning Appeals thereon shall be convened. No allowance of change shall be recommended to the Governing Body by the Board of Zoning Appeals except upon entering written findings with regard to the standards set forth in Article 10, Section 3 and, further, with regard to the following additional standards or principles:

- (i) Character of the neighborhood and the impact thereon of allowing such change;
- (ii) Impact, if any, on the City of Garnett's comprehensive plan;
- (iii) Impact, if any on available public utilities and other other needed public services.
- (iv) Length of time nonconformity has existed, its impact on the surrounding and adjacent properties and any additional impact its change and continuation is expected to have on the same;
- (v) Compatibility of the proposed change on nearby properties as compared to the impact of the existing or prior nonconformity;
- (vi) The extent to which the requested change may detrimentally affect nearby properties; and,
- (vii) Whether the requested change causes a disproportionately great loss to the individual landowners nearby relative to the public gain in allowing the same.

The Board of Zoning Appeals may specify any conditions and restrictions upon the allowance of such change as is deemed necessary for the protection of the public interest and to further the general purposes of Garnett's zoning enactment. In all cases, the Board of Zoning Appeals may recommend or Governing Body may require, such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being, and will be, fully complied with. Any allowance of such a change hereunder shall be personal to the owner/applicant and shall not transfer to any successive owner; provided, however, nothing shall prevent any such successive owner from making a new application for change hereunder.

SECTION 5. The provisions of Article 9, Section 3(B); Article 9, Section 4(C); Article 9, Section 4(D); and Article 9, Section 4(G), as the same presently exist, are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force

Ordinance Establishing Procedure to  
Continue and Extend Nonconformities  
Page 4

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from and after its passage and publication in an official  
newspaper of the City of Garnett, Kansas.

PASSED this 12<sup>th</sup> day of November, 2013.

A T T E S T:

Kristina L. Haney  
City Clerk

Greg E. Smith  
Mayor

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3964 \* \* \* \*

=====

On November 12, 2013, the City of Garnett Kansas, adopted Ordinance #3964 which amended parts of its zoning ordinance, Ordinance #3059 relating to non-conformities.

Article 9, Sections 3(B), 4(C), 4(D) and 4(G) were changed to allow the Board of Zoning Appeals to hold a hearing and make recommendations to the Governing Body regarding the enlargement, repair or alteration of non-conforming structures; and the extension, enlargement or changes of non-conforming uses. Ordinance #3964 sets procedures for such hearings and establishes standards which must be considered by such Board.

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.



ORDINANCE NO. 3974

=====

AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 5 OF THE MUNICIPAL CODE, RELATING TO THE EXAMINATION OF APPLICANTS FOR LICENSES TO DO WORK ON MUNICIPAL UTILITY APPURTENANCES, PIPES OR WIRES; REPEALING EXISTING SECTION.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 13, Section 5 of the Municipal Code is hereby amended to read as follows, to-wit:

5-13-5: **EXAMINATION:** (A) To become licensed by the City under this Title and Chapter, to do any of the covered work within the City, all electricians, plumbers, and mechanical, heating, ventilation or air conditioning contractors applying for such license shall either:

(i) present a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1508 (plumbing contractors), K.S.A. 12-1525 (electrical contractors) K.S.A. 12-1541 (heating, ventilation and air conditioning contractors), or ICC, and must score 75% or better on such examination; or,

(ii) hold at least a bachelor of science degree in a construction related engineering or a construction science field, obtained from an accredited college or university.

(B) The Kansas statutes cited herein are intended to include any subsequent amendments thereto. In the event such amendments expand or otherwise modify any of the tests, the City Manager is hereby given rule making authority to accommodate the City's testing requirements to comply with such amendments, if necessary; and such rule making authority includes the permitting of other testing protocols similar to those specifically permitted by the present statutes.

(C) Any current licensee of the City shall not be required to take and pass the examination provided for in this section and such license may be renewed so long as it does not lapse or expire. This exception shall not apply in any case in which such a license is revoked or suspended by the City.

Section 2. The provisions of Title 5, Chapter 13 Section 5 as the same presently exist are hereby repealed.

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

PASSED this 25<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

Kristina L. Farnley  
City Clerk

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3974 \* \* \* \*

=====

On March 25, 2014, the City of Garnett Kansas, adopted Ordinance #3974 which amended Title V, Chapter 13, Section 5 of the Municipal Code:

- (1) changing the testing which is a part of Garnett's licensing protocol for electricians, plumbers, and mechanical, heating, ventilation or air conditioning contractors, generally adopting Kansas-approved tests instead of a locally devised and administered test;
- (2) granting the city manager rule making authority to administer such licensing in order to maintain conformity with Kansas law, including future amendments thereto; and,
- (3) generally exempting current license holders from taking such new test(s).

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.

## LEGAL

First published in The Anderson County Advocate April 1, 2014

### CITY ATTORNEY'S SUMMARY OF ORDINANCE #3974

On March 25, 2014, the City of Garnett, Kansas, adopted Ordinance #3974 which amended Title V, Chapter 13, Section 5 of the Municipal Code:

(1) changing the testing which is a part of Garnett's licensing protocol for electricians, plumbers, and mechanical, heating, ventilation or air conditioning contractors, generally adopting Kansas-approved tests instead of a locally devised and administered test;

(2) granting the city manager rule making authority to administer such licensing in order to maintain conformity with Kansas law, including future amendments thereto; and,

(3) generally exempting current license holders from taking such new test(s).

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.

Case No. Summary

Ordinance # 3974

### AFFIDAVIT OF PUBLICATION

ANSAS, ANDERSON COUNTY, ss:

Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am the publisher of The Anderson County Advocate, a weekly newspaper published in Garnett, Kansas, and of general circulation in said county and state. The Anderson County Advocate is published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is published by mail at Garnett, Kansas, the post office of publication, and has a general paid circulation basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication April 1, 2014

2nd publication \_\_\_\_\_

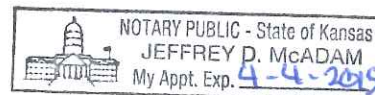
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 4 day of April, 20 14

Jeffrey D. McAdam  
Notary Public

My appt. expires 4-4-2015



Case No. Summary  
Ordinance # 3974

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

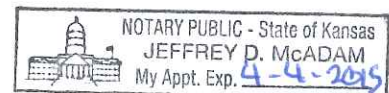
1st publication April 1, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 4 day of April, 2014

Jeffrey D. McAdam  
Notary Public

My appt. expires 4-4-2015





=====

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW AUTOMOTIVE REPAIR SHOPS (SIC GROUP 75; INDUSTRY #753) AND OTHER AUTOMOBILE SERVICE FACILITIES (SIC GROUP 75; INDUSTRY #7549) AS SPECIAL-PERMITTED USES IN ZONE B-2 (BUSINESS CENTRAL DISTRICT).

=====

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to provide for and allow Automotive Repair Shops and other Automobile Service Facilities (SIC Group 75, Industries #753 and #7549, respectively, as special-permitted used in Zone B-2 (Business Central District); and,

WHEREAS, said report having been examined and considered, the same is approved.

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

SECTION 1: Automobile Repair Shops (SIC Group 75; Industry #753) and Other Automotive Service Facilities (SIC Group 75, Industry #7549) shall be allowed in Zone B-2 (Business Central District) upon a special use permit; and Ordinance No. 3059 is hereby so amended.

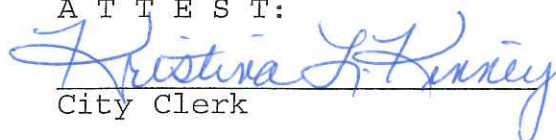
SECTION 2: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional copies of said ordinance and the Exhibit A thereto are re-printed.

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 this 8<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW AUTOMOTIVE REPAIR SHOPS (SIC GROUP 75; INDUSTRY #753) AND OTHER AUTOMOBILE SERVICE FACILITIES (SIC GROUP 75; INDUSTRY #7549) AS SPECIAL-PERMITTED USES IN ZONE B-2 (BUSINESS CENTRAL DISTRICT).

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to provide for and allow Automotive Repair Shops and other Automobile Service Facilities (SIC Group 75, Industries #753 and #7549, respectively, as special-permitted used in Zone B-2 (Business Central District); and,

WHEREAS, said report having been examined and considered, the same is approved.

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

SECTION 1: Automobile Repair Shops (SIC Group 75; Industry #753) and Other Automotive Service Facilities (SIC Group 75, Industry #7549) shall be allowed in Zone B-2 (Business Central District) upon a special use permit; and Ordinance No. 3059 is hereby so amended.

SECTION 2: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional copies of said ordinance and the Exhibit A thereto are re-printed.

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 this 8th day of April, 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



Case No. Ordinance No 3976

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

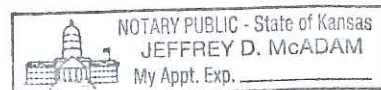
1st publication April 17, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 1 day of May, 20 14

Jeffrey D. McAdam  
Notary Public

My appt. expires 4-4-15



ORDINANCE NO. 3978

=====

AN ORDINANCE DECLARING IT UNLAWFUL TO OBTAIN UTILITY SERVICES BY TEMPORARY INTERCONNECTION AT A TIME WHEN ANY OF SUCH PERSON'S UTILITY SERVICES ARE SUSPENDED FOR NON-PAYMENT OR FOR SAFETY REASONS; PROVIDING A PENALTY FOR VIOLATION THEREOF.

=====

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

SECTION 1. OBTAINING ANY MUNICIPAL UTILITY SERVICES BY TEMPORARY INTERCONNECTION: It shall be unlawful and punishable as an unclassified misdemeanor:

- (A) for any person to obtain from any of Garnett's municipal utility systems by temporary interconnection through a neighbor's or other adjacent property's meter, any natural gas, electric or water utility service at a time when such person is under a suspension order with regard to any one or more of such municipal utility services, and when such suspension order is either for non-payment for such service or for non-compliance with a lawful administrative order limiting delivery of such services for safety reasons; or,
- (B) for any utility customer of any one of the city's said utilities knowingly to aid, abet or assist in any way any person in the violation of sub-section (A) hereof by allowing temporary interconnection to such utility customer's natural gas line, electric line or water piping; PROVIDED, HOWEVER, nothing in this sub-section shall prohibit any utility customer from supplying utility services to a neighboring property on a temporary basis where such is necessitated by weather or major disaster or similar event, so long as such can be done safely.

SECTION 2. Any person convicted of violating the terms of this ordinance shall be punished as provided in the general penalty sections of the Garnett Municipal Code.

SECTION 3. The City of Garnett's codifier is directed to codify this ordinance as Title 6, Chapter 1, Section 34.

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 22<sup>nd</sup> day of April, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3978 \* \* \* \*

=====

On April 22, 2014, the City of Garnett Kansas, adopted Ordinance #3978 which declares it unlawful (1) to obtain utility services by temporary interconnection at a time when any such person's utility services are suspended for non-payment or for safety reasons and (2) for any utility customer to aid, abet or assist such person in so obtaining utility services. Violations are punishable as provided in the general penalty sections of the Municipal Code.

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.

Case No. Ordinance # 3978

Summary

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 1, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 9th day of May, 20 14



Bonnie J. Lile  
Notary Public

My appt. expires 05-12-2016

ORDINANCE NO. 3980

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 for 3½ years; 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 \$4,824.46 incurred through December 31, 2013 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED THIS 13th day of May, 2014.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Christina G. Finney

## Attachment to Ordinance No. 3980

Page Two

<u>NAME</u>	<u>AMOUNT</u>
Jodie Allnutt (Collection Fee)	64.61
Ronald C. Brown	170.68
Erik Decock and Ashley Smith (Collection Fee)	42.52
Brent and Christabel Ellison (Bankruptcy)	242.53
Edger R. Geer	544.24
Jeannie Henson (Collection Fee)	40.75
Ryan Houghton	44.04
Terri Jackson (Collection Fee)	11.15
Fred Kelley Sr. (Deceased)	639.46
Kimberly Lindsay (Collection Fee)	9.56
Shannon Marmon	404.01
Kimberly Mauzey	30.99
Marcus McSwane (Collection Fee)	35.89
Teela Meineke	544.17
Janci Modlin	38.62
Laura Owens (Collection Fee)	130.38
Tammy Peterson (Collection Fee)	97.16
Virginia Robinson (Deceased)	56.73
Hollie Roehl	709.47
Crystal Stahl	574.44
Betty Tobin (Collection Fee)	149.90
Lisa Vollmer (Collection Fee)	99.89
Jeremy Wickwire and Donald Nichols (Collection Fee)	143.27

\$ 4,824.46



Case No. Ordinance # 3980

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 22, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 2ND day of June, 2014

[Signature]  
Notary Public

My appt. expires 6-15-16



=====

AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 4 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, REGARDING REQUIREMENTS FOR LIABILITY INSURANCE FOR LICENSEES UNDER SAID CHAPTER; REPEALING EXISTING PROVISIONS OF SAID SECTION AS IT PRESENTLY EXISTS.

=====

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

SECTION 1. Title 5, Chapter 13, Section 4 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

5-13-4:     **LIABILITY INSURANCE REQUIRED:**

(A) Except as provided in subsection (C) hereof, any person who has been issued any class of license under the provisions of this chapter shall forthwith deposit with the city clerk a certificate of insurance showing general liability insurance coverage in force for at least the term of the license in an amount not less than three hundred thousand dollars (\$300,000.00) for any incident.

(1) Such policy shall insure against all loss, cost, expense or damage resulting from the work done, being done or to be done by such licensee and by such licensee's agents and employees when such loss arises either as a result of such licensee's negligence or failure to comply with the terms and conditions of this chapter or other ordinances and codes applicable to the work. The policy shall also contain completed operations coverages in the same amount.

(2) To the extent permitted by Kansas law, the said policy shall also contain a provision for notification to the city of insurance cancellation prior to the date of cancellation. Failure to provide such insurance and the evidence of its being in force, or suffering the cancellation thereof without providing continuous coverage through a replacement or substitute policy shall render any license issued under the chapter null and void and shall subject the licensee to punishment for violation of this chapter if any work shall be done by the licensee which is covered by said license. Such policy or policies of insurance and the certificates issued thereon shall be written so as to cover any class of work

for which the license or licenses are issued pursuant to this chapter and title.

(B) No new license shall be issued nor shall any license be renewed after the effective date hereof without the licensee's full compliance with subsection

(A) of this section.

(C) Any licensee may elect to restrict his or her work to the licensee's own properties. The election shall be on forms provided by the City and the City's records shall thereafter reflect such restriction. In such case, the requirements of liability insurance are waived. At such time as a licensee who holds a license restricted as provided by this Section desires to work on properties owned by other persons or entities, he or she shall first obtain the insurance required hereunder and present evidence of such to the City, at which time the restriction shall be removed from said license or licenses.

(D) The city manager is hereby authorized to promulgate reasonable rules and regulations to facilitate the administration of the provisions of the Section and to co-ordinate administration hereof with any Kansas laws regarding insurance, including amendments occurring after the adoption hereof.

Section 2. The provisions of Title 5, Chapter 13, Section 4 of the Municipal Code of the City of Garnett, Kansas, as the same presently exist are 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.

PASSED this 13<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3981 \* \* \* \*

=====

On May 13, 2014, the City of Garnett Kansas, adopted Ordinance #3981 which amended Title 5, Chapter 13, Section 4 of the Municipal Code, changing the provision regarding certificates of insurance to be furnished to the City by trade licensees (for example, electric, plumbing, mechanical etc. licensees) to conform to Kansas statutes and administrative regulations; and also eliminating the requirement for insurance for certain licensees working only on self-owned properties.

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.

Case No. Summary Ordinance #3981

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for \_\_\_\_\_ consecutive weeks, to-wit:

1st publication May 22, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 2ND day of June, 20 14

Angela S. Betts  
Notary Public

My appt. expires 6-15-16



=====

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 2 OF THE MUNICIPAL CODE, RELATING TO THE ORGANIZATION AND POWERS OF THE LIBRARY BOARD; PROVIDING FOR THE ESTABLISHMENT OF A STANDING COMMITTEE FOR THE CARE, MAINTENANCE, AND CUSTODIANSHIP OF CITY-OWNED ART WORK; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1: Title 2, Chapter 4, Section 2 of the Municipal Code is hereby amended to read as follows:

2-4-2: ORGANIZATION AND POWERS OF BOARD; CREATION AND APPOINTMENT AND DUTIES OF STANDING COMMITTEE FOR ART WORK:

- (A) The said Board shall, immediately after their appointment, meet and organize by electing one of their number President and by the election of such other officers as they may deem necessary. They shall have exclusive control of the expenditure of all moneys collected and the supervision, care, and custody of all buildings and library property. They shall appoint a Librarian and such assistants as needed and shall prescribe rules for their conduct. They shall appoint members to the Standing Committee for Art Work, as specified in the next sub-paragraph, shall make and adopt such rules and regulations as may be expedient for the handling of all library business.
- (B) The Standing Committee for Art Work shall be responsible for the care, maintenance, and custodianship of all artwork belonging to the City of Garnett, whether housed in the Library or elsewhere, and including, but not limited to, the Mary Bridget McAuliffe Walker Art Collection. Such committee shall consist of not fewer than five (5), nor more than nine (9) members as follows: the Library Board shall appoint two (2) members to serve on the Standing Committee, at least one (1) of whom shall be a current member of the Library Board; the City Commission shall appoint an additional two (2) members; and the four (4) members thus constituted shall name no fewer than one (1), nor more than five (5) additional members. The terms of appointment of those members appointed by the City Commission



shall be three (3) years. The terms of all other appointees shall be as fixed by bylaws or rules of either the Library Board or the Standing Committee, but in no event shall the terms be for longer than three (3) years. An effort shall be made to stagger such members' terms so as to promote continuity in the Standing Committee's operations. The City Manager may from year to year name a curator of the art collections, who may be one of said committee's members. If the curator is not a member of the Standing Committee, he or she shall attend Standing Committee meetings and shall be a non-voting, ex-officio member of the Standing Committee. Subject to the approval of the City Manager, the Standing Committee shall have authority to prescribe duties and establish rules for the operation of such committee, as may from time to time be necessary or expedient. The City Manager shall prescribe the duties of the curator.

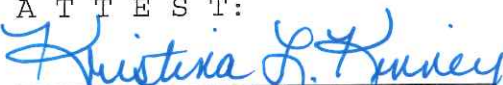
SECTION 2: Title 2, Chapter 4, Section 2 of the Municipal Code, as the same presently exists, is hereby repealed.

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 27<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



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\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3983 \* \* \* \*

=====

On May 27, 2014, the City of Garnett Kansas, adopted Ordinance #3983 which amended Title 2, Chapter 4, Section 2 of the Municipal Code:

- (1) increasing from 7 to 9 the maximum membership of the Standing Committee for Art Work, a committee of the Garnett Library Board; and,
- (2) changing the procedure for appointment of the curator of the art collections and clarifying the role of the the city manager to designate duties of the curator and also to approve rules of the committee's organization and operation.

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.

Case No. Summary of  
Order # 3983

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

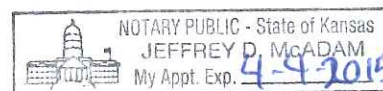
1st publication June 5, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 19th day of June, 20 14

Jeffrey D. McAdam  
Notary Public

My appt. expires 4-4-2015



ORDINANCE NO. 3991

=====

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 10 OF THE MUNICIPAL CODE, WHICH PROVIDES RULES FOR THE OPERATION OFF ROAD OF CERTAIN MOTORIZED VEHICLES WITHIN ANY CITY PARK, TO CLARIFY VEHICLES SUBJECT TO SUCH RULES; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1: Title 9, Chapter 5, Section 10 of the Municipal Code is hereby amended to read as follows:

9-5-10:     ATV AND CERTAIN OTHER MOTORIZED VEHICLE OPERATING REGULATIONS:

(A) It shall be unlawful and a violation of this Chapter to operate an All Terrain Vehicle (ATV) or any other motorized vehicle not licensed for operation on the public roads and highways within any Garnett park in violation of these rules:

1.     No ATV or any other motorized vehicle not licensed for operation on the public roads and highways shall be operated by anyone not possessing a city permit for the operation of such type of vehicle, issued pursuant to this Chapter. A permittee possessing an age restricted permit shall only operate such a vehicle while accompanied by an adult possessing such a valid city permit and who is riding in the general proximity of such age restricted permittee. The city permit card shall be carried by the operator at all times of operation.

2.     No ATV or any other motorized vehicle not licensed for operation on the public roads and highways shall be operated in any municipal park of the City of Garnett, Kansas, except Cedar Valley Reservoir Park; PROVIDED, HOWEVER, the governing body of the City may allow such vehicles to be ridden in any park for any special event and upon specified conditions for such event. No such vehicle shall ever be ridden into any campground or playground areas of any park.

3.     No ATV or any other motorized vehicle not licensed for operation on the public roads and highways shall be operated at a speed of greater than 15 m.p.h. on any park roadway or elsewhere within any park, except on designated non-highway

riding trails and areas.

4. When operating any ATV or any other motorized vehicle not licensed for operation on the public roads and highways, except on designated non-highway riding trails and areas, the operator shall make all reasonably possible efforts to avoid unnecessary engine or gear noise.

5. No ATV or any other motorized vehicle not licensed for operation on the public roads and highways shall be operated under the influence of alcohol or drugs. The same rules shall prevail for presumption of influence as apply on public streets applicable to the operation of motor vehicle. Refusal to submit to a requested test of blood or breath for alcohol concentration shall be grounds to revoke the operator's city permit issued under this Chapter. In addition to any other penalty applicable to such, the conviction of a third violation of this Section, without regard to when such convictions shall have occurred, shall be grounds for revocation of the operator's permit issued under this Chapter and shall forever bar the person from the operation of such types of vehicles in any city park.

6. No ATV or any other motorized vehicle not licensed for operation on the public roads and highways shall be ridden on the trails in the north end of Cedar Valley Reservoir except between the hours of 8:00 a.m. and 10:00 p.m.

7. These rules shall not be construed or applied in any manner so as to limit operation of any motor vehicle which is permitted by Kansas law or city ordinance to be operated on a public road or highway.

(B) Terms used in this Section shall have the same meaning as if used in Kansas Statutes Annotated.

(C) In addition to any other penalty applicable to any violation of this Section, upon any conviction for a violation this Section, the municipal court may order the ATV or any other motorized vehicle not licensed for operation on the public roads and highways impounded. Such impounded vehicles shall be subject to disposition in the manner provided by Kansas Statutes for motor vehicles towed or impounded for law violations.

SECTION 2: Title 9, Chapter 5, Section 10 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 9<sup>th</sup> day of Sept., 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3991 \* \* \* \*

=====

On September 9, 2014, the City of Garnett Kansas, adopted Ordinance #3991 which amended Title IX, Chapter 5, Section 10 of the Municipal Code, regulating the operation of ATV's and certain other vehicles in city parks, clarifying the vehicles to which said code section applies.

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.

Case No. Order in summary  
# 3991

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication September 18, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 24th day of September, 20 14

ASB  
Notary Public

My appt. expires 6-15-2016





ORDINANCE NO. 3992

=====

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 9 OF THE MUNICIPAL CODE, WHICH PROVIDES FOR THE ISSUANCE OF AN ANNUAL PERMIT FOR THE OPERATION OF CERTAIN MOTORIZED VEHICLES WITHIN ANY CITY PARK, TO CLARIFY VEHICLES SUBJECT TO SUCH REGULATION; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1: Title 9, Chapter 5, Section 9 of the Municipal Code is hereby amended to read as follows:

9-5-9: OPERATORS OF ATV'S AND CERTAIN OTHER MOTORIZED, VEHICLES REQUIRED TO BE ISSUED PERMIT:

(A) It shall be unlawful and a violation of this Section to operate an All Terrain Vehicle (ATV) or any other motorized vehicle not licensed for operation on the public roads and highways within any Garnett park without having first obtained for such vehicle a permit issued by the City Clerk. In the case of annual permits, no proration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall be collected:

**Annual Permit Fees**

Anderson County Residents: \$10.00  
General (Nonresident of Anderson County): \$15.00

**Seven-Day Temporary Permit Fees**

Anderson County Residents: \$5.00  
General (Nonresident of Anderson County): \$7.50

Lost or damaged permit cards will be replaced on the payment of \$2.00.

(B) Upon payment of the above fee, as applicable, and

(1) if the permit applicant is 16 years of age or older, furnishing evidence of a motor vehicle operator's license valid in Kansas, the City Clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her motor vehicle license number and state of issuance, and such other information as the City Clerk shall deem appropriate or necessary; and,

(2) if the permit applicant is under 16 years of age, upon application in the name of the permit applicant by his or her parent or legal guardian, the City Clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her date of birth and parent or legal guardian's name and address, and such other information as the City Clerk shall deem appropriate or necessary.

Such permit cards shall be carried by the operator at all times of operation.

(C) Terms used in this Section shall have the same meaning as if used in Kansas Statutes Annotated, including amendments thereto.


(D) All park rules and regulations shall be observed when operating an ATV or any other motorized vehicle not licensed for operation on the public roads and highways, and the failure to observe the same may form the basis for revoking the license issued under this Section, in addition to any other penalty which may apply. In the case of multiple violations of Title 9, Chapter 5, Section 10(A)(5), such revocation may be in perpetuity, as ordered by the municipal court.

(E) The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this Section.

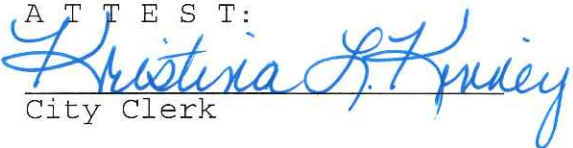
SECTION 2: Title 9, Chapter 5, Section 9 as the same presently exists is hereby repealed.

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 9th day of Sept., 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3992 \* \* \* \*

=====

On September 9, 2014, the City of Garnett Kansas, adopted Ordinance #3992 which amended Title IX, Chapter 5, Section 9 of the Municipal Code, providing for the local registration and operation of ATV's and certain other vehicles, clarifying the vehicles to which said code section applies.

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.

Case No. Ordinance Summary  
#3992

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication September 18, 2014  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 24<sup>th</sup> day of September, 20 14

[Signature]  
Notary Public

My appt. expires 10-15-2014



**ORDINANCE NO. 3994**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A OF SAID TITLE AND CHAPTER.**

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

SECTION 1: Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A

**RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$8.00 per thousand cubic feet sold.

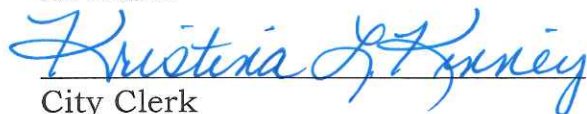
SECTION 2: Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett, as the same presently exists, is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after October 1, 2014 and after its publication in an official City newspaper.

PASSED this 14th day of October, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



ORDINANCE NO. 3997

=====

AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 2 OF THE MUNICIPAL CODE, PROHIBITING CERTAIN LOCATIONS OF SALE OF FIREWORKS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

=====

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

SECTION 1. Title 7, Chapter 3, Section 2 of the Municipal Code is hereby amended to read as follows:

7-3-2: CERTAIN LOCATIONS OF SALE PROHIBITED: It shall be unlawful to expose for sale, offer for sale or to sell any fireworks, as described in Section 1 of this chapter, except from the following locations:

(A) An established retail business maintaining a fixed and permanent business location within the city;

(B) A fixed and permanent location, within a commercial or industrial zone in the city, having off street parking; or,

(C) A fixed and permanent location, within any building other than a building used as a residence, lawfully existing in any other zone of the city and having off street parking, which said building is owned or occupied by any religious, charitable, benevolent, fraternal society or like non-profit entity and so long as sales of such fireworks are for the primary use and benefit of said entity.

All displays and sales shall take place within the said business establishment or within the said building. In no event shall any display or sale take place in or from any temporary stand or structure.

SECTION 2. Title 7, Chapter 3, Section 2 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 25<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

=====

\* \* \* \* CITY ATTORNEY'S SUMMARY OF ORDINANCE #3997 \* \* \* \*

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On November 25, 2014, the City of Garnett Kansas, adopted Ordinance #3997 which amended Title VII, Chapter 3, Section 2 of the Municipal Code to provide for certain additional locations for the sale of fireworks with the city.

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.



Case No.

Summary  
Order # 3997

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication 12/4/14  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Vern Brown/Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12<sup>th</sup> day of December, 20 14

Bonnie J. Lile  
Notary Public

My appt. expires 05-12-16



ORDINANCE NO. 3999

=====

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", 2014 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.

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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", 2014 Edition, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3999 " 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; and Article 11, Section 11 of the Uniform Public Offense Code, Edition of 2014, are hereby omitted.


Section 3: Title 6, Chapter 1, Sections 1 and 2, as the

Ordinance Adopting UPOC  
Page 2

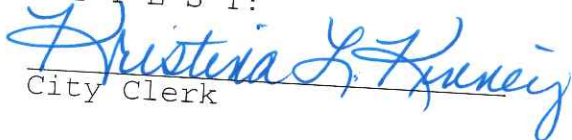
same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each 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 25<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. 3999

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

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The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 2 consecutive weeks, to-wit:

1st publication 12/4/14  
2nd publication 12/11/14  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12th day of December, 20 14

Bonnie J. Lile  
Notary Public

My appt. expires 05-12-16

